



Involuntary Holds

What is a “5150” or “72-Hour Hold”?

5150 is the number of the section of the Welfare and Institutions Code, which allows a person who is experiencing a mental health crisis at that time be involuntarily detained for a 72-hour psychiatric hospitalization.

A person on a 5150 can be held in the psychiatric hospital against their will for up to 72 hours. This does *not* mean that they will necessarily be held the entire 72 hours; it means that psychiatric hospitals have the legal right to do so if determined to be necessary.

What makes people eligible for 5150?

A person can be held against their will in a psychiatric facility only if they meet **at least one** of the three basic criteria listed:

1. **The person is a danger to others.** The courts have most often interpreted this in a very restrictive way. It must be generally shown that an imminent threat exists, that the person means to carry out the threat, and that they will do so immediately. The threat must also be substantially related to the mental illness.
2. **If the person is a danger to self.** The courts generally interpret this as a **life threatening** danger to self (i.e. suicidal ideations / attempts).
3. **If the person is gravely disabled.** Grave disability (passive danger to self) as the result of a mental disorder has been interpreted very differently in different jurisdictions in California. The law states that a person must be unable to provide for their own food, clothing or shelter as the result of a mental disorder in order to qualify as gravely disabled. Sometimes this provision is interpreted liberally in order to allow mentally ill persons to receive treatment. However, it is also often interpreted restrictively. For example; courts may rule a person to not be gravely disabled even if they are totally incapacitated but have friends or family who will provide food, clothing, or shelter for them. **This is important**, as ‘having a *safe* place to go’ and ‘having someone to provide for them’ influences decisions as to whether to release a loved one; knowing whether you are able to take a loved one home with you ‘at this time’ and whether you are able to safely provide care for them is important to discuss as a family. Examples of behaviors which do not

allow families to safely provide for them include dangerous household practices (e.g. heating the house with the oven, tearing out electrical wires or refusing food due to paranoia / delusions, etc). It is important to share such facts with emergency first responders; police officers, members of Mobile Crisis team, or other professionals evaluating the person for the 5150.

What is a "5250"?

- If someone has been 5150'd and at the end of the 72 hours the person continues to meet one of the three criteria, the attending psychiatrist can file a **5250**, or "*certification for up to fourteen days of intensive psychiatric treatment*". By law the client must receive a copy of this certification.
- It is a 14-day extension of the involuntary hold. (As with the 5150, the hospital may or may not hold someone for the entire 14 days).
- The patient is then entitled to an automatic hearing called a certification review hearing. This hearing is informal and a Patients' Rights advocate from the Patients' Rights Advocacy office represents the client. Hearings are conducted at the different facilities on Tuesdays and Fridays, and are presided over by court appointed hearing officers. (See below for more about these hearings.)
- The patient can also request a Writ of Habeus Corpus hearing at any time to contest being held in front of a judge.

What is a Patient Rights Advocate?

Patients' Rights Advocates are available to provide education and consultation on the laws governing mental health treatment including involuntary detention. Contact an Alameda County Patients' Rights Advocate at 1-800 734 2504.

What is Certification Review Hearing?

A Certification Review Hearing is also known as a Probable Cause Hearing. It is an informal hearing held at the hospital to determine if there is "good cause" to keep someone in the hospital. At the hearing, a hearing officer will determine whether or not the patient is still a danger to him or herself, a danger to others, or gravely disabled as a result of a mental disorder. If there is no good cause determined to keep the person in the hospital, the hearing officer can discharge him or her from the hospital immediately. If there is good cause, the hearing officer will allow the psychiatrist to keep the patient in the hospital for up to fourteen more days.



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