

IF YOU HAVE been placed on 5150 hold you are most likely reading this from the county's locked psychiatric facility. You may have been here before or this may be your first stay in a place such as this. This temporary hold means you cannot leave when you want to and not even the mental health workers or nursing staff may open the door for you. Only your treating psychiatrist may discharge you. You may be angry, confused, sad, or afraid about being here. You may wonder if you have lost all your civil rights. Please be assured that you retain all of your other civil and human rights and that you must be treated with dignity and respect at all times. Remember that this stay is temporary. You may want to ask the following questions of the staff:

1. Why am I being admitted?
2. What is the recommended treatment?
3. How do I reach my Patients' Rights Advocate?

WHAT IS A 5150?

Welfare & Institutions Code: Section 5150

“WHEN ANY PERSON, as a result of mental disorder is a danger to others, or to himself or herself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of the mobile crisis team provided by Section 5651.7 or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.”

5150

What You Should
Know If You Are
Placed On A
3-Day
Involuntary Hold

The Patients' Rights
Advocate Program



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Questions you may have...

1. What is a 5150?

5150 is the site or location of the language of the statute found in the Welfare and Institutions Code of the State of California providing for the involuntary detention, transportation, and evaluation and treatment of an individual who because of a *mental disorder*, is believed to be a danger to one's self, others, or is gravely disabled.

2. Does this mean that I could be forced to go to a psychiatric hospital against my will?

Yes, but only if the person who has the 5150 authority believes that they have probable cause, to take you to the local designated 5150 facility-- *because you are acting in a way that is either dangerous to yourself or others or you appear to not be taking care of yourself for food clothing and shelter (grave disability).*

3. Who has 5150 authority?

The following have 5150 authority: police officers, park rangers, emergency room physicians, members of the attending staff of an evaluation facility designated by the county, members of a mobile crisis team, and other professional persons designated by the county.

4. What is *probable cause*?

Probable cause is a legal term and the lowest level of evidence or proof required to place an individual on a 5150 detention. This means that an individual with the 5150 authority *might draw a reasonable conclusion* that an individual; who is either a danger to self, to others, or is gravely disabled, is in need of evaluation and treatment at a psychiatric facility.

5. Does probable cause mean that anyone with the 5150 authority can say anything about me and cause me to be hospitalized at a psychiatric unit?

No, because even probable cause must be supported by *specific and articulable facts*. That is, the reason for the 5150 hold must be based upon specific observable and reportable behaviors.

6. What is the legal definition of *mental disorder*?

There is no written legal definition for mental disorder; however, the working definition is based upon information compiled within the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV).

7. Is a 5150 detention the same as an arrest?

No. The 5150 detention is not a criminal arrest, but is a part of California's procedures of *civil commitment*. It is important to keep in mind that you are not being charged with a criminal offense.

8. Must I be given information about what is happening to me if I am placed on a 5150 hold?

Yes, you must be given an advisement or the following information orally:

- a) The name of the person placing you on the 5150 detention.
- b) The role of the person placing you on the 5150 detention; i.e., police officer, case manager, etc.
- c) The fact that you are NOT being placed under arrest.
- d) You will be told your rights by the mental health staff.

9. How long can I be hospitalized against my will?

Initially, if you fulfill the requirements for involuntary hospitalization under Section 5150 you may be placed into custody and hospitalized for a period not to exceed 72 hours. At the end of that time period, if you are determined by staff not to meet the 5150 criteria, you will be released.

10. Will I be advised of my Patients' Rights?

Yes, it is the staff's responsibility to give you written information about your rights. Also, a list of patients' rights is posted on the wall next to the nursing station.

11. Do I have a right to see a Patients' Rights Advocate?

Yes, the number of the Patients' Rights Advocate is located on this form, the back cover of the Patients' Rights booklet, as well as on the Patients' Rights poster next to the nursing station.

12. What should I do upon admission to the psychiatric unit?

- a) Assure that any property you may have with you is documented in your property record.
- b) Inform the staff if there is any friend or family member you wish to have notified about your hospitalization.