

**DIVISION VIII
MENTAL HEALTH COURT**

**CHAPTER 1
COURT, LOCATIONS, VENUE,
PROCEDURES**

Rule 8.1.1

Mental Health Court

The Mental Health Court is located in one of the departments in the Central Division of the San Diego Superior Court and constitutes the Mental Health Division of the Superior Court. The Mental Health Court hears the categories of matters addressed in these rules and such other categories of matters as may be assigned by the Presiding Judge. Generally, a matter set for trial will not be assigned to the Mental Health Court.
(Adopted 7/1/2006)

Rule 8.1.2

Mental Health Court Judge

A. All references in these rules to the Mental Health Court judge means the judge designated to preside over the Mental Health Division of the San Diego Superior Court.

B. Upon a showing of good cause, the Mental Health Court judge may issue orders at variance with these rules.
(Adopted 7/1/2006)

Rule 8.1.3

Addresses and Telephone Numbers of the Mental Health Court

San Diego Superior Court:
Mental Health Court (as designated by the Presiding Judge)
1100 Union Street
San Diego, California 92101

Mental Health Desk:
Clerk, San Diego Superior Court, Room 2005
1100 Union Street
San Diego, California 92101
(619) 450-5700

Public Conservator:
5560 Overland Ave, Suite 130
San Diego, CA 92123
(858) 694-3500

Attorney for Public Conservator
Office of the County Counsel
1600 Pacific Highway, Room 355
San Diego, CA 92101
(619) 531-4860

Public Defender's Office
233 A Street, Suite 500
San Diego, CA 92101
(619) 338-4617

(Adopted 7/1/2006; Rev. 1/1/2011; Rev. 1/1/2015; Rev. 1/1/2017)

Rule 8.1.4

Venue

A. Addressed in Moving Papers. To be accepted for filing with the court, a petition or motion subject to the rules of this division must present facts that show that San Diego Superior Court is the proper venue for hearing the petition or motion.

B. Change of Venue. A motion for a change of venue must be filed with the Mental Health Desk clerk. The request must include a declaration of counsel presenting the reasons why a change of venue is required.
(Adopted 7/1/2006)

Rule 8.1.5

Pleadings

A. Caption. The caption of a petition and all other papers must be all-inclusive regarding the relief sought in the petition or papers so that the matter may be properly calendared. The court clerk at the Mental Health Desk is not required to read the body of the petition or other papers to determine the scope of the filed petition or other papers.

B. Use of Printed Forms. The court prefers that counsel use the latest version of the printed forms approved by the Judicial Council. If a form cannot be used, counsel must prepare their own documents using a preferred form as a guide. Forms are available through the court clerk at the Mental Health Desk.

C. Verification. All papers which require verification must be verified in substantially the following manner:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this (name of document) is executed on (date).

(signature)
(name typed)

D. A petition, motion, and all other papers concerning the matters for the Mental Health Court must be filed with the court clerk at the Mental Health Desk.
(Adopted 7/1/2006)

Rule 8.1.6

Written Notice

A. Required. Unless specifically excepted by these rules, all matters presented to the Mental Health Court must be preceded by written notice served on the party affected and the attorney of record of the party affected.

B. Form of Notice. All written notices must substantially comply with the requirements of Probate Code section 1200 et seq. The notice must contain the time, date and place of hearing.

C. Timing of Written Notices. All written notices, except as otherwise required by this division, must be served in accordance with the time limits prescribed by Probate Code section 1460.

D. Service of Notice – General. A declaration of service for any written notice required by statute must be completed and filed with this court. The declaration must comply with Code of Civil Procedure section 1013, subdivision (a), but need not be accompanied by a copy of the notice so long as the original notice is on file and is clearly identified in the declaration of service.

(Adopted 7/1/2006)

Rule 8.1.7

Notices Other than Written

A. Except as to written notices required by statute or these rules, verbal notice must be provided to affected parties or their attorneys and expert witnesses (if appearance is required) for any of the following actions:

1. Waiver of the presence of the expert;
2. Forensic examination by County-employed psychiatrists;
3. Inability or unwillingness of any conservatee to attend;
4. Termination of a temporary conservatorship;
5. Any ex parte matter other than the establishment of a temporary conservatorship.

B. The notice required by this rule may be given by any means, including telephone. This notice must be given not less than one working day before the matter will be submitted to the court or the forensic examination is to occur. Where a decision to file for an appointment or termination of a temporary conservator is made less than one day before filing, notice must be given immediately after the decision to file. When a conservatee is unable or unwilling to attend a hearing and such inability or unwillingness is not made apparent in adequate time to allow for one working day notice, then notice must be given immediately after the conservatee is found to be unable or unwilling to attend.

(Adopted 7/1/2006; Rev. 1/1/2017)

Rule 8.1.8

Hearing Once Noticed Cannot be Advanced

When a hearing on a Mental Health matter has been noticed, or when it has been noticed and then continued to a definite date, the matter cannot be heard before the date set, either by means of a new petition, an amended petition, or by a new notice, unless so ordered by the court.

(Adopted 7/1/2006)

Rule 8.1.9

Preparation of Order or Judgment

A copy of any proposed order or judgment must be submitted to opposing counsel before presentation to the judge rendering the order or judgment. A conformed copy of such order must be sent to opposing counsel.

(Adopted 7/1/2006)