

CHAPTER 10
ADMISSION OF JUVENILE COURT WARD OR DEPENDENT MINORS
FOR ACUTE CARE PSYCHIATRIC HOSPITAL TREATMENT

Rule 8.10.1

Applicability and Definitions

A. This policy is applicable upon the presentation of a dependent minor or ward to a psychiatric facility for the purpose of inpatient evaluation and treatment.

B. This policy is not applicable to non-dependent minors or non-declared wards.

C. Admissions of minors who are not subject to the jurisdiction of the Juvenile Court are governed by the provisions of the LPS Act or other applicable law.

D. The reference to the term minor or minors as used in this policy refers to a minor child who has been adjudged a dependent or ward pursuant to the applicable provisions of the Welfare and Institutions Code.

E. Any reference in this policy requiring that notice be given requires notice to the following individuals: the minor's attorney, each parent's attorney, the parent, County Counsel, any court-appointed special advocate, and the office of the Patient Advocate.

F. The term "Department" means the Health and Human Services Agency if the minor is a dependent child or the Probation Department if the minor is a ward.

(Adopted 7/1/2006)

Rule 8.10.2

Involuntary Hospitalization for the Initial 72-hour Period

A. Involuntary hospitalization of minors occurs only under the provisions of Welfare and Institutions Code section 5585 et seq. or 5350.

B. Pursuant to section 5585 and other applicable laws, the facility and its professional staff will determine whether the minor meets the criteria for admission for the initial 72-hour period.

C. Notice will be given by the Department indicating that the minor was presented to the facility for LPS evaluation and was either admitted to the facility, or was deemed not subject to admittance under Welfare and Institutions Code section 5585 et seq. If the minor is admitted without the knowledge of the Department, the Department must, upon being informed of the minor's admission, undertake reasonable steps to provide notice required by this rule.

D. If the minor is admitted into the facility, the Department must, in addition to the notice referred to in subsection C. above, contact the minor's attorney, in person or by phone, within six hours of admission. If the minor's attorney cannot be so contacted or is otherwise unavailable, such notice must be given to the office of the Patient Advocate.

E. Upon receiving the notice specified in paragraph D. above, the minor's attorney, or patient advocate when attorney is unavailable, must, within 24 hours, do the following:

- 1.** Interview the minor at the facility;
- 2.** Explain to the minor his or her rights under the LPS Act in a manner to assist the minor to understand;
- 3.** Counsel the minor regarding voluntary treatment, as set forth in Welfare and Institutions Code section 6552; and
- 4.** Assure that all procedural requirements are fully met.

F. The Treatment and Aftercare recommendations required by statute must be provided to the Department who will then incorporate the same in the planning process for proper placement of the minor upon discharge from the facility. The Department must inform the court of any delays or difficulties in receiving the Treatment and Aftercare recommendations from the facility.

G. If, after the expiration of the 72-hour period, the minor is not certified for the 14-day period described in Welfare and Institutions Code section 5250 et seq., and if the minor has not completed the voluntary application referred to in these rules, the minor will be discharged from the facility to the custody of the Department for further placement consistent with the procedures of the Welfare and Institutions Code and court policy.

(Adopted 7/1/2006; Rev. 1/1/2016)

Rule 8.10.3

Involuntary Hospitalization After the Initial 72-Hour Period

A. Any further involuntary hospitalization of a minor after expiration of the initial 72-hour period will occur only under the provisions of the LPS Act.

B. It is the sole responsibility of the facility and its professional staff to determine whether the minor meets the criteria for further hospitalization under the provisions of the LPS Act.

C. The office of the Patient Advocate or the minor's attorney represents the interests of the minor during any Certification Review Hearing conducted under the LPS Act, in accordance with Welfare and Institutions Code sections 5255-5256.7.

D. At the expiration of the involuntary status under LPS or sooner if the minor is discharged from the facility, the minor must be returned to the custody of the Department for further placement consistent with the procedures of

the Welfare and Institutions Code and court policy, unless the minor completes the voluntary application referred to in this policy.
(Adopted 7/1/2006)

Rule 8.10.4

Voluntary Hospitalization (Welf. & Inst. Code, § 6552)

A. The term “voluntary hospitalization” means the request, by application, of the minor to seek inpatient mental health services.

B. The term “by application” means the request of the minor to seek or receive inpatient mental health services.

C. The application must be a form in writing, and must include, at a minimum, the following:

1. An acknowledgment by the minor and his or her attorney that the minor understands the need to receive treatment, its probable duration and treatment regimen, and his or her desire to receive such treatment;

2. An acknowledgment that the minor has been made aware of his or her rights, the consequences of waiver, all in a manner the minor is able to understand.

D. An acknowledgment of the right to revoke the application and be discharged pursuant to rule 8.10.4, subsection J, unless the minor may be involuntarily detained under section 5585 or 5350.

E. The application, signed by the minor after advisement by the attorney or patient advocate, constitutes the only basis for the facility to accept the minor as a voluntary patient, pending the court order referred to in rule 8.10.4, subsection F.

F. The duly executed application will be presented to the Juvenile Court ex parte, whereupon the court will make the findings pursuant to section 6552 that the minor be authorized to make a voluntary application. The finding will be based on the evidence presented, but must include at a minimum the following:

1. The voluntary application signed by the minor, together with the attorney certification signed by minor's counsel.

2. A declaration or affidavit by the attending therapist that the minor suffers from a mental disorder; the facility is qualified to treat the disorder; and there is no less restrictive facility available or appropriate which may better meet the needs of the minor.

3. A medication plan that sets forth the category of medications, if any, to be administered to the minor.

G. Upon making the findings referred to in subsection F, the Juvenile Court will issue an order authorizing the voluntary admission of the minor for treatment. Such an order must be served on all counsel and parties. Such an order shall be construed solely as an authorization for treatment pursuant to section 6552 and does not constitute a court-ordered commitment. Upon being served, any counsel or party may schedule a special hearing for purposes of objecting to the court order. The special hearing must be heard within three judicial days.

H. A court order authorizing the voluntary admission of a minor for treatment does not deprive the minor of the right to revoke the voluntary application.

I. A revocation of the voluntary application must be communicated immediately to the Department which will calendar a special hearing for the next court day and notify all counsel and parties.

J. The minor must be released to the Department after the court hearing referred to in subsection I, unless the provisions of the LPS Act are satisfied.

(Adopted 7/1/2006)