

CHAPTER 6
PROCEDURES FOR ADDITIONAL CONFINEMENT OF PERSONS
DEMONSTRATED TO BE DANGEROUS

Rule 8.6.1

Preparation of Petition

A petition must be prepared by the District Attorney or County Counsel (pursuant to Welf. & Inst. Code, § 5114) and supported by affidavits describing in detail the behavior of the patient which presents information as provided in Welfare and Institutions Code section 5300. The petition must follow the form set out in Welf. & Inst. Code § 5301. (Adopted 7/1/2006; Rev. 1/1/2021)

Rule 8.6.2

Filing and Service of Petition

Copies of the petition for post certification treatment and the affidavits in support thereof must be served upon the person named in the petition on the same day as they are filed with the Mental Health Desk. (Adopted 7/1/2006)

Rule 8.6.3

Affidavits

The court may receive the affidavits in evidence and may allow the affidavits to be read to the jury unless counsel for the person named in the petition subpoenas the treating professional person. If the treating professional person is subpoenaed to testify, the public officer, pursuant to Section 5114, shall be entitled to a continuance of the hearing or trial. (Welf. & Inst. Code 5301.) (Adopted 7/1/2006; Rev. 1/1/2021)

Rule 8.6.4

Right to Attorney and Jury Trial

The person named in the petition has the right to be represented by an attorney and a right to demand a jury trial. If the person named in the petition cannot afford an attorney, an attorney will be appointed. (Adopted 7/1/2006)