

CHAPTER 7 CERTIFICATION REVIEW HEARINGS

Rule 8.7.1

Compliance with Welfare and Institutions Code

Certification Review hearings will be held in compliance with Welfare and Institutions Code section 5256 et seq. (Adopted 7/1/2006; Rev. 1/1/2016)

Rule 8.7.2

Procedures

The Office of Counselor in Mental Health is appointed to administer or conduct certification review hearings in compliance with Welfare and Institutions Code section 5256 et seq. All persons involuntarily detained in psychiatric hospitals in San Diego County will have a certification review hearing when a 14-day certification has been filed and when a 30-day certification has been filed. Hearings will be held for all persons regardless of the basis for certification. Hearings will be held within four days of the date on which the person was certified for intensive treatment, unless postponed by request of the person or his or her attorney or advocate. Hearings may be postponed 48 hours or until the next regularly scheduled court date.

The following will apply to certification review hearings held in San Diego County:

- A.** Certification review hearings will be conducted at the facility where the person is receiving treatment.
 - B.** Certification review hearings must be held in surroundings which allow for safety, quietness, and a reasonable degree of confidentiality. A copy of the Notice of Certification will be at the certification review hearing.
 - C.** "Representative of the treating facility" means a registered nurse, psychiatrist, social worker or psychologist. A representative of the treating facility must be present at the hearing to give testimony and answer questions regarding the basis for continued detention and treatment.
 - D.** Certification review hearings will be scheduled by the Office of Counselor in Mental Health and the hearing is to be conducted by a Mental Health hearing officer.
 - E.** The patient's rights advocate or an attorney for the patient may be present and assist the patient in presenting testimony at the certification review hearing. Other persons, including friends and relatives, will be admitted to the hearing at the discretion of the hearing officer.
 - F.** Certification review hearings are not bound by rules of procedure or evidence applicable to judicial proceedings. All evidence which is relevant to establishing that the person is, or is not, as a result of a mental disorder, a danger to themselves or others, or gravely disabled may be admitted at the hearing and considered by the court commissioner or hearing officer.
 - G.** The patient's rights advocate or a retained attorney will meet with the patient prior to the certification review hearing to discuss the commitment process and to assist the patient to prepare for the certification review hearing and to answer questions or otherwise assist the patient as is appropriate.
 - H.** The patient has the right to make reasonable requests for the attendance of facility employees who have knowledge of, or participated in, the certification decision.
 - I.** Certification review hearings will be held for the person who has already requested a writ of habeas corpus hearing if the certification review hearing can be held on a date preceding the writ hearing. A certification review hearing will not be held where a writ of habeas corpus hearing has been held.
- (Adopted 7/1/2006; Rev. 1/1/2011; Rev. 1/1/2013; Rev. 1/1/2016; Rev. 1/1/2018)