



Policy Number:	25-03
Policy Name:	5270 Certification Review Hearings
Authority:	Welfare & Institutions Code Section 5270.10 <i>et seq</i> ; County of San Mateo Board of Supervisors Resolution No. 25-189 Dated 3/11/2025
Original Policy Date:	June 30, 2025
Policy Last Revised:	N/A
Supersedes:	N/A
Attachments:	A. Certification Review Hearing Information B. Certification Review Hearing Record and Decision Form

PURPOSE

It is the intent of the California Legislature to reduce the number of gravely disabled persons for whom conservatorship petitions are filed and who are placed under the extensive powers and authority of a temporary conservator simply to obtain an additional period of treatment. This change will substantially reduce the number of conservatorship petitions filed and temporary conservatorships granted under this part which do not result in either a trial or a conservatorship. This policy provides guidance to San Mateo County LPS designated facilities to initiate a review hearing for an additional 30 day hold when gravely disabled persons require additional intensive treatment beyond a 5250/14-day hold.

POLICY

The Lanterman-Petris-Short (LPS) Act provides for the prompt evaluation and treatment of persons who are believed to have serious mental disorders or impairment from chronic alcoholism or severe substance use disorder or co-occurring serious mental disorder and severe substance use disorder. The 30-day hold, also called a 5270, provides legal authority to detain a person involuntarily beyond a 14-day hold for the purpose of intensive treatment if deemed gravely disabled and is intended to reduce the number of temporary conservatorships. Treating facilities exercising a 5270 must be equipped and staffed to provide the required treatment and must be designated by the County to provide intensive treatment. The County of San Mateo Board of Supervisors authorized the use of the 30-day hold pursuant to Sections 5270.10 – 5270.70 of the California Welfare & Institutions Code, effective June 30, 2025, and is made operational by this policy.



PROCEDURE/PROTOCOL

I. Designated Facilities

1. Facilities designated as LPS receiving facilities by the County of San Mateo, which include the San Mateo Medical Center, Mills-Peninsula Medical Center, and Seton Medical Center (geriatric only), and the Jail Acute Stabilization Unit at the Maguire Correctional Facility, may make use of the provisions of Welfare & Institutions Code (WIC) Section 5270.

II. 30-Day Certification

1. Upon completion of a 14-day period of intensive treatment under Section 5250, a person may be certified for an additional period of not more than 30 days of intensive treatment if the professional staff of the treating facility have found that:
 - (A) The person remains gravely disabled as a result of the mental disorder, impairment by chronic alcoholism, severe substance use disorder, or co-occurring severe mental health and substance use disorder; and
 - (B) The person remains unwilling or unable to accept treatment voluntarily (WIC§5270.15).
2. Prior to proceeding with a 30-day certification pursuant to WIC§5270.15, the professional person in charge of the facility (a person who is a behavioral health physician or licensed behavioral health professional and appointed in writing by a designated facility as the person who is clinically in charge of the facility) shall cause an evaluation to be made, based on the patient's current condition and past history, as to whether it appears that the person, even after up to 30 days of additional treatment, is likely to qualify for appointment of a conservator. If the appointment of a conservator appears likely, the conservatorship referral shall be made 7 days before the end of the 14-day period of intensive treatment. If it appears that with up to 30 days additional treatment a person is likely to reconstitute sufficiently to obviate the need for appointment of a conservator, then the person may be certified for the additional 30 days (WIC§5270.55).
3. The notice of certification for the additional 30 days of intensive treatment shall be signed by the professional person in charge of the treating facility, as well as either a board-qualified psychiatrist or licensed psychologist as specified in Section 5270.20 (a) who has participated in the evaluation and finding referred to in paragraph 2 above. If the professional person in charge is the psychiatrist or psychologist who performed the evaluation and finding, the second person to sign may be another psychiatrist or psychologist, and if neither are available, a licensed clinical social worker, licensed marriage and family therapist, licensed professional clinical counselor, or registered nurse who participated in the evaluation and finding shall sign the notice of certification (WIC §5270.20). The notice of certification shall be substantially in the form indicated in Section 5252. It shall be filed with the Court and



personally delivered to the person certified.

4. The person delivering the copy of the notice of certification to the person certified shall, at the time of delivery, inform the person certified:
 - (A) That they are entitled to a certification review hearing, to be held within four (4) days of the date on which the person is certified for a period of intensive treatment in accordance with WIC §5256, unless judicial review is requested.
 - (B) That the purpose of the certification review hearing is to determine whether or not probable cause exists to detain the person for intensive treatment related to the mental disorder, impairment by chronic alcoholism, severe substance use disorder, or co-occurring mental and substance use disorder.
 - (C) Of their rights with respect to the hearing or to answer other questions and concerns regarding their involuntary detention or both, including the right to the assistance of another person to prepare for the hearing. The person certified shall also be asked to designate any individual who is to be sent a copy of the notice of certification (WIC§5270.30).

III. Certification Review Hearing

1. The treating facility shall request a certification review hearing by emailing the Patient Rights Advocate and the Hearing Officer as specified in Attachment A to this policy. If the facility representative does not have the attachment or it is out of date, the general email contacts are SanMateoPRA@mhaac.org and LPSHearingOfficers@sanmateocourt.org but the email addresses in the attachment are the preferred contacts. Copies of the notice of certification shall be provided to the Hearing Officer, the Patient's Rights Advocate, and to the certified person's attorney, if any.
2. The treating facility will notify family members and any other person designated by the patient, at least 36 hours before the certification review hearing. The notification shall include the time and place of the certification review hearing unless the patient requests that this information not be provided. The treating facility shall advise the patient that they have the right to request that this information not be provided (WIC §5270.15).
3. The Patients' Rights Advocate will attempt to talk to the patient, via phone call, in preparation before the certification review hearing and the facility shall afford the patient access to a phone if necessary.
4. The Hearing Officer or Hearing Officer designee will notify the facility representative of the date and time of the hearing, and the facility representative will notify the patient of the same upon receipt.
5. A patient can withdraw or postpone the hearing prior to the scheduled time or date of the hearing by contacting the Patients' Rights Advocate, and the facility representative shall provide the means for the patient to provide such notification (WIC§5256(a)).



6. The Hearing Officer or Hearing Officer designee shall provide the Zoom link or ID and Passcode to the facility representative and the Patients' Rights Advocate to be used for the Certification Review Hearing.
7. The facility representative shall provide a private space and a device that can be used to accommodate a Zoom meeting for the Certification Review Hearing.
8. Upon completion of the hearing, the Hearing Officer or Hearing Officer designee will send the facility representative the Certification Review Hearing Record and Decision Form (Attachment B), which is the Decision.

IV. Post-Certification Review Hearing

1. A certification shall be for no more than 30 days of intensive treatment and shall terminate early if the psychiatrist directly responsible for the person's treatment believes, as a result of the psychiatrist's personal observations, that the person no longer meets the criteria for the certification or is prepared to voluntarily accept treatment on a referral basis or to remain on a voluntary basis in the facility providing intensive treatment. In those situations in which both a psychiatrist and psychologist have personally evaluated or examined a person who is undergoing intensive treatment and there is a collaborative treatment relationship between the psychiatrist and the psychologist, either the psychiatrist or psychologist may authorize the release of the person but only after they have consulted with one another (WIC§5270.35).
2. In the event of a clinical or professional disagreement regarding the early release of a person who is undergoing intensive treatment, the person may not be released unless the facility's medical director overrules the decision of the psychiatrist or psychologist opposing the release (WIC§5270.35).
3. A person who has been certified for 30 days of intensive treatment shall be released at the end of 30 days unless one or more of the following is applicable (WIC§5270.35):
 - (A) The patient agrees to receive further treatment on a voluntary basis.
 - (B) The patient is the subject of a conservatorship petition filed pursuant to Chapter 3 (commencing with Section 5350).
 - (C) The patient is the subject of a petition for post-certification treatment of a dangerous person filed pursuant to Article 6 (commencing with Section 5300).
 - (D) The patient is the subject of a petition filed pursuant to Section 5270.70 in the Superior Court of the county where the treating facility is located.

V. Temporary Conservatorship

1. When a conservatorship referral has not been made during the 14-day period and it appears during the 30-day certification that the person is likely to require the appointment of a



conservator, or when a conservatorship referral has not been made during the initial 30-day period and it appears during a second consecutive 30-day period of intensive treatment approved by a Court pursuant to Section 5270.70 that the person is likely to require the appointment of a conservator, then the conservatorship referral shall be made to allow sufficient time for the conservatorship investigation and other related procedures. If a temporary conservatorship is obtained, it shall run concurrently with and not consecutively to the 30-day certification period. The conservatorship hearing shall be held by the 30th day of the certification period. The maximum involuntary detention period for gravely disabled persons pursuant to Sections 5150, 5250, 5270.15, and 5270.70 shall be limited to 77 days (WIC§5270.55).

VI. Second 30-Day Period

The second 30-day hold requires a petition to be filed with the Superior Court for the county in which the treating facility is located. Do not contact the Hearing Officer for the second 30-day hold.

1. If, after 15 days of the initial 30-day period of intensive treatment pursuant to this policy and WIC §5270.15 *et seq.*, but at least 7 days before expiration of the 30 days, the professional staff of the agency or facility treating the person finds that the person remains gravely disabled as a result of a mental disorder, severe substance use disorder, co-occurring mental and substance use disorder, or impairment by chronic alcoholism and the person remains unwilling or unable to accept treatment voluntarily, the professional person in charge of the facility providing intensive treatment to the person may file a petition in the Superior Court for the county in which the facility providing the intensive treatment is located, seeking approval for up to an additional 30 days of intensive treatment (WIC§5270.70).
2. The court shall immediately appoint the public defender or other attorney to represent the person in the hearing under this section if that person does not already have counsel to represent them in the proceedings (WIC§5270.70).
3. Reasonable attempts shall be made by the petitioning facility to notify family members, or any other person designated by the patient of the time and place of the judicial review, unless the patient requests that this information not be provided. The patient shall be advised by the facility that is treating the patient that the patient has the right to request that this information not be provided (WIC§5270.70).
4. The court shall either deny the petition or order an evidentiary hearing to be held within two court days after the petition is filed. The court may order that the person be held for up to an additional 30 days of intensive treatment if, at the evidentiary hearing, the court finds all of the following, based on the evidence presented (WIC§5270.70):

(A) That the person, as a result of mental disorder, impairment by chronic alcoholism, severe substance use disorder, or co-occurring mental and substance use disorder, is gravely disabled.

(B) That the person had been advised of the existence of, and has not accepted,



voluntary treatment.

(C) That the facility providing intensive treatment is equipped and staffed to provide the required treatment and is designated by the county to provide intensive treatment.

(D) That the person is likely to benefit from continued treatment.

5. Unless the Court makes all of the findings required by paragraph above (21, A-D), the person shall be released no later than the expiration of the original 30-day period (WIC§5270.70).

VII. Reporting

1. Each designated facility shall track the number of 30-day holds and associated demographic information of the patients placed on such holds and on a quarterly basis shall report the information to the Quality Management Unit, Behavioral Health & Recovery Services, County of San Mateo Health, at [HS BHRS QM@smcgov.org](mailto:HS_BHRS_QM@smcgov.org).

SIGNATURES

Approved: _____ *Signature on File*
Dr. Jei Africa, PsyD, FACHE
BHRS Director

Approved: _____ *Signature on File*
Scott Gruendl, MPA
BHRS Assistant Director
Compliance Officer

REVISION HISTORY

Date of Revision	Type of Revision	Revision Description

COMPLIANCE REVIEW HISTORY

Date of Review	Reviewer Name and Job Title
6/30/2025	Scott Gruendl, Compliance Officer