

### Contra Costa Adult LPS Holds Chart

LPS HOLDS	CRITERIA			COURT PROCEEDINGS
	Gravely Disabled	Danger to Self	Danger to Others	
<b>Up to 72 Hours WIC 5150</b> EVALUATION AND TREATMENT Standard of Proof: Probable Cause	One or all may apply			1. No Probable Cause Hearing. 2. May request Riese (Medication Capacity) Hearing (Decision regarding Riese carries through the 5250 and 5270 holds).
<b>Up to 14 Days WIC 5250</b> Standard of Proof: Probable Cause	One or all may apply			1. Probable cause hearing must be held during first 4 days of hold (“Gallinot”) unless patient requests by-pass writ of habeas corpus, 48-hour postponement, signs voluntary or is discharged. 2. Patient may request one writ of habeas corpus hearing at any time during 14-day hold.
<b>Up to 30 Days WIC 5270</b> <i>Maximum of 47 days of consecutive hospital involuntary holds: (5150+5250+5270)</i> Standard of Proof: Probable Cause	Only Criteria Which Applies			1. Physician signs Declaration of patient’s need for continuing treatment up to 30 days. 2. Patient may request writ of habeas corpus any time during the 30 day period.
<b>Temporary Conservatorship WIC 5352 (T-con) 30 days to 6 months</b> Referral Made to the Superior Court Standard of Proof: Clear & Convincing Evidence <u>Generally, 3 involuntary stays reqd. w/in 12 mos. before considering an LPS Conservatorship</u>	Only Criteria Which Applies			1. Requires application by the treating physician to the Public Guardian’s Office. Physician might have to testify in court. 2. Petition must be filed with the court within the first 15 days & hearing/decision rendered w/in the 30 days of the 5270 hold. 3. Judge reviews application and determines whether to grant hearing or deny temporary conservatorship (T-Con). Standard of proof =beyond a reasonable doubt. 4. Court will assign Public Defender to the client...
<b>“Permanent” Conservatorship WIC 5350</b> <b>Up to 1 Year Renewable</b> <i>Referral Made by the Superior Court</i> Standard of Proof: Beyond a Reasonable Doubt	Only Criteria Which Applies			1. Requires court hearing. Physician may be reqd. testify in court. 2. Patient has a right to trial. 3. Patient may request re-hearing on conservatorship, rights denied, restrictiveness of placement, disabilities imposed up to every 6 months depending on their evaluated condition.
<b>Re-appointment of “Permanent” Conservator</b> <b>Up to 1 year Renewable</b> <i>Referral Made by the Superior Court</i> Standard of Proof: Beyond a Reasonable Doubt	Only Criteria Which Applies			1. Requires conservator petitioning for reappointment and a court hearing. 2. Requires a Physician Declaration conservatee remains gravely disabled.
<b>Murphy Conservatorship WIC 5008 and Penal Code 1370</b> <b>Up to 1 Year Renewable</b> Referral Made by the Superior Court Standard of Proof: • Criminal Law— Preponderance of the Evidence • CA WIC 5300—Beyond a Reasonable Doubt	Criteria Applies +	Felony indictment: Death, Bodily Harm, or Serious Threat to another person’s well-being.		1. Involves District Attorney—Criminal Justice Felony charges. . 2. Incompetent to Stand Trial (IST) Penal Code 1368-1370 3. All LPS Conservatorship standards apply + First priority is a placement in facility promoting treatment <b><u>and protection of the public.</u></b>

Contra Costa LPS Holds Chart: 07/07/2023 **NOTE: All LPS Conservatorship Petitions, except for Murphy, originate from the psychiatric ward.**