Involuntary Holds
&
The Lanterman-Petris-Short Act
(LPS)

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What is the LPS Act?

- Enacted in 1967
- Lanterman-Petris-Short Act (LPS)
- Welfare and Institutions Code 5000 et seq.
- Governs involuntary mental health treatment in California
- Establishes criteria for detention
- Protects civil liberties

Purpose of the LPS Act

Legislative Intent (WIC 5001)

(a) To end the inappropriate, indefinite, and involuntary commitment of persons with mental health disorders, developmental disabilities, and chronic alcoholism, and to eliminate legal disabilities.

(b) To provide prompt evaluation and treatment of persons with mental health disorders or impaired by chronic alcoholism.

(c) To guarantee and protect public safety.

(d) To safeguard individual rights through judicial review.

(e) To provide individualized treatment, supervision, and placement services by a conservatorship program for persons who are gravely disabled.

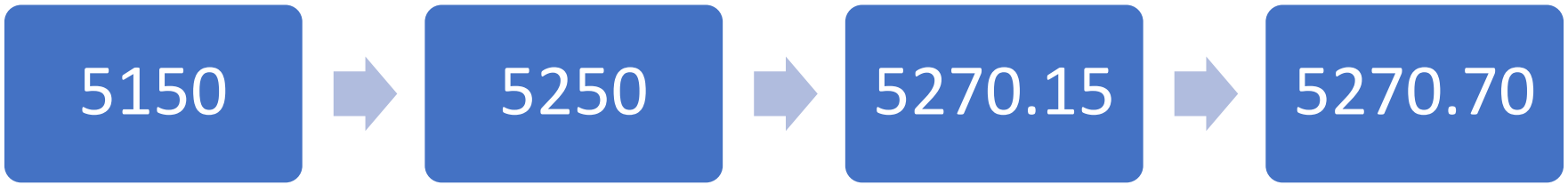
(f) To encourage the full use of all existing agencies, professional personnel, and public funds to accomplish these objectives and to prevent duplication of services and unnecessary expenditures.

(g) To protect persons with mental health disorders and developmental disabilities from criminal acts.

(h) To provide consistent standards for protection of the personal rights of persons receiving services under this part and under Part 1.5 (commencing with Section 5585).

(i) To provide services in the least restrictive setting appropriate to the needs of each person receiving services under this part and under Part 1.5 (commencing with Section 5585).

Timeline of Involuntary Holds



Involuntary Hold Criteria

A person may be detained if, due to a mental health disorder, they are:

- A danger to themselves
- A danger to others
- Gravely Disabled

5150 – 72 Hour Hold

"(a) When a person, as a result of a mental health disorder, is a danger to others, or to themselves, or gravely disabled, a peace officer, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services. The 72-hour period begins at the time when the person is first detained. At a minimum, assessment, as defined in Section 5150.4, and evaluation, as defined in subdivision (a) of Section 5008, shall be conducted and provided on an ongoing basis. Crisis intervention, as defined in subdivision (e) of Section 5008, may be provided concurrently with assessment, evaluation, or any other service."

Extended Holds

- 5250 – Additional 14 days
  (Grave Disability, Danger to Self, Danger to Others)

- 5270.15 – 30-day hold
  (Grave Disability)

- 5270.70 – Additional 30-day hold
  (Grave Disability)

Grave Disability Definition

WIC 5008(h)(1)(A)

- Previous Definition:

  A condition in which a person, as a result of a mental health disorder is unable to provide for his or her basic personal needs for food, clothing, or shelter.

- Current Definition (effective January 1, 2025):

  A condition in which a person, as a result of a mental health disorder, a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder, is unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care.

Senate Bill 43

Expanded definition of Grave Disability to include:

- Severe Substance Use Disorder
- Personal Safety
- Medical Necessity

Severe Substance Use Disorder

Welfare and Institutions Code 5008(o):

“Severe substance use disorder” means a diagnosed substance-related disorder that meets the diagnostic criteria of “severe” as defined in the most current version of the Diagnostic and Statistical Manual of Mental Disorders.

Personal Safety

Welfare and Institutions Code 5008(p):

“Personal safety” means the ability of one to survive safely in the community without involuntary detention or treatment pursuant to this part.

Necessary Medical Care

Welfare and Institutions Code 5008(p):

“Necessary medical care” means care that a licensed health care practitioner, while operating within the scope of their practice, determines to be necessary to prevent serious deterioration of an existing physical medical condition that, if left untreated, is likely to result in serious bodily injury as defined in Section 15610.67.

LPS Conservatorship

Welfare and Institutions Code 5350:

A conservator of the person, of the estate, or of the person and the estate may be appointed for a person who is gravely disabled or impaired by chronic alcoholism.

Welfare and Institutions Code 5352:

When the professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment determines that a person in his or her care is gravely disabled as a result of mental disorder or impairment by chronic alcoholism and is unwilling to accept, or incapable of accepting, treatment voluntarily, he or she may recommend conservatorship to the officer providing conservatorship investigation of the county of residence of the person prior to his or her admission as a patient in such facility.

LPS Conservatorship

What is it?

- ✓ A civil mental health case to help someone who cannot care for themselves due to grave disability.

What it does?

- ✓ Appoints a conservator
- ✓ Allows placement in a treatment setting
- ✓ Allows mental health treatment decisions

How long does it last?

- ✓ Up to one year
- ✓ Can be renewed yearly if grave disability continues

Murphy Conservatorship

Welfare and Institutions Code 5008(h)(1)(B)

- Pending felony charge involving serious harm or threat
- Incompetent to stand trial as a result of a mental health disorder
- Represents a substantial danger of physical harm to others by reason of a mental disease, defect, or disorder.

Murphy Conservatorship

What is it?

- ✓ A civil mental health case
- ✓ A special type of conservatorship for someone charged with a serious felony who is too mentally ill to stand trial
- ✓ Connected to a criminal case

What it does?

- ✓ Appoints a conservator
- ✓ Provides mental health treatment
- ✓ Allows placement in a treatment setting
- ✓ Focuses on both treatment and public safety

How long does it last?

- ✓ Up to one year
- ✓ Can be renewed yearly if continues present danger of physical harm to others