

## **-COMMUNICATION FROM THE OFFICE OF THE DIRECTOR-**

**Date:** August 6, 2025  
**To:** ACBHD Team Members, Stakeholders & Community Partners  
**From:** Karyn Tribble, PsyD, LCSW | BHD Director   
**Subject:** **Welfare and Institutions Code (WIC) § 5270 – Alameda County Implementation**

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Greetings Alameda County Behavioral Health Department (ACBHD) System Partners:

This memorandum has been provided in order to provide you, as a system stakeholder, with information relative to the implementation of a newly adopted legal process within Alameda County.

**Context and Background:** On June 17, 2025, Alameda County Board of Supervisors (BOS) formally approved the adoption of WIC § 5270 within Alameda County effective August 1, 2025. This process was originally added to the Lanterman-Petris-Short Act (LPS) hold for *Grave Disability* in the State of California in 1988 and has in more recent years been adopted in counties across the Bay Area. In short, the adoption of WIC § 5270 will afford qualified clinical treatment providers throughout Alameda County to apply for this hold in order to support clients who may benefit from an *additional* period of treatment to increase stability and coordinate care, without the need to immediately pursue a conservatorship. A conservatorship is a more restrictive legal process. An important goal for any system that adopts WIC § 5270 is to reduce conservatorships Countywide and to allow for greater time for individuals to achieve the sustained clinical care they might need during their hospitalization (30 days).

ACBHD has been working with many impacted county partners, providers, and community stakeholders to understand this process and has provided training on the local implementation of WIC § 5270 on July 29, 2025, and August 5, 2025.

**Resources available:** Along with this communication, our goal is to share information and tools with you so that you may learn more about WIC § 5270 and its general application. To that end, we are providing copies of the formal training materials, including the presentation, *Frequently Asked Questions (FAQs)*, and a link (<https://youtu.be/uvL4tXolAxQ>) if you are interested in viewing the recorded WIC § 5270 training at your convenience.

At any time, you may feel free to contact ACBHD ([bhcsdirector@acgov.org](mailto:bhcsdirector@acgov.org)) should you have any questions regarding these materials or the implementation of WIC § 5270 within Alameda County; and your inquiry may be routed to the appropriate departmental or system leader.

We thank you in advance for reviewing the materials and for your partnership as we support the clients we serve. Your support, collaboration, and coordination across the county is greatly appreciated.

# Alameda County Behavioral Health Department

## Understanding WIC § 5270: Implementation in Alameda County

**Webinar Dates: July 29, 2025 & August 5, 2025**



**Behavioral Health  
Department**  
Alameda County Health

## What is WIC § 5270?

- Operations in Alameda County *Prior to August 1, 2025*:
  - The Lanterman–Petris–Short (LPS) Act governs the involuntary commitment of individuals in mental health facilities in California. The LPS process includes a 72-hour Mental Health Involuntary Hold (also known as a 5150 (adults) and 5585 (minors) and a 14-day Mental Health Involuntary Hold and Certification Hearing (also known as a 5250).
- As of August 1, 2025, additional LPS hold is authorized:
  - **a 30-day Involuntary Hold and Certification Hearing (for Grave Disability only, also known as a 5270).**

# WIC § 5270 Hold: Background and Legislative Intent

- ❑ § 5270 hold is a 30-day Lanterman-Petris-Short Act (LPS) hold for **Grave Disability only**
- ❑ History and Legislative Intent
  - Added to the LPS in 1988 at Welfare & Institutions Code (WIC), §5270.10, et. seq.
  - Only operative in Counties where the Board of Supervisors formally adopts
    - Alameda County Board of Supervisors adopted June 17, 2025
    - **§ 5270 holds may be written in Alameda County starting August 1, 2025**
- ❑ § 5270.15 provides for 30 days of involuntary, inpatient hospitalization for Clients (Adults or Minors) who remain Gravely Disabled at the end of their 5250 holds
- ❑ Intended to replace a temporary conservatorship for Clients expected to reconstitute in 30 days or less of additional, inpatient treatment

# Prerequisites to Initiating a § 5270.15 Hold:

- ❑ Client is currently on a § 5250 hold that is at its completion
  - Not any other LPS hold, including § 5150, § 5260 (DTS) or § 5300 (DTO)
- ❑ Client has been evaluated and the provider(s) find:
  - Client (Adult or Minor) presently meets criteria for Grave Disability

AND

- ❑ Based on current condition and past history
  - Client is likely to reconstitute (no longer meet Grave Disability criteria) in 30 days or less of continued inpatient treatment, obviating the need for a temporary conservatorship

AND

- ❑ Client has been offered continued voluntary hospitalization and is unwilling or unable to accept it

# Legal Framework for a 5270 Hold

Maximum Detention:  
30 days -- unless:

- Transition to **conservatorship**
- **Section 5300 hold** for dangerous individuals (not gravely disabled).

5270 Hold  
Termination  
Scenarios:

- Client no longer meets **Grave Disability criteria**
- Client accepts **voluntary treatment**
- Dismissed via **court process.**

# Case Study: 30-Day Hold 5270 Impact in San Francisco

30-day hold 5270 Only operative in Counties where the **Board of Supervisors formally adopts** -- currently adopted by *San Francisco County, Santa Clara County, Contra Costa, Sonoma County, Marin County, and San Mateo County.*

## 66% Drop in Conservatorship Referrals (2013–2018)

- Use of 30-day holds reduced the need for temporary conservatorships.

## Improved Recovery Through Prolonged Treatment and Substance Abstinence

- Clinical treatment and substance abstinence stabilized clients with co-occurring disorders.
- Many patients avoided conservatorship as behavioral symptoms improved under clinical supervision and care.

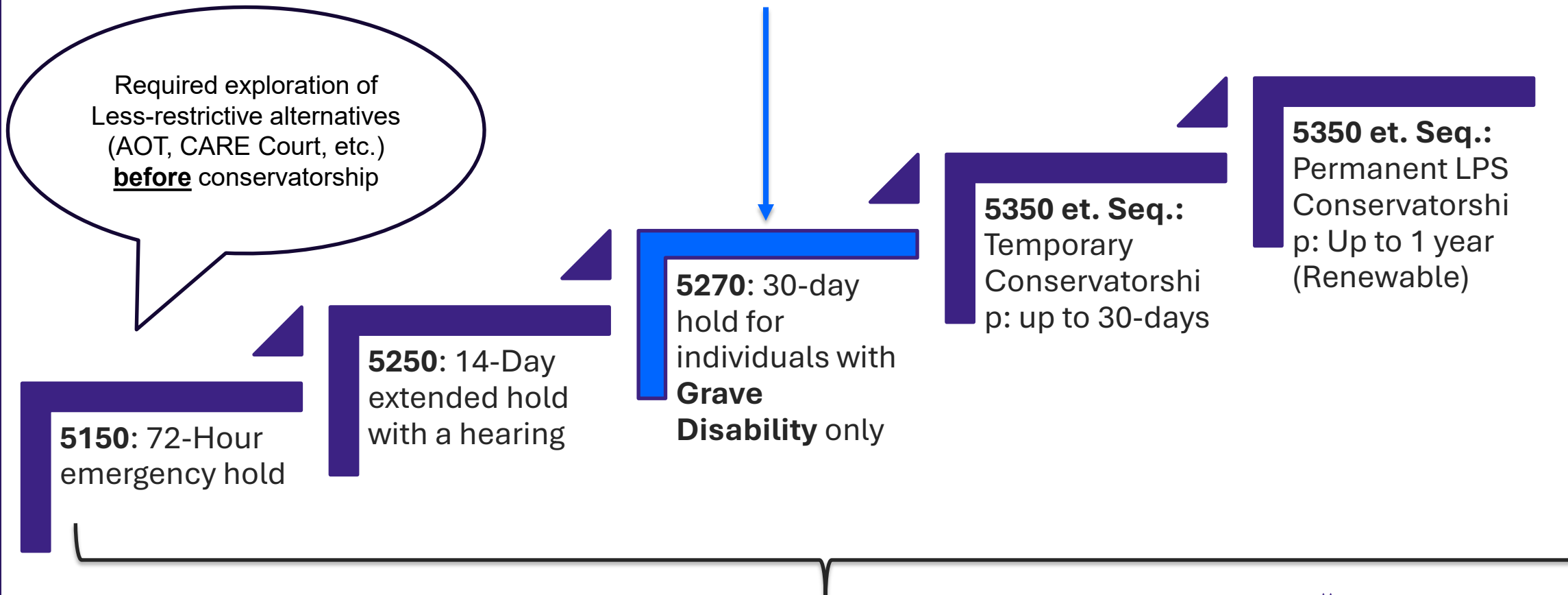
## Key Takeaway for Alameda County

- Effective alternative to conservatorship by promoting recovery.
- Collaborative care pathways prevent institutionalization and ease system burdens.

# Overview of the LPS Act Process for Involuntary Holds

## LPS Act:

Governs involuntary psychiatric care in California, including holds such as 5150, 5250, and the 5270 hold for extended inpatient treatment of up to 30 days.



Key Types of Psychiatric (LPS) Holds

**WHO may  
initiate a  
§ 5270.15?**

- **Differs from who can *sign* a 5250**
- For a person to be certified, a notice of certification shall be signed by two people.
  1. The “**professional person in charge of the facility**” (may or may not be an MD)

AND
  2. who participated in the evaluation. **An MD or psychologist (with 5+ years experience)**

OR
  3. If Professional Person in charge is an MD or psychologist (with 5+ years experience) *who participated in the evaluation*, then an LCSW, LMFT, LPCC or RN who also participated in the evaluation IF a second MD or psychologist is unavailable.

## § 5270.15 Certification Procedure

- Provider(s) complete a § 5270.15 certification form (DHCS Form 1808)
  - Factual statement of probable cause that Client is presently Gravely Disabled
  - Begin/end date of hold
  - Signed by 2 authorized signatories
  - Personally served to client with attestation of service
- Notification of Patient's Rights Advocates
  - Email the **Notice of Certification** document to [alameda\\_ptadvocate@mhaac.org](mailto:alameda_ptadvocate@mhaac.org)
  - Additionally, a facility may transmit the **Notice of Certification** via fax **(510) 835-1062** which will automatically generate an email to the patient advocate email address
  - Hold is emailed or faxed to the Patient's Rights Advocate on the day executed noting whether it is a 5270 hold versus 5250 hold

# NOTICE OF CERTIFICATION FOR INTENSIVE TREATMENT PURSUANT TO SECTION 5250 OR 5270.15 (DHCS FORM 1808)

State of California  
Health and Human Services Agency

Department of Health Care Services

NOTICE OF CERTIFICATION FOR INTENSIVE  
TREATMENT PURSUANT TO SECTION 5250 (14  
DAYS INTENSIVE TREATMENT) OR 5270.15  
(ADDITIONAL 30 DAYS INTENSIVE TREATMENT)  
OF THE WELFARE AND INSTITUTIONS CODE

CONFIDENTIAL PATIENT  
INFORMATION

14 day hold  
 30 day hold

The authorized agency providing 14-day intensive treatment, County of \_\_\_\_\_  
has custody of:

Name \_\_\_\_\_

Address \_\_\_\_\_

Marital Status \_\_\_\_\_ Date of Birth \_\_\_\_\_ Sex \_\_\_\_\_

We, the undersigned, allege that the above-named person is, as a result of a mental disorder  
or impairment by chronic alcoholism (mark all that apply):

A danger to others  A danger to himself or herself  Gravely disabled as defined in  
subdivision (h) of Section 5008 of  
the Welfare and Institutions Code

The specific facts which form the basis for our opinion that the above-named person meets one  
or more of the classifications indicated above are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The above-named person has been informed of this evaluation, and has been advised of the  
need for, but has not been able or willing to accept treatment on a voluntary basis, or to accept  
referral to, the following services:

\_\_\_\_\_  
\_\_\_\_\_

We, therefore, certify the above-named person to receive intensive treatment related to the mental  
disorder or impairment by chronic alcoholism beginning this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, in the  
intensive treatment facility herein named: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby state that I delivered a copy of this notice this day to the above-named person and that  
I informed him or her that unless judicial review is requested a certification review hearing will be  
held within four days of the date on which the person is certified for a period of intensive treatment  
and that an attorney or advocate will visit him or her to provide assistance in preparing for the  
hearing or to answer questions regarding his or her commitment or to provide other assistance.  
The court has been notified of this certification on this day.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Original: Superior Court

Copies: Person Certified – Personally delivered  
Person's Attorney  
Public Defender  
District Attorney  
Intensive Treatment Facility

DHCS 1808 (Revised 12/2019)

## § 5270.15 Recommended Patient Notification Language

- Clear explanation of the 5270 hold and its purpose
- Reasons for the hold (Gravely Disabled)
- Patient rights during the hold
- Potential outcomes of the hold
- Patient's Rights Advocates Contact information
- This information must be in an accessible language or modality.

## Grave Disability Criteria for Adults

- **Currently:** *“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.”*
- **As of January 1, 2026 (SB 43):** *“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.”*

# GRAVE DISABILITY for Adults

- A client is **NOT** Gravely Disabled:
  - By reason of homelessness or poverty alone. Grave Disability is an inquiry into the client's ability or skills not his/her/their wealth
  - By reason of intellectual, or developmental disability, or other organic brain disorder alone
- Client (Adult or Minor) has “Third Party Assistance”: the help of a responsible family members, friends or others who are both willing and able to provide food, clothing and shelter to the client.

## GRAVE DISABILITY for Minors

- **SB 43 did not amend the definition of grave disability for minors.**
  - A minor who, as a result of a mental disorder, is unable to use the elements of life that are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others.
  - Intellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder.

## HEARING RIGHTS:

- Certification review hearing within 4 days of certification
- Writ of habeas corpus
- Hearing options the same as 5250: (review hearing, writ of habeas corpus, waiver)

## HEARING PROCEDURE:

- Identical to 5250 hearing:
- Hearing officer presides over certification review hearing
- Authorized representation of the hospital (doctor not required) presents probable cause
- Patient's Rights Advocates defend on the certification review hearing
- Public Defender / Superior Court handle requests for writs of habeas corpus

# MAXIMUM Period of Detention/ Termination of a § 5270 HOLD

## MAXIMUM PERIOD OF DETENTION:

- 5150 (72 hours), 5250 (14 days), 5270 (30 days) = maximum 47 days
  - Intervening periods of voluntariness count in the 47-day maximum
  - Liable for civil damages for knowingly and willfully holding past 30 days on 5270

## MUST RELEASE AT THE END OF 47 DAYS, UNLESS:

- Conservatorship
- Section 5300 hold for Danger to Others

## TERMINATION HOLD:

- Treating psychiatrist finds Client no longer meets criteria
- Client becomes willing or able to accept voluntary treatment
- Client wins a certification review hearing or writ of habeas corpus

# RIESE Petitions on § 5270

## RIESE PETITION CARRY-THROUGH:

- A Riese Petition granted on a 5150 can carry-through to a 5250 if hearing officer so orders
- A Riese Petition cannot carry-through from a 5250 to 5270
- **A new Riese Petition must be granted to involuntarily medicate on 5270 hold**

## RIESE HEARING PROCESS:

- Same petition, notice and hearing requirements as a Riese on any other hold
- Refusal of medications is still a threshold issue.
- Client has right to a post-decision writ of habeas corpus

# MISCELLANEOUS PROVISIONS:

- **Providers must review** whether a client on a 5270 continues to meet criteria for Grave Disability and/or is willing to be voluntary at intervals not exceeding 10 days.
- **Facilities must attempt to comply with a preference for facility** in which to be detained on the 5270 expressed by the client, client's family, a conservator, or guardian.
- **A facility may permit a client on a 5270 to leave the facility** for short periods of time.
- **All statutory patients' rights laws apply:**
  - Including: Seclusion, Restraint, & IM

## MISCELLANEOUS PROVISIONS:

- LPS § 5270.70 does allow for an additional 30 days of involuntary treatment in the event that this is deemed necessary. Such a petition goes directly to the Superior Court

*“If, after 15 days of the 30-day period of intensive treatment pursuant to this article, 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 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 intensive treatment is located, seeking approval for up to an additional 30 days of intensive treatment. 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.”*

# Conservatorship Referrals During 5270

## Holdings

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## Referral for Temporary Conservatorship:

- *Most* cases should not be referred for conservatorship following a 5270 hold.
- The Legislature’s purpose for 5270 was to reduce conservatorship filings.
  - “It is the intent of the Legislature to reduce the number of gravely disabled persons for whom conservatorship petitions are filed....”W&I Code § 5270.10

# Referral for Temporary Conservatorship:

- In the rare cases where circumstances change and a conservatorship referral needs to be made; the referral must be made early in the hold.
- 5270 requires that any temporary conservatorship runs “concurrently with and not consecutively to the 30-day certification period.” W&I Code § 5270.55
- The conservatorship hearing must take place by day 30 of the 5270 hold. W&I Code § 5270.55

# Notice Requirements for Temporary Conservatorship:

- **The conservatee must receive a notice of intent to file a temporary conservatorship** at least 5 calendar days before the petition is filed. Probate Code § 2250.2(c)
- **The conservatee must receive notice of the hearing** on the temporary conservatorship 15 calendar days before the hearing date. Probate Code §§1822–1824

## Referral Must Be Made by Day 5 of the 30-day 5270 Hold

- Given these requirements the *latest* the referral for a temporary conservatorship can be made to the Public Guardian is day 5 of the 30-day 5270 hold.
- The facility must also give notice to the conservatee of the temporary conservatorship at the same time.

**Alameda County Patient's Rights Advocates**

(Central line for mental health consumers)

(510) 835-2505 / (800) 734-2504

**Alameda County Mental Health ACCESS Line**

1-800-491-9099

**Alameda County Substance Use Treatment & Referral Helpline**

1 (844) 682-7215

**Alameda County Crisis Services**

Dial 988 or (800) 309-2131

*Thank  
you!*

**WIC § 5270 Implementation in  
Alameda County (System Update)**



**Behavioral Health  
Department**  
Alameda County Health



**Behavioral Health  
Department**

Alameda County Health

# **Welfare and Institutions Code 5270 (WIC § 5270)**

## ***Frequently Asked Questions***

**Version Date: August 1, 2025**

# Welfare and Institutions Code 5270 (WIC § 5270)

## Frequently Asked Questions (FAQs)

August 1, 2025

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**Purpose & Context:** The purpose of this document is to provide comprehensive response to many of the important procedural, policy, and practice impacts related to the implementation of WIC § 5270 in Alameda County. These contents are guided by legislation, and informed by agencies, community, and stakeholders across county systems. Please be advised that given the nature of any law impacting the community, the information contained therein may be dynamic and may be updated as needed.

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1. Question: The intent of the legislature was to use 5270s to prevent the establishment of a temporary conservatorship. Is this accurate?

**Answer (#1): No, the 5270 certification process is not intended to prevent the establishment of a temporary conservatorship. This process is intended to be used when an additional period of treatment is appropriate (past the 14-day 5250 certification period) AND when there is not a belief that a conservatorship is needed. The 5270 should be used only in appropriate circumstances in which the qualified treatment team believes that the patient will reconstitute without the appointment of a conservator.**

2. Q: If the patient continues to be gravely disabled while on the 5270, may the facility then refer the patient for conservatorship?

**A (#2): Yes. If, during the 5270 certification period it appears the patient will require appointment of a conservator, the conservatorship referral must be made. The referral must be made with sufficient time to allow for investigation and legal procedures. In practice, referral for a one-year conservatorship must be made at least 18 days before the expiration of the 5270 certification period. This timeline takes into account required legal procedures (i.e., sufficient notice to the proposed conservatee) for one-year conservatorship.<sup>1</sup>**

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<sup>1</sup> If the patient is within the initial 30-day 5270 certification period, and the facility does not timely complete a conservatorship referral to allow a hearing to be held by the 30<sup>th</sup> day of that period, the facility may still have the option of filing a petition in the Superior Court to obtain up to an additional 30 days of intensive treatment under Welfare and Institutions Code section 5270.70(a).

3. Q: If the facility believes a conservatorship will be necessary, may the facility refer the patient for conservatorship during the 5250 certification period, or does the hospital need to complete a 5270 certification first? Or in other words: is the 5270 certification a required step in the progression from 5150 to conservatorship?

***A (#3): The 5270 certification is absolutely not required in Alameda County in order to progress to a conservatorship. During the 5250 certification period, and before any 5270 certification, the facility must evaluate the patient to determine whether the patient will likely need a conservatorship. If, during the 14-day 5250 certification period, the facility believes a conservatorship will be necessary, a conservatorship referral should be made.<sup>2</sup> It should be rare to recommend a conservatorship after a 5270 certification. If during the 5250 certification period the facility believes a conservatorship is necessary, a 5270 certification is not appropriate.***

4. Q: Since a 5250 hold plus a Riese hearing order would enable a facility to use only immediate acting (IM) medications, does a 5270 hold plus a Riese hearing order similarly allow only IM medications? Are Long Acting Injectable (LAI) medications like *Invega Sustenna* (which lasts 28 days) permitted under a 5270 hold plus a Riese hearing order?

***A (#4): A Riese hearing order on a 5270 hold does not allow for the use of LAI medications.***

5. Q: For a Riese - is there a grace period for medication to continue while waiting for the hearing on 5270 after the expiration of 5250 or would there conceivably be a gap in meds if a patient refuses?

***A (#5): There is no grace period. At the end of the 5250 certification period, the patient must be informed they have a right to refuse until another medication order is obtained.***

6. Q: If a patient initially agrees to voluntarily stay at the end of the 5250 certification period, even though they are gravely disabled, may the facility complete a 5270 certification if the patient subsequently states they want discharge (and they are still gravely disabled)?

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<sup>2</sup> If conservatorship referral is appropriate during the 14-day 5250 certification period, as a matter of practice the referral must be for a temporary conservatorship because there would be insufficient time to serve a petition for one-year conservatorship upon the proposed conservatee to hold a hearing on the petition by the end of the 5250 certification period.

***A (#6): Yes, if the patient meets criteria and it is still within the 47-day time-frame,<sup>3</sup> the facility may complete a 5270 certification, notify Patients' Rights and schedule an appropriate review hearing.. Voluntary time between the 5250 and 5270 certifications counts in the 47 day calculation and the facility must subtract voluntary time from the expiration date of the hold.***

7. Q: If a patient is placed on 5270, but later states they are willing to stay voluntarily and are then transferred to a voluntary status, but later then state they want to be discharged, may this patient be placed back on a 5270?

***A (#7): Yes, if the patient is placed on voluntary status after the 5270 is placed and/or upheld, and then within the 47 days they ask to discharge again, the 5270 hold may be reinstated if they still meet criteria. Such a reinstatement of a 5270 hold does not require an additional certification review hearing. Any voluntary time counts toward the total 47 day calculation.***

8. Q: Is there a grace period for the 5270 similar to the 5250? For example, if a patient is voluntary sometime during or after the 5250 may the facility complete a 5270 certification prior to the end of the total 47 days.

***A (#8): Yes, the facility may complete a 5270 certification after the initial 17 days if there is an intervening period of voluntariness. Days spent voluntary between holds are subtracted from the end date of the hold.***

9. Q: In general, does the 5270 begin at the end of the 5250?

***A (#9): The 5270 begins at the time the hold is served to the patient, just like the 5250. Ideally, the last day of the 5250 should be the first day of the 5270 such that the total between the two holds is 44 days (47 including the 5150 time).***

10. Q: For patients whose residence is NOT Alameda County, can we use this 5270? Or do we follow the LPS laws for the patient's primary county of residence?

***A (#10): The 5270 may be used for out-of-county patients meeting its criteria. The conservatorship processes of the county of residence would apply.***

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<sup>3</sup> The 47-day time-frame is calculated by adding 3 days (5150), plus 14 days (5250), plus 30 days (5270).

11. Q: May a treating psychologist (PhD, not MD) testify in a writ hearing for the 5270?

**A (#11): Yes.**

12. Q: In the past psychologists have testified in Writ hearings. May a psychologist testify in lieu of a psychiatrist?

**A (#12): A psychologist may testify in a Writ hearing so long as they have at least 5 years of practicing experience. However, because psychologists do not prescribe medication, testimony of a psychiatrist may be necessary for the subject of prescribed medication.**

13. Q: Is the patient allowed to file a writ during the 5270, independent of filing a writ during a 5250?

**A (#13): Yes, the patient may file the writ once during the 5250 and again during the 5270.**