

A person also may not be considered gravely disabled based upon their status as “homeless: if he/she knows how to access and obtain food, clothing and shelter that meet his/her needs through community agencies.

In addition, the refusal to consent to psychotropic medications does not in itself constitute grounds for initiating involuntary commitment.

### **What is Danger to Self Or Others?**

The legal criterion of danger to self or others has been narrowly defined by the courts to mean: “A demonstrated danger of substantial harm.” This danger must be physical, not psychological or social harm.

### **Patients’ Rights In the Community**

Patients’ Rights advocates can also help with any problems that may arise once you get out; such as problems occurring with landlords, outpatient treatment, SSI, Medi-Cal, Board & Care complaints, etc.

### **Writ of Habeas Corpus**

A person has been placed on a 5150, who has been hospitalized involuntarily or has been conserved can request a judicial review of their involuntary detention for psychiatric treatment and request their release.

A Petition for *Writ of Habeas Corpus* will be provided to you, you may ask anyone to help in filling out the *Writ*. Staff will inform the Patients’ Rights Advocate of your wish to file a *Writ* so that they can assist you as well. The *Writ* will be taken to the Court on the day it is written or when next the court is open and reviewed by a Judge within two judicial days of receipt.

If your request is granted, you will released. If the request is denied you will remain in treatment.

A *Writ of Habeas Corpus* can only be filed once every 6 months.



### **Patients’ Rights Orientation**

Butte County Behavioral Health  
Patients’ Rights  
1196 East Lassen Rd. Suite 130  
Chico, CA 95973



(530) 343-1731  
-Or-  
1-800-497-1445

## WHAT IS PATIENTS' RIGHTS?

The Patients' Rights advocate will help you understand your rights and advocate for what you want. We also make sure that your wishes are considered in any decision making process.

## WHAT ARE MY RIGHTS?

1. You have a right to wear your own clothes.
2. To keep your personal possessions.
3. To have ready access to letter-writing materials, including stamps.
4. To keep and spend a reasonable amount of your own money for small purchases.
5. To receive un-opened mail.
6. To use the telephone.
7. To see visitors.
8. To have a private storage space, such as a locker.

## Can My Rights Be Taken Away?

None of your rights may be taken away from you for punishment or for staff convenience. Although you can have rights taken away if probable cause exists. An example of this would be using the phone to make threatening phone calls. Then your phone privileges may be suspended until the threatening behavior ceases to be a problem.

## Hearings & Holds

**5150** – This is a 72-hour observation stay. At the end of this time period, staff must either release you or hold a hearing; during which a hearing officer will determine if it is necessary for you to stay longer.

**14-Day Holds** – These may be applied upon completion of the 72-hour observation if staff feels that you need further treatment. A hearing must be held to determine that probable cause exists for the extended hold. This



must be based upon one of three things; Grave Disability, Danger to Self, or Danger To Others. Upon presentation of facts from staff, patient and Patients' Rights advocate, a hearing officer will make a decision to either release you into the community, or extend your hold for up to an additional 14 days.

## What is Grave Disability?

Grave disability is a condition in which a person, as a result of a mental disorder, is unable to provide for his or her basic needs. A determination of grave disability, although necessarily including a consideration of past events, must be based upon the individual's *current condition*.

A person is not gravely disabled if they can survive without involuntary detention with the help of responsible family, or others who are willing and able help provide for the person's basic needs of food, clothing and shelter.