

**APPLICATION FOR 72 HOUR DETENTION FOR EVALUATION AND TREATMENT**

MH 302 (Rev. 08/04) Front

*Confidential Client/Patient Information*

See California WIC Section 5328 and HIPAA Privacy Rule 45 C.F.R. § 164.508

**Welfare and Institutions Code (WIC), Section 5157**, requires that each person when first detained for psychiatric evaluation be given certain specific information orally, and a record be kept of the advisement by the evaluating facility.

**DETAINMENT ADVISEMENT**

My name is \_\_\_\_\_

I am a (Peace Officer, etc.) with (Name of Agency). You are not under criminal arrest, but I am taking you for examination by mental health professionals at (Name of Facility).

You will be told your rights by the mental health staff.

*If taken into custody at his or her residence, the person shall also be told the following information in substantially the following form:*

You may bring a few personal items with you which I will have to approve. You can make a phone call and/or leave a note to tell your friends and/or family where you have been taken.

**Advisement Complete**                       **Advisement Incomplete**

Good Cause for Incomplete Advisement

Advisement Completed By

Position

Date

To \_\_\_\_\_

Application is hereby made for the admission of \_\_\_\_\_

Residing at \_\_\_\_\_, California, for 72-hour treatment and evaluation pursuant to Section 5150, (adult) et seq. or Section 5585 et seq. (minor), of the WIC. If a minor, to the best of my knowledge, the legally responsible party appears to be / is: (Circle one) Parent; Legal Guardian; Juvenile Court as a WIC 300; Juvenile Court as a WIC 601/602; Conservator. If known, provide names, address and telephone number:

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

\*\*\*\*\*

The above person's condition was called to my attention under the following circumstances: (see reverse side for definitions)

The following information has been established: (Please give sufficiently detailed information to support the belief that the person for whom evaluation and treatment is sought is in fact a danger to others, a danger to himself; herself and/or gravely disabled.)

Based up on the above information it appears that there is probable cause to believe that said person is, as a result of mental disorder:

**A danger to himself/herself.**     **A danger to others.**                       **Gravely disabled adult.**                       **Gravely disabled minor.**

|  |      |       |
|--|------|-------|
| Signature, title and badge number of peace officer, member of attending staff of evaluation facility or person designated by county. | Date | Phone |
|  | Time |       |

|  |   |
|--|---|
| Name of Law Enforcement Agency or Evaluation Facility/Person | Address of Law Enforcement Agency or Evaluation Facility/Person |
|  |   |

Weapon was confiscated and detained person notified of procedure for return of weapon pursuant to Section 8102 WIC. (officer/unit & phone #) \_\_\_\_\_

**NOTIFICATIONS TO BE PROVIDED TO LAW ENFORCEMENT AGENCY**

**NOTIFICATION OF PERSON'S RELEASE FROM AN EVALUATION AND TREATMENT FACILITY IS REQUESTED BY THE REFERRING PEACE OFFICER BECAUSE:**

Person has been referred under circumstances in which criminal charges might be filed pursuant to Sections 5152.1 and 5152.2 WIC. Notify (officer/unit & telephone #) \_\_\_\_\_

Weapon was confiscated pursuant to Section 8102 WIC. Notify (officer/unit & telephone #) \_\_\_\_\_

**SEE REVERSE SIDE FOR INSTRUCTIONS**

**APPLICATION FOR 72 HOUR DETENTION  
FOR EVALUATION AND TREATMENT**

MH 302 (Rev. 08/04) Back

**DEFINITIONS****GRAVELY DISABLED**

**“Gravely Disabled”** means a condition in which a person, as a result of a mental disorder, is unable to provide for his or her basic personal needs for food, clothing and shelter. SECTION 5008(h) WIC

**“Gravely Disabled Minor”** means a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others. Mental retardation, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder. SECTION 5585.25 WIC

**PEACE OFFICER**

**“Peace Officer”** means a duly sworn peace officer as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has completed the basic training course established by the Commission on Peace Officer Standards and Training, or any parole officer specified in Section 830.5 of the Penal Code when acting in relation to cases for which he or she has a legally mandated responsibility. SECTION 5008(i) WIC

**INSTRUCTIONS FOR SECTION 5152.1, 5152.2 AND 5585 WIC****Section 5152.1 WIC**

The professional person in charge of the facility providing 72-hour evaluation and treatment, or his or her designee, shall notify the county mental health director or the director's designee and the peace officer who makes the written application pursuant to Section 5150 or a person who is designated by the law enforcement agency that employs the peace officer, when the person has been released after 72-hour detention, when the person is not detained, or when the person is released before the full period of allowable 72-hour detention if all of the conditions apply:

- (a) The peace officer requests such notification at the time he or she makes the application and the peace officer certifies at that time in writing that the person has been referred to the facility under circumstances which, based upon an allegation of facts regarding actions witnessed by the officer or another person, would support the filing of a criminal complaint.
- (b) The notice is limited to the person's name, address, date of admission for 72-hour evaluation and treatment, and date of release.  
If a police officer, law enforcement agency, or designee of the law enforcement agency, possesses any record of information obtained pursuant to the notification requirements of this section, the officer agency, or designee shall destroy that record two years after receipt of notification.

**Section 5152.2 WIC**

Each law enforcement agency within a county shall arrange with the county mental health director a method for giving prompt notification to peace officer pursuant to Section 5152.1 WIC.

**Section 5585 et seq. WIC**

Section 300 WIC is a minor who is under the jurisdiction of the Juvenile Court because of abuse (physical or sexual), neglect or exploitation.

Section 601 WIC is a minor who is adjudged a ward of the Juvenile Court because of being out of parental control.

Section 602 WIC is a minor who is adjudged a ward of the Juvenile Court because of crimes committed.

**Section 8102 WIC (EXCERPTS FROM)**

- (a) Whenever a person who has been detained or apprehended for examination of his or her mental condition or who is a person described in Section 8100 or 8103, is found to own, have in his or her possession or under his or her control, any firearm whatsoever, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon.  
“Deadly weapon,” as used in this section, has the meaning described by Section 8100.

- (b) Upon confiscation of any firearm or other deadly weapon from a person who has been detained or apprehended for examination of his or her mental condition, the peace officer or law enforcement agency shall notify the person of the procedure for the return of any firearm or other deadly weapon which has been confiscated.

Where the person is released without judicial commitment, the professional person in charge of the facility, or his or her designee, shall notify the person of the procedure for the return of any firearm or other deadly weapon which may have been confiscated. Health facility personnel shall notify the confiscating law enforcement agency upon release of the detained person, and shall make a notation to the effect that the facility provided the required notice to the person regarding the procedure to obtain return of any confiscated firearm.