

OFFICE OF PATIENTS' RIGHTS

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MEMORANDUM

TO: All Interested Parties

FROM: Darla Rucker, Patients' Rights Specialist

RE: Calculation of Length of Involuntary Hold

DATE: April 5, 1999

The Welfare and Institutions Code is very specific in how the time is calculated for involuntary holds, including periods of voluntary status.

“After the involuntary detention has begun, the total period of detention, including intervening periods of voluntary treatment, shall not exceed the total maximum period during which the person could have been detained continuously on an involuntary basis, from the time initial involuntary detention.” Welfare & Institutions Code § 5258

The total amount of time that a person can be held involuntarily on a combination of 5150 and 5250 is **17 days**. This must include **any** days that the patient was voluntary. For example if your client was placed on a 5150 on November 4th, a period of 17 days (inclusive of November 4th) would be November 20th. This is the longest that he may be kept on an involuntary hold under Welfare and Institutions Code § 5150 and 5250. His voluntary status must be calculated at part of that 17 days.

There is personal liability of the staff and hospital if a patient is held beyond this 17 days.

“Any individual who is knowingly and willfully responsible for detaining a person in violation of the provisions of this article is liable to that person in civil damages.” Welfare and Institutions Code § 5259.1

County advocates should consult with legal counsel designated by the county to represent and/or advise the advocate (often referred to as the County Counsel).

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