

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.:

Resolution authorizing application of Article 4.7 of)
Chapter 2 of the Lanterman-Petris-Short Act, i.e.,)
Welfare and Institutions (W&I) Code § 5270.10 et seq. as an)
Alternative to Conservatorship under certain conditions)

WHEREAS, the Lanterman-Petris-Short Act (LPS; effective 1972) mandates that individuals deemed to be in serious need of mental health treatment may be admitted for evaluation and treatment on a 72-hour hold (W&I Code § 5150). If the individual is unwilling or unable to remain voluntarily and further treatment is indicated, that individual can be held for an additional limited period of up to 14 days (W&I Code § 5250); and

WHEREAS, in some cases the additional 14 days is not a sufficient period to stabilize a person who is gravely disabled due to a serious mental health problem. Currently, the County requires that a petition for Temporary Conservatorship under W&I Code § 5352.1 (T-Con) be filed in order to provide treatment beyond the additional 14-day section 5250 hold; and

WHEREAS, Conservatorship places responsibility for patient care decisions with a public or private guardian, and is a significant legal event for the affected individuals, and requires substantial County staff time and involvement from the Public Guardian, County Counsel, and the Superior Court; and

WHEREAS, in enacting Article 4.7 of Chapter 2 of the LPS, composed of W&I Code § 5270.10 et seq. (hereinafter section 5270), it was the intent of the legislature to reduce the number of gravely disabled persons for whom T-Con petitions are filed, and who are placed under the authority of a temporary conservator simply to obtain an additional period of treatment; and

WHEREAS, under section 5270 a person who has completed the additional 14-day period of intensive treatment pursuant to W&I Code § 5250 may be certified for an additional 30 days of intensive inpatient treatment under specified conditions, with additional safeguards for that person's rights, as an alternative to conservatorship which can last up to one year; and

WHEREAS, under W&I Code § 5270.12 a County Board of Supervisors authorization is required to implement section 5270 for up to 30 days of intensive inpatient treatment beyond the initial section 5150 3-day detention period and additional section 5250 14-day period, thereby avoiding the significant legal step of filing a T-Con petition; and

WHEREAS, to date 19 California counties have implemented W&I Code § 5270 and have reported positive results in terms of the reduction of the number of individuals placed on conservatorship with a resulting reduction in County administrative costs; and

WHEREAS, the County Office of the Public Guardian supports the implementation of W&I § 5270, estimating a reduction in County administrative costs accompanied by increased efficiencies

in managing gravely disabled patients who require additional involuntary intensive treatment, without the significant restrictions on individual rights associated with a temporary conservatorship.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Monterey hereby authorizes the implementation and application of Article 4.7 of Chapter 2 of the Lanterman-Petris-Short Act, i.e., Welfare and Institutions Code § 5270.10 et seq. in Monterey County as an alternative to filing a petition for Conservatorship when a limited amount of additional time is needed to stabilize an individual in involuntary inpatient care.

PASSED AND ADOPTED on this _____, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book __ for the meeting on October__, 2017.

Dated: October__, 2017

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California.

By _____, Deputy