CHAPTER 16
MENTAL HEALTH DEPARTMENT

16.01 MENTAL HEALTH JUDGE

The mental health judge shall be designated by the presiding judge.

(Adopted October 1, 1998)

16.02 CALENDAR

All mental health cases initiated under Welfare and Institutions Code section 5000 et seq. (Lanterman-Petris-Short Act) shall be heard on Fridays at 1:30 P.M. If Friday falls on a court holiday, the mental health calendar shall be heard on the preceding judicial day.

(Adopted October 1, 1998)

16.03 JURY TRIALS

If a jury trial is demanded, the trial date will be set by the mental health judge.

(Adopted October 1, 1998; Amended January 1, 2010)

16.04 LPS COMMITMENT

A. REQUIREMENTS. A petition for commitment for LPS must generally allege the statutory basis for commitment. Every petition must include a sworn affidavit or declaration signed under penalty of perjury in support of the commitment. Petitioner must give notice to Respondent personally and to the Public Defender's Office. A petition for an extended commitment must be timely filed. A petition must have a proof of service attached.

B. THE HEARING. All court hearings are closed, except for persons expressly invited by the Respondent. Court trials will be heard in Department A, and jury trials will be referred out to the alpha departments at the discretion of the Presiding Judge.

C. COUNSEL'S DUTY TO ADVISE RESPONDENT OF RIGHTS. Counsel for Respondent must advise respondent of the right to appear at all proceedings, including the hearing on the petition for commitment. Counsel for Respondent must advise Respondent of the right to a jury trial or a trial by court, the right to confront and cross-examine adverse witnesses, to present evidence on Respondent's behalf using the free subpoena power of the court, and the privilege against self-incrimination. Counsel must advise Respondent that if a commitment is granted, the State may subsequently seek renewed commitments.

(Adopted July 1, 2017)

16.05 PETITION FOR RESTORATION OF RIGHT TO POSSESS A FIREARM

A. PETITION. A petition for restoration of the right to own, possess, control, receive, or purchase a firearm pursuant to Welfare and Institutions Code section 8103(f)(1), and any

supporting documentation must be filed with the clerk's office of the mental health court. The petition must include a discharge summary prepared by the last inpatient facility which provided involuntary treatment. In addition, if a firearm has been confiscated and the petition seeks to regain the firearm, a detailed description of the firearm, and a copy of the receipt given by the agency upon removal must be attached to the petition. At the hearing, the court may also require a written verification from a treating therapist stating that the petitioner will be able to use a firearm in a safe manner.

B. THE HEARING. The clerk will send a notice of the hearing date to petitioner. The petitioner must attend the hearing, and may represent him or herself, or be represented by a privately retained counsel. If the court decides in petitioner's favor, petitioner must prepare an order after hearing restoring petitioner's right to possess a firearm for the court's signature. If the petitioner regains the right to buy or possess firearms, the court will send notice to the Department of Justice. All court hearings are closed.

(Adopted July 1, 2017)