ADVISEMENT FOR CLIENT ON 5150 AT A NON-DESIGNATED HOSPITAL

1. Introduction
2. Confirm the client’s first and last name to ensure you’re speaking to the correct person.
3. My name is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, I am an attorney and patient advocate with the Law Foundation of Silicon Valley.
4. You are at [Hospital]. I do not work for [Hospital]
5. You’re receiving a phone call from me today, because I’ve been assigned to you to be your legal advocate while you’re in the hospital by Santa Clara County. You get a legal advocate because [Hospital] placed you on a [second or third] 5150, 72-hour, involuntary mental health hold on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Because I am your legal advocate, everything we talk about is confidential – that means I’m not allowed to share what you say to me with the hospital or with any other person without your permission first.
6. Were you aware you were placed on this hold?
7. The hospital should have informed you of this hold, but I have a copy of this hold, so I’ll explain it to you. A 5150 hold is a legal document the hospital can sign, and when an employee of the hospital signs it, it allows the hospital to keep you in the hospital for 72 hours even if that’s against your will. While you’re under this legal document, it prevents you from leaving the hospital unless a doctor lets you go. And a doctor can let you go early, there is no requirement to keep you the full 72 hours.
8. Currently you’re in an emergency room at a medical hospital. This legal document allows that hospital to send you to a special mental health hospital for further evaluation and treatment. At a mental hospital, you may be placed on an additional 14-day hold.
9. Because you were placed on this [second or third] 5150 hold, you have legal rights. And one of your rights is to go to a hearing on \_\_\_\_\_\_\_\_\_\_where with my help you can ask a Hearing Officer from Superior Court to remove the hold from you, which would allow you to immediately leave this hospital.
10. Would you like to try and leave the hospital or would you like to remain in the hospital on your hold and wait for transfer to a mental health hospital?