

Minors' Rights Handbook



For In-Patient Psychiatric Hospitalization

You Have a Right to See a Patients' Rights Advocate

The Mental Health Association of Alameda County is the Patients' Rights Advocate for Sonoma County. They provide mental health advocacy and consulting services by calling:

(707) 565 - 4978

You may leave a message for an Advocate on weekends and after hours on voice mail at the same number. The Advocate will return your call as soon as possible within business hours.



sonoma county
DEPARTMENT OF HEALTH SERVICES
BEHAVIORAL HEALTH DIVISION

MHS 407 (02-24)

Introduction

If you are under the age of 18 and receiving mental health treatment in a psychiatric hospital, you have certain rights that cannot be taken away by your parent, guardian, or conservator. You also always have the right to call and or see a Patients' Rights Advocate who is not involved in your mental health treatment.

Rights That Cannot Be Denied:

- To be free from harm.
- To be treated with respect and dignity.
- To receive treatment in the least restrictive setting with as much freedom as safety permits.
- To practice your religion or faith.
- To be entitled to an Independent Clinical Review (ICR).

Rights Which Cannot Be Denied Without Good Cause*:

- To wear your own clothes.
- To keep and be allowed to spend, a reasonable sum of money for small purchases.
- To have ready access to letter writing materials, including stamps.
- To receive unopened mail.
- To have reasonable access to make and receive calls.
- To see visitors (during posted visiting hours).
- To keep your personal possessions.
- To have private storage space.
- To exercise, recreational activities, social interaction and to participate in community activities.
- To prompt individual and adequate medical treatment.

***Definition of Good Cause:** This means that you would harm yourself, the facility, and/or intrude on the rights of others if this right was not denied.

- Your rights cannot be denied as a form of punishment, or for staff convenience.
- The only person who can deny your rights while in the hospital is the person legally allowed to do so and cannot be your parent or guardian.
- Your rights cannot be earned as privileges or taken away.

Medical Record:

Your medical record is confidential and cannot be released to people who are not involved in providing psychiatric services to you. (Except under special circumstances.)

Medication:

- Cannot be used as punishment or for staff convenience.
- Cannot be used as a substitute for a program or in quantities that interfere with your treatment program.
- Your doctor should not give you any medicine without first speaking to your parents or guardian, except for under very special circumstances.

Seclusion:

Seclusion is being locked in a room away from others. You have a right to be free from excessive seclusion and restraint. It should only be used with a doctor's order for the purpose of keeping you, or others, safe from harm.

What’s a Clinical Review?

A Clinical Review is a private, informal meeting held at the hospital to decide if further hospitalization for treatment is needed. You and your parent(s) or legal guardian(s), a hospital representative, and the Patients’ Rights Advocate will be present. The reviewer is a psychiatrist who is not involved in your case.

Why Have a Clinical Review?

If you are 14 through 17 years old and you have been placed in a private psychiatric hospital by your parents or guardians, you have a right to an independent Clinical Review, if you are on a voluntary status and feel you should not be in the hospital. The review is designed to protect your rights and the reviewer will decide if there is sufficient reason to keep you in the hospital. If the reviewer decides there is not enough cause to hold you, you will be released the same day as the review (probably back to your parents or whoever has legal custody of you).

How Do I Request a Clinical Review?

Hospital staff must inform you of your right to a review as soon as you are admitted. You can ask staff or the Patients’ Rights Advocate for this review at any time during the first ten days of admission and the review must be held within five days of your request. You can cancel the review at any time. If you request the review, the Patients’ Rights Advocate will be available to provide you with information and assistance. If you do not want to attend the review, the Patients’ Rights Advocate will represent you.

MHS 407 (02-24)

What to Expect at a Clinical Review?

Your psychiatrist will speak first and will tell the reviewer why they feel you need further hospitalization. You will then have a chance to speak. The Advocate’s job is to help you and to make sure that your side is properly represented at the review. The reviewer can ask questions at any time.

In order to keep you in the hospital, it must be shown that:

- You have a mental health problem at the present time.
- Further inpatient treatment is likely to reasonably help the problem.
- The hospital is the best available setting for you.

If the reviewer decides that these standards have been met, then you will remain in the hospital. You have the right however, to go to court for a formal hearing, called a Writ of Habeas Corpus or “Writ” hearing, if you still want to be released. If the reviewer feels that the standards have not been met, then you will be released from the hospital the same day as the hearing.

Involuntary Holds:

The hospital where you are being treated should get a consent from your parent(s) or guardian(s) for your treatment. If for some reason this is unavailable, you can be treated on an involuntary basis, but only if you are a danger to yourself, to others, or are gravely disabled due to a mental illness. “Gravely disabled” means the symptoms of your mental illness are temporarily preventing you from adequately taking care of yourself to the point where you may cause harm to yourself, despite having food, clothing, and shelter provided to you where you live.

72 Hour Hold (5585):

Initially, the hospital can only treat you involuntarily for three days. At the end of the three days, if they feel you need further treatment, they can place you on a 14-day hold to continue to treat you involuntarily.

14 Day Hold (5250):

The staff must inform you if you are being placed on a 14-day hold and give you a copy of the hold. You can be placed on this hold if you are a danger to yourself, to others, and/or are gravely disabled due to a mental illness. If you are placed on a 14-day hold, you will have a certification review hearing at the hospital within the first four days of being placed on the hold.

Second 14 Day Hold (5260):

Your psychiatrist at the hospital can place you on a second 14-day hold if you are presently a danger to yourself and you would be at risk if you were to leave the hospital. Just like the first 14-day hold, the hospital staff must inform you and give you a copy of the hold. You will not have a certification review hearing, but if you want to leave the hospital, you can request a Writ, which is usually scheduled within 48 business hours of your request. Once the 5260 hold has expired, the hospital must discharge you or have you voluntarily signed in for treatment.

30 Day Hold (5270):

If at the end of the first 14 days, the doctor feels you are not ready to leave the hospital and are “gravely disabled,” you can be placed on a 30-day hold. Just like the 5250, staff will inform you that you have been placed on this hold and you will receive a copy.

What’s a Certification Review Hearing?

As mentioned above, if you have been placed either on a 14-day hold, or a 30-day hold, a hearing will be held at the hospital within the first four days of being placed on the hold to determine if there is enough evidence to keep you on this hold*. These hearings are often called “probable cause hearings,” although the formal name is “Certification Review Hearing.”

A Patients’ Rights Advocate will inform you of your hearing and assist you. Your Advocate will explain your rights and options. You can contest the hold during the hearing and try to get out of the hospital that day. If you do not want to go to the hearing, your Advocate will represent you.

*Please note: Just because you have been placed on a hold does not mean you have to stay for the whole time. Your doctor can discharge you at any time before the end of the hold.

What’s a Writ?

If at any time during your hospitalization you feel you should not be there, you have the right to go to court and have a hearing. This hearing is called a Writ. For more information or to request a Writ, you can contact your Patients’ Rights Advocate and inform staff.

Minors With Adults on Same Ward:

As a minor, you may not be placed on the same ward with adults unless the facility has special permission from the state to do this. You also may not be placed in the same ward or unit with any adult who could be a threat to your physical safety. If you are on an involuntary hold and are 16 or younger, you cannot be held with adults who are on involuntary holds.