

INVOLUNTARY PLACEMENT WHEN A CHILD IS CHRONICALLY MENTALLY ILL

In this situation, a child may be afflicted with a severe mental illness without being in a crisis situation. The child, for example, may have been admitted to a Rate Classification Level 14 facility and is exhibiting symptoms of severe mental disturbance not amenable to treatment in those settings. It may also be possible that the Interagency Placement Screening Committee has recommended placement in a locked facility. **See Procedural Guide #0600-501.11, Interagency Placement Screening Committee Presentation Guide.** A placement of this nature, if not voluntary, requires that a conservator be appointed for the child.

The Mental Health Court (Department 95) is the only court with jurisdiction to order a conservator and hospital commitment. Only a child's treating psychologist or psychiatrist may testify in the Mental Health Court as to the need for a conservator. The court will not accept recommendations from or hear testimony from any other mental health expert, including experts appointed in Dependency Court pursuant to Evidence Code 730.

The child's treating mental health professional must apply to the Public Guardian's office (213-974-0555). The Public Guardian will then fax a copy of the request to County Counsel in Department 95. County Counsel will then immediately file a petition in Department 95 for the appointment of a temporary conservator. The purpose of the temporary conservatorship is to allow the Public Guardian an additional 30 days to complete an investigation leading to the recommendation of a permanent conservator. The only exception is when the child is in the hospital on a 30-day hold. In this case, the Public Guardian will investigate before a petition is filed and, when it is filed, the recommendation will be, if appropriate, a permanent conservatorship.

Department 95 is located at 1150 N. San Fernando Road, Los Angeles, CA 90065. County Counsel at this court may be contacted at (323) 226-2915.

If a child is hospitalized in a private psychiatric hospital, the treating psychiatrist or psychologist may be unwilling to apply for a conservatorship in spite of the child's eligibility. This sometimes occurs because the Mental Health Court does not compensate mental health professionals for appearing there. If this occurs, the CSW should request assistance from the Office of the Medical Director (OMD) The OMD will consult with the Department of Mental Health in an effort to resolve the problem.

When the petition is filed, the court will conduct a hearing. The child will be appointed a Public Defender. County Counsel will represent the Public Guardian. The child's treating mental health practitioner will be expected to testify. The child, if possible, must be present. If a temporary conservator is ordered, the Public Guardian's office will conduct an investigation. In the course of the investigation, the child, his or her relatives, the CSW and the mental health practitioner will be interviewed.

The process of appointing a conservator is the same whether or not the child is a dependent of the court. However, when the child is a dependent, the CSW must cooperate with the Public Guardian by releasing copies of court reports, previous psychological evaluations, educational history and whatever other documentation is required. **The CSW should consult with County Counsel if there are questions regarding the confidentiality of any requested material.**

When a child is a psychiatric in-patient or in a Level 13 or higher facility at the time of the hearing, hospital or group home staff will transport and supervise the child at court. When the child is not in such a facility, the Public Guardian will arrange for transportation and supervision.

When a child is a dependent of the court, the authority to order and supervise psychotropic medication and placement remains with the Dependency Court after a temporary conservator is appointed. Therefore, any requests to add or modify psychotropic drugs must continue to be made at our court. Placement decisions continue to be the responsibility of the CSW.

When a permanent conservator is appointed, approval for placement and medication passes to the Mental Health Court. The conservator is responsible for approving an appropriate placement for the child, signing admission paperwork and for ensuring psychotropic medication requests are acted on by the Mental Health Court. All other aspects of the child's life (e.g., educational and medical) are governed by the parent or, in the case of a child who is a dependent of the court, our Department.

When a child resides at home, and is not a dependent of the court, the parent or legal guardian is usually appointed to be the conservator. When a child is a dependent, the Public Guardian is usually appointed.