



Glossary of Legal Terms: *For families of individuals found incompetent to stand trial in California*

Legal Terms

Incompetent to Stand Trial / PC 1370 (IST): The commitment term the court uses when your family member/friend has a mental illness (often psychosis) that is preventing them from understanding their legal case. If the individual meets criteria, the goal of this commitment is **restoration** to competency, not punishment.

Competency Restoration: Utilizing education and psychiatric treatment including medication to help your family member/friend understand the legal charges against them and the potential consequences.

Maximum Commitment Date (MCD): The expiration date for involuntary treatment through the criminal court. By law, a person can only be held for restoration for a specific amount of time, which is usually the length of the maximum sentence for their offense.

Dusky Standard: The test that the court uses to determine if your family member/friend understands the courtroom process including the role of a judge/jury and if they can rationally work with their lawyer.

Statute: A law passed by the state legislature.

California Penal Code: The collection of California laws that explain criminal offenses and how criminal cases are handled.

Programs and Treatment Settings

Inpatient & High-Security Settings

State Hospital (SH): A secure psychiatric hospital for people who need the highest level of mental health treatment and supervision.

Department of State Hospitals (DSH): The state agency that runs the state hospitals (i.e., Patton, Napa, Metropolitan, Atascadero, Coalinga).

Jail-Based Competency Treatment (JBCT): A program where your family member/friend receives psychiatric care and restoration and meets criteria to receive restoration within the county jail setting.

Admission, Evaluation, and Stabilization (AES) Center: A treatment center where people are first evaluated after being found IST. Staff determine what services the person needs, and either help them improve quickly with the AES setting or arrange a transfer to a state hospital.

Step-Down & Community Settings

Community Inpatient Facility (CIF): A secure mental health treatment facility in the community that provides care after or instead of a state hospital. It offers more supervision and a higher level of care than community-based restoration, but less than a state hospital.

Community-Based Restoration (CBR): A program that helps people restore their ability to stand trial while living in the community, either at home or in a residential treatment program.

DSH Diversion Program: If the court agrees, your family member/friend may be treated in the community instead of a hospital. If they succeed in the diversion program, the criminal charges are often dismissed.

Conditional Release Program (CONREP): An intensive program that is used to monitor your family member/friend when they are released from the hospital back into the community under OMHD/PC2962 or Not Guilty by Reason of Insanity/PC 1026 commitments.

EASS (Early Access and Stabilization Services): A DSH funded program providing substantive psychiatric services in the form of early access to treatment and stabilization in the jail before the patient is admitted to a JBCT or State Hospital

Mental Health and Court Status

Mentally Incompetent (PC 1367): A person whose mental illness or developmental disability prevents them from understanding the court process or helping their attorney.

Incompetent to Stand Trial (IST) (PC 1370): A legal finding that a person is currently unable to participate in their criminal case because of a mental illness or developmental disability. Treatment focuses on helping them regain competency.

Not Guilty by Reason of Insanity (NGRI) (PC 1026): A court decision that a person was legally insane when the crime occurred and therefore is not criminally responsible. They receive treatment in a state hospital with specific criteria for release instead of a prison sentence.

Offender with a Mental Health Disorder (OMD) (PC 2962): Initial Parole Commitment. A person on parole who has a serious mental illness related to their crime and is involuntarily required to receive treatment as part of parole. This may be in a state hospital or outpatient setting depending on treatment needs.

Offender with a Mental Health Disorder (OMD) (PC 2972): Post-Parole Civil Commitment. A legal process that allows continued involuntary treatment after parole ends if the person's serious mental illness still makes them a substantial danger to the public.

Placement and Parole Supervision (PC 2964): Outlines requirements for rehospitalization to a state hospital if someone designated as OMD violates CONREP's rules.

Mentally Ill Prisoners Transferred from Prison (PC 2684): Allows a prison inmate with serious mental health needs to be transferred from prison to a state hospital for treatment. These individuals are transferred back to prison once they no longer require a state hospital level of care.

Welfare and Institutions Code (WIC)

Welfare and Institutions Code (WIC): California laws covering mental health treatment, disabilities, and protective services.

WIC 5328 (Confidentiality): Protects the privacy of a patient's mental health records. Information is shared only when allowed by law.

WIC 5325 (Patient Rights): Protects important patient rights, including reasonable access to visitors, phones, mail, personal belongings, and a Patient Rights Advocate.

WIC 5325.1: States that patients keep all legal rights unless a law specifically limits them and should receive treatment in the least restrictive setting possible.

WIC 6600 (Sexually Violent Predator): A person who has committed certain serious sexual offenses and has a mental disorder that makes future violent sexual behavior likely. They are evaluated and, if found to meet criteria, will receive treatment in a state hospital.

Conservatorships

WIC 5350-5372 LPS (Lanterman-Petris-Short) Conservatorship: legal commitment where a conservator/guardian (usually a family member or county official) is appointed because the individual is "gravely disabled" and determined they cannot meet their basic needs to survive (e.g., food, clothing, shelter).

WIC 5008(h)(1)(b) (Murphy) Conservatorship: specific type of conservatorship for people with serious charges who remain dangerous and "incompetent" even after their commitment time as IST/PC 1370 has expired.

Medical Rights & Your Involvement

HIPAA (Health Insurance Portability and Accountability Act) / Confidentiality: These are laws that protect a patient's health data from being released without their consent through a **Release of Information (ROI)**.

Tip: You can always provide information to the doctors (history, triggers, etc.) even if they can't speak back to you or provide details yet.

Advanced Health Care Directive (AHCD): Similar to Advance Directives for your physical health, an AHCD is a document your family member/friend can use to establish and sign to state their wishes for their medical and psychiatric care.

People You May Meet

Conservatorship Investigator: A county employee who evaluates whether someone needs a conservator to make decisions on their behalf.

District Attorney (DA): The prosecutor who represents the State of California.

Forensic Coordinator: A hospital staff member who tracks court deadlines, reports, and legal paperwork.

Forensic Evaluator: A psychologist or psychiatrist appointed by the court to opine on whether someone continues to meet criteria for the various commitments.

Independent Placement Panel (IPP): A team of experts who decides whether someone is ready to safely participate in the CONREP.

National Alliance on Mental Illness (NAMI): An organization that provides advocacy, education, support, and public awareness to improve the lives of individuals and families affected by mental illness.

Patient Rights Advocate: A person at the hospital whose job is to make sure your loved one is being treated fairly and that their voice is heard.

Public Defender / Defense Attorney: A lawyer provided by the state to provide legal services free of charge to your loved one.

Social Worker: Your main point of contact who is ready to learn your family member or friend's history, can provide treatment updates (with current release of information signed by the individual), and helps with discharge planning.

Involuntary Medication

Involuntary Medication Order (IMO): A court order allowing medication to be given even if the patient refuses, and when certain legal requirements are met.

A judge may approve this order if:

- The person cannot make informed decisions about medication.
- Medication is medically necessary.
- Without treatment the person's mental or physical health is likely to become seriously worse.
- The person poses a danger to others.

Sell Order: A special court order allowing medication to help someone become competent for trial, even when they can make medical decisions and are not dangerous, if strict legal requirements are met.

Involuntary Medication in Jail (PC 2603): Allows a judge to approve medication for a jailed person who cannot make treatment decisions because of serious mental illness and/or who poses a danger to themselves or others.

Reports and Legal Documents

Initial 90-Day Competency Report: A report sent to the court within 90 days describing an IST patient's progress in treatment and restoration.

Competency Progress Report: Regular updates sent to the court about how treatment and restoration are progressing.

Certificate of Restoration: A document stating that the treatment team believes the patient is now able to understand the court process and assist their attorney.

Maximum Term Commitment Report: A report notifying the court that the person's maximum legal treatment period is approaching.

Maximum Commitment Date (MCD): The last day the law allows someone to remain under their current court commitment unless another legal action is taken.

Enhanced IST (EIST): A court order allowing a restored patient to stay in the hospital while they wait to be transferred back to county custody, ensuring they remain stable for trial.

No Substantial Likelihood (NSL) Report: A report stating that the treatment team believes the person found IST is unlikely to be restored to competency in the foreseeable future. The court may then consider other legal options, such as conservatorship.

Court Processes

Complaint: The document that officially starts a criminal case by listing the criminal charges.

Indictment: Formal criminal charges approved by a grand jury.

Information: Formal criminal charges filed by a prosecutor instead of a grand jury.

Arraignment: The first court hearing where the charges are explained and the defendant enters a plea.

Competency Hearing: A court hearing to decide whether someone understands the legal process and can help their attorney. If not, treatment begins before the criminal case continues.

Restoration Hearing: A hearing after treatment where the judge decides whether the person has recovered enough to continue with their criminal case.

Parole Revocation Hearing: A hearing to determine whether someone on parole violated the conditions of their release and what should happen next. Mental health treatment may be part of the outcome if mental illness contributed to the violation.

References

1. American Psychiatric Association. (2022). *Diagnostic and statistical manual of mental disorders* (5th ed., text rev.). <https://doi.org/10.1176/appi.books.9780890425787>
2. Merriam-Webster. (2016). *Merriam-Webster's dictionary of law*.