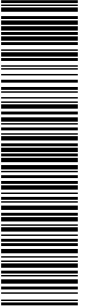


An act to amend Sections 4462, 4508, 6500, 6506, 6509, and 7505 of, and to amend and repeal Section 7502.6 of, the Welfare and Institutions Code, relating to developmental services.

SECURED
COPY



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4462 of the Welfare and Institutions Code is amended to read:

4462. (a) The State Department of Developmental Services, when it deems it necessary, may, under conditions prescribed by the director, transfer ~~any patients~~ a patient of a state institution under its jurisdiction to another such institution. Transfers of patients of state hospitals shall be made in accordance with the provisions of Section 7300.

~~Transfer of a conservatee shall only be with the consent of the conservator.~~
~~The~~

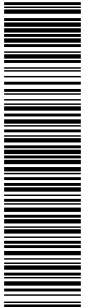
(b) ~~The~~ expense of ~~any such~~ a transfer shall be paid from the moneys available by law for the support of the department or for the support of the institution from which the patient is transferred. Liability for the care, support, and maintenance of a patient so transferred in the institution to which ~~he has~~ they have been transferred shall be the same as if ~~he~~ they had originally been committed to ~~such~~ the institution.

SEC. 2. Section 4508 of the Welfare and Institutions Code is amended to read:

4508. Persons with developmental disabilities may be released from developmental centers for provisional ~~placement, with parental consent in the case of a minor or with the consent of an adult person with developmental disabilities or with the consent of the guardian or conservator of the person with developmental disabilities, not to exceed twelve months,~~ placement not to exceed 12 months and shall be referred to a regional center for services pursuant to this division. ~~Any~~ A person placed pursuant to this section shall have an automatic right of return to the developmental center during the period of provisional placement.

SEC. 3. Section 6500 of the Welfare and Institutions Code is amended to read:
6500. (a) For purposes of this article, the following definitions shall apply:

(1) "Dangerousness to self or others" shall include, but not be limited to, a finding of incompetence to stand trial pursuant to the provisions of Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code and when the defendant has been charged with murder, mayhem, aggravated mayhem, a violation of Section 207, 209, or 209.5 of the Penal Code in which the victim suffers intentionally inflicted great bodily injury, robbery perpetrated by torture or by a person armed with a dangerous or deadly weapon or in which the victim suffers great bodily injury, carjacking perpetrated by torture or by a person armed with a dangerous or deadly weapon or in which the victim suffers great bodily injury, a violation of subdivision (b) of Section 451 of the Penal Code, a violation of paragraph (1) or (2) of subdivision (a) of former Section 262 or paragraph (2) or (3) of subdivision (a) of Section 261 of the Penal Code, a violation of Section 288 of the Penal Code, any of the following acts when committed by force, violence, duress, menace, fear of immediate and unlawful bodily injury on the victim or another person: a violation of paragraph (1) or (2) of subdivision (a) of former Section 262 of the Penal Code, a violation of Section 264.1, 286, or 287 of, or former Section 288a of, the Penal Code, or a violation of subdivision (a) of Section 289 of the Penal Code; a violation of Section 459 of the Penal Code in the first degree, assault with intent to commit murder, a violation of Section 220 of the Penal Code in which the victim suffers great bodily injury, a violation of Section 18725, 18740, 18745, 18750, or 18755 of the Penal Code, or if the defendant has been charged with



a felony involving death, great bodily injury, or an act that poses a serious threat of bodily harm to another person.

(2) "Developmental disability" shall have the same meaning as defined in subdivision (a) of Section 4512.

(b) (1) A person with a developmental disability may be committed to the State Department of Developmental Services for residential placement other than in a developmental center or state-operated community facility, as provided in subdivision (a) of Section 6509, if the person is found to be a danger to self or others.

(A) An order of commitment made pursuant to this paragraph shall expire automatically one year after the order of commitment is made.

(B) This paragraph does not prohibit any party enumerated in Section 6502 from filing subsequent petitions for additional periods of commitment. If subsequent petitions are filed, the procedures followed shall be the same as with the initial petition for commitment.

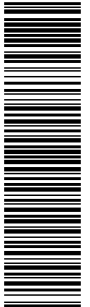
(2) A person with a developmental disability shall not be committed to the State Department of Developmental Services for placement in a developmental center or state-operated community facility pursuant to this article unless the person meets the criteria for admission to a developmental center or state-operated community facility pursuant to paragraph (2), (3), ~~(4), (5), or (7)~~ or (5) of subdivision (a) of Section 7505 and is dangerous to self or others, or as a result of an acute crisis, or the person currently is a resident of a state developmental center or state-operated community facility pursuant to an order of commitment made pursuant to this article prior to July 1, 2012, and is being recommitted pursuant to paragraph (4) of this subdivision.

(3) If the person with a developmental disability is in the care or treatment of a state hospital, developmental center, or other facility at the time a petition for commitment is filed pursuant to this article, proof of a recent overt act while in the care and treatment of a state hospital, developmental center, or other facility is not required in order to find that the person is a danger to self or others.

(4) If subsequent petitions are filed with respect to a resident of a developmental center or a state-operated community facility committed prior to July 1, 2012, the procedures followed and criteria for recommitment shall be the same as with the initial petition for commitment.

(5) In any proceedings conducted under the authority of this article, the person alleged to have a developmental disability shall be informed of their right to counsel by the court and, if the person does not have an attorney for the proceedings, the court shall immediately appoint the public defender or other attorney to represent them. The person shall pay the cost for the legal services if the person is able to do so. At any judicial proceeding under this article, allegations that a person has a developmental disability and is dangerous to self or others, or as a result of an acute crisis, shall be presented by the district attorney for the county unless the board of supervisors, by ordinance or resolution, delegates this authority to the county counsel. The regional center shall inform the clients' rights advocate, as described in Section 4433, when a petition is filed under this section and when a petition expires. The clients' rights advocate for the regional center may attend any judicial proceedings to assist in protecting the individual's rights.

(c) ~~(1)~~ An order of commitment made pursuant to this article with respect to a person described in paragraph (3) of subdivision (a) of Section 7505 shall expire



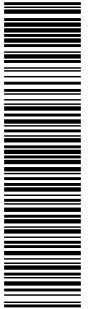
automatically one year after the order of commitment is made. This section does not prohibit a party enumerated in Section 6502 from filing subsequent petitions for additional periods of commitment. If subsequent petitions are filed, the procedures followed shall be the same as with an initial petition for commitment.

(2)

(d) An order of commitment made pursuant to this article on or after July 1, 2012, with respect to the admission to a developmental center or state-operated community facility of a person described in paragraph (2), (4), or (7) (2) of subdivision (a) of Section 7505 shall expire automatically six months after the earlier of the order of commitment pursuant to this section or the order of a placement in a developmental center pursuant to Section 6506, unless the regional center, prior to the expiration of the order of commitment, notifies the court in writing of the need for an extension. The required notice shall state facts demonstrating that the individual continues to be in acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7, and the justification for the requested extension, and shall be accompanied by the comprehensive assessment and plan described in subdivision (e) of Section 4418.7. An order granting an extension shall not extend the total period of commitment beyond one year, including a placement in a developmental center pursuant to Section 6506. If, prior to expiration of one year, the regional center notifies the court in writing of facts demonstrating that, due to circumstances beyond the regional center's control, the placement cannot be made prior to expiration of the extension, and the court determines that good cause exists, the court may grant one further extension of up to 30 days. The court may also issue any orders the court deems appropriate to ensure that necessary steps are taken to ensure that the individual can be safely and appropriately transitioned to the community in a timely manner. The required notice shall state facts demonstrating that the regional center has made significant progress implementing the plan described in subdivision (e) of Section 4418.7 and that extraordinary circumstances exist beyond the regional center's control that have prevented the plan's implementation. This paragraph does not preclude the individual or a person acting on the person's behalf from making a request for release pursuant to Section 4800, or counsel for the individual from filing a petition for habeas corpus pursuant to Section 4801. Notwithstanding subdivision (a) of Section 4801, for purposes of this paragraph, judicial review shall be in the superior court of the county that issued the order of commitment pursuant to this section.

(3)

(e) An order of commitment made pursuant to this article on or after January 1, 2020, with respect to the admission to an institution for mental disease, as described in subparagraph (C) of paragraph (9) of subdivision (a) of Section 4648, shall expire automatically six months after the earlier of the order of commitment pursuant to this section, the order of a placement in an institution for mental disease pursuant to Section 6506, or the date the regional center placed the individual in the institution for mental disease, unless the regional center notifies the court in writing of the need for an extension. The required notice shall state facts demonstrating that the individual continues to be in acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7, and the justification for the requested extension, and shall be accompanied by the comprehensive assessment and plan described in clause (v) of subparagraph (C) of paragraph (9) of subdivision (a) of Section 4648. An order granting an extension



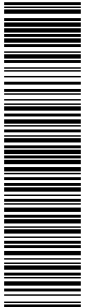
shall not extend the total period of commitment beyond one year, including a placement in an institution for mental disease pursuant to Section 6506. If, prior to expiration of one year, the regional center notifies the court in writing of facts demonstrating that, due to circumstances beyond the regional center's control, the placement cannot be made prior to expiration of the extension, and the court determines that good cause exists, the court may grant one further extension of up to 30 days. The court may also issue any orders the court deems appropriate in order for necessary steps to be taken to ensure that the individual can be safely and appropriately transitioned to the community in a timely manner. The required notice shall state facts demonstrating that the regional center has made significant progress implementing the plan described in clause (v) of subparagraph (C) of paragraph (9) of subdivision (a) of Section 4648 and that extraordinary circumstances exist beyond the regional center's control that have prevented the plan's implementation. This paragraph does not preclude the individual or any person acting on their own behalf from making a request for release pursuant to Section 4800, or counsel for the individual from filing a petition for habeas corpus pursuant to Section 4801. Notwithstanding subdivision (a) of Section 4801, for purposes of this paragraph, judicial review shall be in the superior court of the county that issued the order of commitment pursuant to this section.

(4)

(f) An order of commitment made pursuant to this article on or after July 1, 2024, with respect to the admission to a completed and licensed complex needs home of a person described in paragraph (8) of subdivision (a) of Section 7505 shall expire automatically six months after the earlier of the order of commitment pursuant to this section or the order of a placement pursuant to Section 6506, unless the regional center, prior to the expiration of the order of commitment, notifies the court in writing of the need for an extension. The required notice shall state facts demonstrating that the individual continues to require placement in a complex needs home, as defined in paragraph (3) of subdivision (h) of Section 4418.8, and the justification for the requested extension, and shall be accompanied by the comprehensive assessment and plan described in subdivision (e) of Section 4418.8. An order granting an extension shall not extend the total period of commitment beyond 18 months, except as provided for in subdivision (e) of Section 4418.8, including a placement pursuant to Section 6506. This paragraph does not preclude the individual or a person acting on the person's behalf from making a request for release pursuant to Section 4800, or counsel for the individual from filing a petition for habeas corpus pursuant to Section 4801. Notwithstanding subdivision (a) of Section 4801, for purposes of this paragraph, judicial review shall be in the superior court of the county that issued the order of commitment pursuant to this section.

SEC. 4. Section 6506 of the Welfare and Institutions Code is amended to read:

6506. (a) Pending the hearing, the court may order that the alleged dangerous person alleged to have a developmental disability may be left in the charge of ~~his or her~~ their parent, guardian, conservator, or other suitable person, or placed in a state developmental center, in the county psychiatric hospital, or in any other suitable placement as determined by the court. Prior to the issuance of an order under this section, the regional center and developmental center, if applicable, shall recommend to the court a suitable person or facility to care for the person alleged to have a developmental disability. The determination of a suitable person or facility shall be



the least restrictive option that provides for the person's treatment needs and that has existing security systems or measures in place to adequately protect the public safety from any known dangers posed by the person. In determining whether the public safety will be adequately protected, the court shall make the finding required by subparagraph (D) of paragraph (1) of subdivision (a) of Section 1370.1 of the Penal Code.

(b) Orders made pursuant to this section may be issued for individuals where commitment is sought for individuals meeting the definition of paragraph (1) of subdivision (a) of, and sought under subdivisions (d), (e), and (f) of, Section 6500.

~~Pending~~

~~(c) Pending~~ the hearing, the court may order that the person receive necessary habilitation, care, and treatment, including medical and dental treatment.

~~Orders~~

(d) Orders made pursuant to this section shall expire at the time set for the hearing pursuant to Section 6503. If the court upon a showing of good cause grants a continuance of the hearing on the matter, it shall order that the person be detained pursuant to this section until the hearing on the petition is held.

SEC. 5. Section 6509 of the Welfare and Institutions Code is amended to read:

6509. (a) If the court finds that the person has a developmental disability, and is a danger to self or to others, or is in acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7, or in paragraph (1) of subdivision (h) of Section 4418.8, the court may make an order that the person be committed to the State Department of Developmental Services for suitable treatment and habilitation services. For purposes of this section, "suitable treatment and habilitation services" means the least restrictive residential placement necessary to achieve the purposes of treatment. Care and treatment of a person committed to the State Department of Developmental Services may include placement in any of the following:

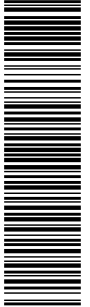
(1) A licensed community care facility, as defined in Section 1502 of the Health and Safety Code, or a health facility, as defined in Section 1250 of the Health and Safety Code, other than a developmental center or state-operated facility.

(2) A property used to provide Stabilization, Training, Assistance and Reintegration (STAR) services operated by the department if the person meets the criteria for admission pursuant to paragraph (2) of subdivision (a) of Section 7505.

(3) The secure treatment program at Porterville Developmental Center, if the person meets the criteria for admission pursuant to paragraph (3) of subdivision (a) of Section 7505. The total time of commitment of an individual committed to Porterville Developmental Center on or after July 1, 2031, shall not exceed a total of 24 months after that date. Individuals committed to and residing at Porterville Developmental Center on or before July 1, 2031, shall not be committed to or reside at the Porterville Developmental Center beyond July 1, 2034.

(4) ~~(A) Canyon Springs Community Facility~~, if the person meets the criteria for admission pursuant to paragraph ~~(4), (5), or (6)~~ (3) of subdivision (a) of Section 7505.

(B) An order of commitment made pursuant to this article, with respect to the admission to Canyon Springs Community Facility, of a person described in paragraph (3) of subdivision (a) of Section 7505 shall expire automatically one year after the earlier of the order of commitment pursuant to this section or the order of placement pursuant to Section 6506, unless the regional center, prior to the expiration of the order of commitment, notifies the court in writing of the need for an extension. The required



notice shall include the department's determination that the individual continues to require placement in Canyon Springs Community Facility pursuant to this section, shall include the justification for the requested extension, and shall be accompanied by a comprehensive assessment and placement plan described in subparagraph (D) of paragraph (3) of subdivision (a) of Section 7505. An order granting an extension shall not extend the total period of placement beyond 24 months after July 1, 2027, except as authorized in subparagraph (E) of paragraph (3) of subdivision (a) of Section 7505.

(5) (A) On or after July 1, 2019, the acute crisis center at Porterville Developmental Center, if the person meets the criteria for admission pursuant to paragraph (7) of subdivision (a) of Section 7505.

(B) This paragraph shall become inoperative on January 1, 2027.

(6) On or after July 1, 2024, upon completion and licensing, a complex needs home as defined in paragraph (3) of subdivision (h) of Section 4418.8, if the person meets the criteria for admission pursuant to subdivision (c) of Section 4418.8.

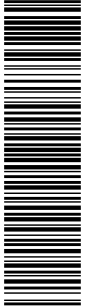
(7) Any other appropriate placement permitted by law.

(b) (1) The court shall hold a hearing as to the available placement alternatives and consider the reports of the regional center director or designee and the developmental center director or designee submitted pursuant to Section 6504.5. After hearing all the evidence, the court shall order that the person be committed to the placement that the court finds to be the most appropriate and least restrictive alternative. If the court finds that release of the person can be made subject to conditions that the court deems proper and adequate for the protection and safety of others and the welfare of the person, the person shall be released subject to those conditions.

(2) The court, however, may commit a person with a developmental disability who is not a resident of this state under Section 4460 for the purpose of transportation of the person to the state of legal residence pursuant to Section 4461. The State Department of Developmental Services shall receive the person committed to it and shall place the person in the placement ordered by the court.

(c) If the person has at any time been found mentally incompetent pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code arising out of a complaint charging a felony offense specified in Section 290 of the Penal Code, the court shall order the State Department of Developmental Services to give notice of that finding to the designated placement facility and the appropriate law enforcement agency or agencies having local jurisdiction at the site of the placement facility.

(d) For persons residing in the secure treatment program at the Porterville Developmental Center, at the person's annual individual program plan meeting the team shall determine if the person should be considered for transition from the secure treatment program to an alternative placement. If the team concludes that an alternative placement is appropriate, the regional center, in coordination with the developmental center, shall conduct a comprehensive assessment and develop a proposed plan to transition the individual from the secure treatment program to the community. The transition plan shall be based upon the individual's needs, developed through the individual program plan process, and shall ensure that needed services and supports will be in place at the time the individual moves. Individual supports and services shall include, when appropriate for the individual, wrap-around services through intensive individualized support services. The clients' rights advocate for the regional center



shall be notified of the individual program plan meeting and may participate in the meeting unless the consumer objects on their own behalf. The individual's transition plan shall be provided to the court as part of the notice required pursuant to subdivision (e).

(e) If the State Department of Developmental Services decides that a change in placement is necessary, it shall notify, in writing, the court of commitment, the district attorney, the attorney of record for the person, and the regional center of its decision at least 15 days in advance of the proposed change in placement. The court may hold a hearing and either approve or disapprove of the change or take no action, in which case the change shall be deemed approved. At the request of the district attorney or of the attorney for the person, a hearing shall be held.

SEC. 6. Section 7502.6 of the Welfare and Institutions Code is amended to read:

7502.6. (a) Notwithstanding any other law or regulation, commencing September 28, 2018, and until June 30, 2024, or the opening of completed and licensed complex needs homes identified in the safety net plan prepared pursuant to Section 4474.16 and approved for development in the Budget Act of 2023, whichever is earlier, a court may order the commitment of an individual to a separate and distinct unit of Canyon Springs Community Facility, as provided in paragraph (4) of subdivision (a) of Section 7505. No more than 10 beds at the facility shall be designated for this purpose.

(b) Prior to admission to Canyon Springs Community Facility of an individual meeting the criteria of paragraph (4) of subdivision (a) of Section 7505, the regional center and regional resource development project shall follow the preadmission procedures, including notification and assessment procedures, specified in subdivisions (a) to (c), inclusive, of Section 4418.7. Upon admission, the postadmission procedures and timelines specified in subdivision (e) of Section 4418.7 shall apply.

(c) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

SEC. 7. Section 7505 of the Welfare and Institutions Code is amended to read:

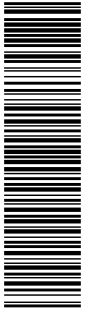
7505. (a) Notwithstanding any other law, the State Department of Developmental Services shall not admit anyone to a developmental center unless the person has been determined eligible for services under Division 4.5 (commencing with Section 4500) and the person is any of the following:

(1) An adult committed by a court to Porterville Developmental Center, secure treatment program, pursuant to Section 1370.1 of the Penal Code.

(2) Committed by a court to an acute crisis home operated by the department pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 due to an acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7.

(3) (A) An adult committed by a court to Porterville Developmental Center, secure treatment program, pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 as a result of involvement with the criminal justice system, and the court has determined the person is mentally incompetent to stand trial.

(B) An adult committed pursuant to this section, who is deemed by the State Department of Developmental Services pursuant to Section 4462 to be appropriate for transfer, may be transferred to Canyon Springs Community Facility for placement for a total period not to exceed 24 months. An order from the court is not required for the transfer.



(C) On or after January 1, 2027, when a person resides at Canyon Springs Community Facility pursuant to this subdivision, an order of commitment made pursuant to Section 6506 or for a person meeting the definition of paragraph (1) of subdivision (a) of Section 6500 shall be required for continued placement at Canyon Springs Community Facility. An order granting an extension shall not extend the total period of placement beyond 24 months from January 1, 2027, including any time spent committed pursuant to Section 6506.

(D) The order of commitment, or any recommitment, for a person committed for meeting the definition in paragraph (1) of subdivision (a) of Section 6500 shall be reviewed annually for the first 12 months of placement at Canyon Springs Community Facility. In the final 12 months of placement at Canyon Springs Community Facility, the court shall review placement at 6-month intervals. At all hearings for placement at Canyon Springs Community Facility, the regional center shall notify the court in writing, for the court's review, all of the following:

(i) An updated comprehensive assessment and placement plan by the regional center.

(ii) The department's determination that the individual requires continued placement at Canyon Springs Community Facility as the least restrictive option pursuant to subdivision (a) of Section 6509.

(iii) A current individual program plan that identifies the specific services and supports necessary for the individual to transition back into the community that includes a timeline to obtain those supports and services.

(E) Notwithstanding subparagraph (B), an individual may continue to reside at Canyon Springs Community Facility for one additional 60-day period beyond the total 24-month commitment, if all of the following conditions are met:

(i) After an additional comprehensive assessment by the regional center, the department determines that the individual requires continued placement in Canyon Springs Community Facility while a community placement is identified.

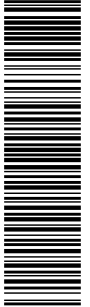
(ii) An individual program plan is developed that identifies the specific services and supports necessary for the individual to transition back into the community that includes a timeline to obtain those supports and services.

(iii) The committing court has reviewed and, if appropriate, extended the commitment.

(4) (A) A person committed by a court to Canyon Springs Community Facility pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 on or before June 30, 2024, or the opening of completed and licensed complex needs homes identified in the safety net plan prepared pursuant to Section 4474.16 and approved for development in the Budget Act of 2023, whichever is earlier, who otherwise meets the criteria for admission described in Section 4418.7 due to an acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7.

(B) This paragraph shall become inoperative on July 1, 2027.

(5) (A) A person committed by a court to the Canyon Springs Community Facility pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 on or before June 30, 2024, or the opening of completed and licensed complex needs homes identified in the safety net plan prepared pursuant to Section 4474.16 and approved for development in the Budget Act of 2023, whichever is earlier, who is currently admitted to either an acute psychiatric hospital or an acute crisis facility



pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 due to an acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7, but who requires continued treatment to achieve stabilization and successful community transition.

(B) Prior to admission pursuant to this paragraph, the regional center shall prepare an assessment for inclusion in the consumer's file detailing all considered community-based services and supports, including, but not limited to, rate adjustments as provided by law, supplemental services as set forth in subparagraph (F) of paragraph (10) of subdivision (a) of Section 4648, emergency and crisis intervention services as set forth in paragraph (11) of subdivision (a) of Section 4648, community crisis home services pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5, and an explanation of why those options could not meet the consumer's needs. Prior to admission, the Director of Developmental Services or the director's designee shall certify that there are no community-based options that can meet the consumer's needs.

(C) ~~When a person is~~ For persons admitted to Canyon Springs Community Facility pursuant to this paragraph, paragraph prior to June 30, 2024, the regional center shall notify the clients' rights advocate, as described in Section 4433, of the admission. ~~A~~ The comprehensive assessment shall be completed by the regional center in coordination with Canyon Springs Community Facility staff every six months. The comprehensive assessment shall include the identification of the services and supports needed for stabilization and the timeline for identifying or developing the services and supports needed to transition the consumer back to a community setting. Immediately following the comprehensive assessment, and not later than 30 days following admission, the regional center and staff at the Canyon Springs Community Facility shall jointly convene an individual program plan meeting to determine the services and supports needed for crisis stabilization and to develop a plan to transition the consumer into community living pursuant to Section 4418.3. The clients' rights advocate for the regional center shall be notified of the individual program plan meeting and may participate in the individual program plan meeting unless the consumer objects on their own behalf.

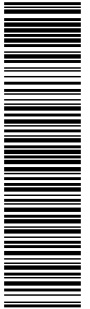
(D) The population of consumers admitted pursuant to this paragraph shall not exceed five. An admission to Canyon Springs Community Facility pursuant to this paragraph shall not extend beyond June 30, 2024, or the opening of completed and licensed complex needs homes identified in the safety net plan prepared pursuant to Section 4474.16 and approved for development in the Budget Act of 2023, whichever is earlier.

(E) For purposes of this paragraph, "acute psychiatric hospital" means a facility as defined in subdivision (b) of Section 1250 of the Health and Safety Code, including an institution for mental disease.

(F) This paragraph shall become inoperative on July 1, 2027.

(6) (A) A person exercising the right of return to Porterville Developmental Center as described in Section 4508 on or before June 30, 2021. 4508.

(B) Prior to admission pursuant to this paragraph, the regional center shall prepare an assessment for inclusion in the consumer's file detailing all considered community-based services and supports, including, but not limited to, rate adjustments as provided by law, supplemental services as set forth in subparagraph (F) of paragraph



(10) of subdivision (a) of Section 4648, emergency and crisis intervention services as set forth in paragraph (11) of subdivision (a) of Section 4648, community crisis home services pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5, and an explanation of why those options could not meet the consumer's needs. Prior to admission, the Director of Developmental Services or the director's designee shall certify that there are no community-based options that can meet the consumer's needs.

(C) When a person is admitted pursuant to this paragraph, the regional center shall notify the clients' rights advocate, as described in Section 4433, of the admission. A comprehensive assessment shall be completed by the regional center in coordination with developmental center staff. The comprehensive assessment shall include the identification of the services and supports needed for stabilization and the timeline for identifying or developing the services and supports needed to transition the consumer back to a community setting. Immediately following the comprehensive assessment, and not later than 30 days following admission, the regional center and staff at the developmental center shall jointly convene an individual program plan meeting to determine the services and supports needed for crisis stabilization and to develop a plan to transition the consumer into community living pursuant to Section 4418.3. The clients' rights advocate for the regional center shall be notified of the individual program plan meeting and may participate in the individual program plan meeting unless the consumer objects on their own behalf.

~~(D) Notwithstanding Section 4508, the population of consumers admitted pursuant to this paragraph shall not exceed five. An admission pursuant to this paragraph shall not extend beyond June 30, 2023.~~

(7) (A) Committed by a court to Porterville Developmental Center, pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 due to an acute crisis, as described in Section 4418.7. The population of consumers admitted pursuant to this paragraph shall not exceed 10. An admission pursuant to this paragraph shall not extend beyond June 30, 2023, or upon the opening of the state-operated community acute crisis homes approved for development in the Budget Act of 2019.

(B) This paragraph shall become inoperative on July 1, 2027.

(8) (A) Committed by a court pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 to a completed and licensed complex needs home identified in the safety net plan prepared pursuant to Section 4474.16 and approved for development in the Budget Act of 2023.

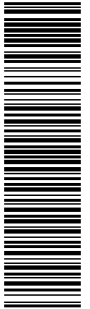
(B) When a person is admitted pursuant to this paragraph, the department and regional center shall comply with the requirements of Section 4418.8.

(b) A person admitted to the Canyon Springs Community Facility pursuant to paragraphs (4) and (5) of subdivision (a) shall be subject to enhanced monitoring that includes the following:

(1) Department clinical staff shall make monthly monitoring visits to observe the implementation of treatment plans.

(2) The department shall conduct monthly calls with regional centers to update transition planning and identify available placement options.

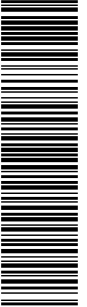
(3) The regional center and facility shall complete an initial transition plan within 60 days from admission.



(4) The regional center and facility shall conduct a transition review meeting 45 days prior to transitioning an individual from the facility.

(c) The State Department of Developmental Services shall not admit a person to a developmental center after July 1, 2012, as a result of a criminal conviction or when the person is competent to stand trial for the criminal offense and the admission is ordered in lieu of trial.

(d) Commencing with the first quarterly update to legislative staff after July 1, 2021, in the information provided pursuant to Section 4474.17, the State Department of Developmental Services shall provide a written update regarding efforts to reduce the reliance on Canyon Springs Community Facility for admissions ~~due to an acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7~~ and the development of additional community resources, including person-centered efforts. The update shall include data and descriptors of people admitted to Canyon Springs Community Facility in the previous year, including age and duration of stay to date, the status of transition planning meetings for those individuals, and their discharge status. ~~For persons admitted to Canyon Springs Community Facility beginning July 1, 2022, the update shall include all alternative placement options examined for each person prior to admission.~~



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Developmental services: state-operated transitional and rehabilitative services.

(1) Existing law establishes the State Department of Developmental Services and sets forth its powers and duties, including, but not limited to, the administration of state developmental centers, community facilities, and acute crisis homes to provide care to persons with developmental disabilities, as specified. Existing law authorizes the department to transfer a patient of a state institution under its jurisdiction to another such institution. Existing law requires the consent of the conservator to transfer a conservatee.

Existing law also requires parental consent for a minor or the consent of an adult person with developmental disabilities to be released from developmental centers for provisional placement not to exceed 12 months.

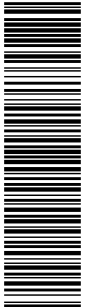
This bill would delete the consent requirements for the transfer of a conservatee and the release of a minor or adult person with developmental disabilities.

(2) Existing law authorizes a person with a developmental disability to be committed to the department for residential placement other than in a developmental center or state-operated community facility if the person is found to be a danger to self or others, as defined, and if they meet certain criteria, and provides that a petition for the commitment of a person with a developmental disability to the department may be filed in the county in which that person is physically present. Existing law authorizes a court to make an order that a person be committed to the department for suitable treatment and rehabilitation services if the court finds the person has a developmental disability, is a danger to self or others, or is in acute crisis, as defined. Existing law authorizes the individual to be placed at specified facilities, including Porterville Developmental Center (PDC) or Canyon Springs Community Facility (CSC), if the individual meets specified criteria.

This bill would, on or after July 1, 2031, limit the total amount of time an individual may be committed to PDC to not exceed a total of 24 months, and for those committed prior to July 1, 2031, would prohibit an individual from being there beyond July 1, 2034. The bill would also require an order of commitment to CSC made pursuant to these provisions to expire automatically one year after specified orders by the court, unless the regional center notifies the court in writing of the need for an extension.

(3) Existing law, beginning September 28, 2018, and until June 30, 2024, authorizes a court to order the commitment of an individual to a separate and distinct unit of CSC, and requires no more than 10 beds to be designated for this purpose.

Existing law prohibits the department from admitting anyone to a developmental center unless the person has been determined eligible for services and the person meets one of several specified categories, including that they are an adult committed to PDC



by a court for a secure treatment program as a result of the criminal justice system and because they have been found mentally incompetent to stand trial.

This bill would repeal the provisions authorizing the court to order the commitment of an individual to CSC, and would authorize an individual to be transferred from a commitment at PDC to CSC for a period of time not to exceed 24 months, without a court order. The bill would require an order of commitment, on or after January 1, 2027, for a person posing a danger to self or others for continued placement at CSC. The bill would prohibit an order granting an extension from exceeding 24 months from January 1, 2027. The bill would also require an order of commitment for the above-described individual to be reviewed annually for the first 12 months of placement and every 6 months in the final 12 months of placement. The bill would require the regional centers to notify the court in writing of specified information, including updated comprehensive assessments and placement plans by the regional center. The bill would also allow an individual to continue to reside at CSC for an additional 60-day period past the 24-month limit if specified conditions are met, including that the department determined that the individual requires continued placement while a different community placement is identified.

The bill would make additional confirming changes and would sunset obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

