



Superior Court

State of California
County of Lake
Courthouse
Lakeport, California 95453
707-263-2262

KRISTA D. LEVIER

COURT EXECUTIVE/CLERK
JURY COMMISSIONER

September 29, 2025

INVITATION TO COMMENT NOTICE TO ATTORNEYS AND ALL INTERESTED PARTIES

Below is a list of proposed amendments to the Local Rules. A draft is attached. Please submit any comments to krista.levier@lake.courts.ca.gov by close of business November 13, 2025.

Chapter 4 Rule 4.10 Petition for Mental Health Diversion (Renumbered Only.)

Full text of all Local Rules is available at www.lake.courts.ca.gov.

DEADLINE FOR COMMENTS - November 13, 2025

4.10 Petitions for Mental Health Diversion (Renumbered 1/1/2026)

a. Noticed Application or Petition

Defense counsel shall file an Application or Petition for Mental Health Diversion (Application or Petition), pursuant to Penal Code section 1001.36, with the court and serve the prosecutor with a copy. The Application or Petition shall be noticed for initial hearing on the criminal law and motion calendar. All pleadings filed in support of and opposition to the Application or Petition shall comply with California Rule of Court 4.111.

To the extent such information is available at the time of filing, the Application or Petition should specify in detail:

1. The mental disorder at issue, including diagnostic and treatment history of said disorder. If the defendant suffers from multiple or co-occurring disorders, the application shall so specify;
2. A description of the nexus between defendant's mental disorder and the charged offense;
3. The opinion of a qualified mental health expert indicating that the defendant's symptoms motivating the criminal behavior would respond to mental health treatment;
4. A statement that the defendant consents to diversion and waives the right to a speedy trial (Local Form LK-905 may be used for that purpose);
5. A description of the proposed treatment plan.

b. Meet and Confer

Prior to the initial court date for the review of an Application or Petition, defense counsel and the prosecutor shall meet and confer to determine whether the parties agree diversion is appropriate.

c. Initial Review and Prima Facie Hearing on the Application or Petition

At the initial review hearing, the court shall consider the Application or Petition, offers of proof, reliable hearsay, and argument of counsel.

If the court finds the defendant has made a prima facie showing that the defendant meets the minimum requirements of eligibility for diversion and the offenses are suitable for diversion, the matter shall be continued to the mental health calendar for further hearing on the Application or Petition.

d. Hearing on the Application or Petition in Mental Health Court

Prior to the hearing on the Application or Petition in mental health court, defendant shall file and serve any relevant medical records, psychological records, assessments and proposed treatment plans. If defendant

requests any such documents be filed under seal, defendant shall file a proposed protective order (local form LK-914 may be used), along with a declaration stating the documents and proposed order have been served on the prosecution.

At the hearing in mental health court, the court shall conduct a hearing on the Application or Petition if the parties are ready to proceed and time permits. Alternatively, the court may set the matter for a hearing on the Application or Petition on a future date.

e. Denial of the Application or Petition

If the Application or Petition is denied, the matter shall be continued to the criminal calendar.

f. Granting of the Application or Petition

If the Application or Petition is granted, criminal proceedings shall be suspended and the court shall make all necessary orders relating to the treatment of defendant and continue the matter for a mental health diversion review hearing.

g. Mental Health Diversion Review Hearings

At the review hearings, defendant or defendant's mental health provider shall submit a progress report concerning defendant's participation in the treatment plan.

If defendant is making progress, the court shall set another progress report date. If defendant is not making progress, the court may give defendant additional time to comply and continue the progress hearing to another date; or issue an order to show cause why the court should not terminate mental health diversion and reinstate criminal proceedings pursuant to Penal Code section 1001.36(b) and set a date for hearing on the order to show cause.

h. Termination of Mental Health Diversion

Termination of mental health diversion pursuant to Penal Code section 1001.36(g), shall be ordered only after a written motion or order to show cause and a noticed hearing. Upon termination of mental health diversion, criminal proceedings shall be reinstated and the matter shall be continued to the criminal calendar.

i. Completion of Mental Health Diversion

Upon successful completion of all terms and conditions of mental health diversion, the court shall dismiss the matter pursuant to Penal Code section 1001.36(e).

(Renumbered 1/1/2026)