

Department of Mental Health
Special Orders 248.01 and 249.01

EXHIBIT C.

DUPLICATION OF LEGAL DOCUMENTS BY INDIGENT PATIENTS

TABLE 1. List of Legal and Non-Legal Documents

LEGAL DOCUMENTS THAT MAY BE DUPLICATED AT <u>NO COST</u> TO INDIGENT PATIENTS	NON-LEGAL DOCUMENTS THAT PATIENTS WILL BE <u>CHARGED</u> FOR DUPLICATING
Writs: Habeas corpus, mandate, etc.	Law book pages
Civil rights complaints	Law review articles
Civil complaints or answers	Court transcripts
Petitions for hearings in appellate courts	Correspondence with attorneys or public officials
Exhibits, including slip opinions of the California Court of Appeals, when attached to petitions for hearing in the State Supreme Court	Slip opinions, except as noted.
Pleadings, proof of service documents	
Motions to proceed “in forma pauperis” (without funds to hire counsel).	

TABLE 2. Number of Copies Required by the Courts.

COURT	WRITS OF HABEAS CORPUS	APPEALS AND CERIORARI PETITIONS	HEARINGS AND OTHER WRITS	EXHIBITS /EXCERPTS
U.S. Supreme Court	Original and Appendix ² +40	Original and 40 Copies	---	Original + 40 Copies
U.S. Court of Appeals	Original and 4 copies	Original and 15 copies ³	---	Original +5 excerpts of record
U.S. District Courts	Original and 3 copies	---	---	Original and 3 copies
California State Supreme Court	Original and 13 copies	Original and 13 copies	Original and 13 copies	Original and 1 copy Motions – Orig +8
California Court of Appeal	Original and 4 copies	Original and 4 copies	Original and 3 copies	Original and 1 copy Letter Brief – Orig +4
State Superior Court	Original	---	---	Original

- Paper size for all courts is 8 ½” x 11’.
- Indigent patient will also receive 1 personal copy of all legal materials duplicated at State expense.
- Indigent patients may not duplicate copyrighted legal material, textbooks, case law, or other legal reference materials that are provided and readily available for their use in the law library (See Table 1). The courts do not require copies of the cases cited.

² Indigent patients -- original and forma pauperis affidavit.

³ Indigent patients -- original and four copies

CALIFORNIA DEPARTMENT OF MENTAL HEALTH

SPECIAL ORDER

Section: 200-299-Administrative

Special Order Number: **249.01**

Effective Date: January 1, 2003

Replaces: 249

Subject: **PATIENT MAIL AND PACKAGES**

Special Order: Patients have a right to have access to letter writing materials, including stamps, and to send and receive mail. State Hospitals shall have a detailed process in place to ensure patients and staff understand how incoming and outgoing mail and packages will be handled.

Authority: By authority of the Deputy Director, Long Term Care Services and pursuant to Section 4136 of the Welfare and Institutions Code.

Purpose: To ensure that patients are provided with the ability to send and receive mail.

Method:

DEFINITIONS

- A. **“Mail”** is defined as paper documents sent in a standard sized envelope, manila envelope, or special handling envelope (Priority Mail, Express Mail, etc.) with a weight of under 16 ounces and less than ½” thick.
- B. **“Package”** is defined as any item(s) delivered in a box, large manila envelope with bubble wrap, or other container that is not standard envelope size or is more than 16 ounces or ½” thick.
- C. **“Third-Party Mail”** is defined as mail addressed to hospital staff or volunteers for delivery to a patient, or mail given to an employee by a patient to mail outside normal hospital mailing procedures.
- D. **“Letter”** is defined as one-ounce first class mail.

GENERAL PROCEDURES FOR MAIL PROCESSING

- A. Mail addressed to patients in a State Hospital shall be delivered from the U.S. Post Office to hospital authorities. Upon receipt of mail, Hospital staff will deliver the mail to the patient to whom it is addressed in accordance with the hospital’s rules.

- B. Patients have the right to access letter writing materials and to mail and receive correspondence. Designated facility employees shall open and inspect all incoming mail addressed to patients for contraband without reading documents.
- C. State Hospitals will develop and maintain internal policies that specify detailed procedures for the following activities or circumstances:
 - 1. Approvals, receipt and handling of mail-order or vendor purchases;
 - 2. Receipt and handling of patient funds or valuables and the process for out-of-hospital fund disbursements requested by patients;
 - 3. Limitations for an individual patient's right to send mail in order to protect the public from receiving mail from a patient that is threatening, harassing, offensive, or meant to facilitate current or future victimization. A Denial of Rights form documenting the nature of the public threat must be completed and placed in the patient's record;
 - 4. Limitations on size, weight and volume of mail and packages;
 - 5. Rare emergencies (a possible mail bomb, bio-terrorist threat, hazardous material, etc.) that may require a piece of mail or a package to be disposed of for the safety and protection of staff and patients. A decision regarding the emergency disposal of mail or package will be forwarded to the Executive Director or designee for review and approval.

MAIL AND PACKAGE DISTRIBUTION PROCEDURE

A. Incoming Patient Mail

- 1) All incoming mail shall be correctly addressed and should have the patient's full name, unit number and hospital number to ensure proper and timely delivery. All incoming mail should have a return address, in the event that the mail is unable to be delivered.
- 2) Every effort shall be made to deliver mail without a proper address. If multiple patients with the same name are located, an attempt will be made to confirm that the sender is known to one of the patients. If it can not be confirmed that the sender is known to one of the patients, the mail shall be returned, unopened, to the sender or the post office of origin.
- 3) Each hospital shall develop a procedure for mail distribution to the patients that includes inspection for contraband without reading written material.

- 4) Patients shall have the right to decline acceptance of mail from one or more individuals. Mail that is declined by a patient shall be sent back to the mailroom with instructions to return, unopened, to the sender.
- 5) Delivery or mailing of third-party mail is prohibited, and such mail shall be returned to the sender, unopened, via the mail center and the patient's treatment team shall be notified.
- 6) Third class mail (junk mail) that can not be delivered or returned to the U.S. Post Office will be disposed of by the Mail Center.

B. Outgoing Patient Mail

- 1) Outgoing patient mail includes all correspondence and letters in standard size envelopes being delivered inside the hospital or going to addresses outside the institution.
- 2) All outgoing patient mail must have a correct return address. All outgoing patient mail must be processed by unit staff to verify a correct return address before forwarding to the Mail Center for processing.

WRITING MATERIALS AND POSTAGE

- A. Newly admitted patients shall be allotted sufficient writing materials, including postage for first-class mail, for up to two one-ounce letters per week for the first thirty (30) days after initial admission. Thereafter, patients are required to purchase writing and mailing materials, and pay regular postage and special mail service fees out of their personal funds. Indigent patients, as defined below, shall be allowed limited free writing materials and postage each week.
- B. For the purpose of this section, "indigent patient" means any patient whose income is no more than twelve dollars and fifty cents (\$12.50) per month.
- C. After the initial 30 days upon admission, indigent patients shall be allotted sufficient materials for one letter each week, including postage in an amount not to exceed the cost of one stamp for first-class mail for a one-ounce letter, at no cost to the patient.
- D. Additional writing materials and postage shall be available for purchase at the stores or canteens on hospital grounds.

LEGAL MAIL

- A. Patients have the right to mail legal documents to the courts (See Special Order 248 Patient Access To Court). The state provides free mail for the first 30 days after initial admission. Thereafter, the cost of postage for mailing documents to the courts or attorneys will be charged against funds in, or later deposited in, the patient's Trust Account.

- B. Indigent patients' legal documents will be mailed to the courts using first class postage, at State expense.
- C. Unit staff shall maintain a log of all outgoing legal correspondence, to include patient name, date, recipient, and staff's signature.

PATIENT PACKAGES

- A. All incoming packages must be received through the U.S. Postal Service, common carrier or other institution. No packages will be accepted from visitors.
- B. All incoming packages must be addressed properly including the patient's name, patient identification number and Unit number to ensure proper and timely delivery. All incoming packages should have a return address in the event the package is unable to be delivered.
- C. Patients have the right to receive packages. Designated facility employees shall open and inspect all incoming and outgoing packages addressed to and received from patients for contraband, without reading written material.
- D. Limitations on the size, weight, and volume of incoming and outgoing packages shall be specified by formal facility policy.

CONTRABAND ITEMS

- A. Each state hospital shall develop a list of contraband items that may not be received by a patient in mail or package form. The hospital will provide a list of contraband items to all patients upon admission. This list shall also be made available to the patient family and visitors.
- B. Sealed items not allowed, that the patient wishes to keep, will be inventoried, boxed and mailed at the patient's expense. It is the patient's responsibility to acquire the funds necessary to mail out the package. The patient will notify the officer that the funds are available. The officer will then take the item(s) to the mail center for processing. If the patient does not make funds available at the end of 30 days, the property will be disposed of.
- C. Items identified as contraband will be disposed of as defined in the hospital's Administrative Directives.
 - 1) When items of a criminal nature (controlled substances, alcohol, weapons) are discovered in a package, they will be disposed of as defined in the Penal Code. The remaining items in the package will be disposed of to prevent the possible introduction of contaminated goods.

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- 2) Any package containing items that have been altered or tampered with will result in the disposal of the entire package. The hospital shall inform the patient of the reason the package was disposed of.

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Date