

Memorandum

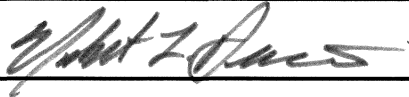
TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jacky Morales-Ferrand

SUBJECT: LAURA'S LAW

DATE: May 2, 2016

Approved



Date

5/6/16

INFORMATION

During the discussion of item 4.1 at the February 23, 2016 City Council meeting, Councilmember Khamis inquired about the use of Laura's Law as a potential tool for responding to the needs of homeless individuals suffering from severe mental health issues in San José. This memorandum provides an overview of the legislation and its status in Santa Clara County.

BACKGROUND

The Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, applies to counties that provide assisted outpatient treatment services. Laura's Law allows court-ordered "assisted outpatient treatment" in those counties if they establish such a program by a resolution of the Board of Supervisors. Laura's law expires January 1, 2017, although Assembly Bill 59 seeks to extend it to 2022.

A formal court process must first take place in order for an individual to be assigned to such treatment. The individual would need to meet a number of criteria, including: a diagnosis of serious mental illness; a history of hospitalization and/or incarceration for activities related to their mental illness; and additional acts which have placed the individual or others in danger. A court filing could be initiated by an individual's family member or roommate, or by mental health or law enforcement personnel. Also required for the filing is an affidavit by a licensed mental health treatment provider, who has either examined the individual or has tried but failed to examine the individual, but has "reason to believe" that the person meets the criteria for the program.

The county's mental health director (or designee) would then file a petition for an order authorizing assisted outpatient treatment. A court hearing would be held within five days of the petition filing. The individual has the right to be represented at the hearing. Upon a finding that the individual meets the criteria for assisted outpatient treatment, and that these services have already been offered on a voluntary basis and rejected, the court may order the individual into the program for no longer than six months. Laura's Law, however, states that a failure to comply with the court order is not sufficient grounds for involuntary commitment of the individual.

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ANALYSIS

The County of Santa Clara has not adopted a resolution implementing Laura's Law. Implementation of Laura's Law would be expensive because: (1) the court-ordered assisted outpatient treatment program cannot take finances away from existing adult or children's mental health services to provide services to homeless individuals; (2) the program would also have to be available on a voluntary basis; and (3) the program is mandated to provide extensive programming and support. In addition to treatment costs, a county would also have to bear other administrative costs, such as training and reporting. The State has provided no funding to counties for implementation of the program. Additionally, the absence of any language in Laura's Law to compel the individual to accept any level of clinical treatment greatly diminishes the potential for meaningful change from a service-level intervention perspective.

To date, San Francisco, Orange, Yolo, Mendocino, San Diego and Nevada counties have implemented some level of programming related to this law. In 2002, the County Executive's Office provided the Santa Clara County Board of Supervisors with the equivalent of an information memorandum on the program, and the Board declined to pursue the matter.

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office.

/s/

JACKY MORALES-FERRAND

Director, Housing Department

For questions, please contact Ray Bramson, Division Manager, at 408-535-8234.

