



California Assembly Hearing on Lanterman-Petris-Short - Make Your Voice Heard!

The Assembly Health and Judiciary Committees are scheduled to hold a joint hearing focused on the Lanterman-Petris-Short Act (LPS) on Wednesday, December 15th. CASRA is requesting CASRA member organizations and like-minded organizations/individuals to call into the hearing to express opposition to the relaxation/expansion of civil commitment criteria for WIC 5150/5250 holds and LPS conservatorships.

The agenda has yet to be released, but early indications are that the all-day hearing will be broken down into four sections/panels, so one of those sections, once finalized, may prove to be the optimal opportunity/time to call in (they may also push all public comments all the way to the end). Since many of you don't have the time to sit through a day-long hearing, CASRA will provide those who are interested with a "heads-up" text approximately 30 minutes prior to start of the public comment period. Folks can then call in and get themselves into the queue for comment.

Never called into a hearing to make a public comment? Not a problem! For those of you who are unfamiliar with the process, we'll be happy to provide detailed instructions as well as talking points if you need them.

If you're interested in being added to the hearing "head's up" list, please email Chad Costello - chad@casra.org your cell number and he'll get back to you.

For those of you who would like a bit of background information prior to making a decision, please read on

As you may be aware, the past twenty years have witnessed a gradual erosion in the rights of Californian's experiencing behavioral health conditions to make choices around their own care. Laura's Law - [AB 1421](#) (2002) was the first significant threat to the LPS status quo in many years, and although it became law, its impact was initially limited because counties were required to pony up their own money to effect implementation. As a result, only one county, Nevada, fully implemented Laura's Law over the next decade. Los Angeles County implemented Laura's Law on a limited basis starting in 2004.

This changed significantly when in 2013, then Senator Steinberg's [SB 585](#) clarified that MHSA funding could be used to underwrite the cost of the "voluntary" services associated with what is commonly referred to as Assisted Outpatient Treatment (AOT). Others, including CASRA, prefer to refer to it as Involuntary Outpatient Treatment (IOT) to make clear that even though individuals may consent to aspects of the program, they have been court-ordered into it and that failure to consent can lead to forced treatment. The permission to utilize MHSA funds for IOT led several counties to elect to enact the program. Further amendments to AB 1421 have eased/modified the criteria for IOT, while other legislation has streamlined the process to be ordered into IOT. [AB 1976](#) (2020) permanently removed the sunset date and put the remaining non-IOT counties in the



tough political position of having to take affirmative action to NOT implement the law. Most recently, [SB 507](#) (2021), further broadened the criteria under which an individual could be ordered into IOT, permits courts to order IOT for an individual who is leaving LPS conservatorship and permitted certain individuals to provide testimony for IOT hearings via videoconference rather than in person. Currently, 24 of California's 58 counties have approved implementation of IOT, but technically, all should be implementing IOT unless their BOS has voted to not implement. Though it has taken 20 years, IOT/Laura's Law has reached the point where many of us who were involved in efforts to oppose the legislation back in 2002 had originally feared.

Added to this, has been several legislative attempts over the past few years to broaden the definition of "grave disability" to specifically include physical health conditions and the individual's ability/inability to manage those conditions as part of the criteria for initiating/maintaining a 5150/5250 and for initiating/maintaining LPS conservatorships. Although these attempts have so far not proven successful, they have also not been defeated in that few if any votes have been cast in opposition. Rather, the bills have been held in committee and not allowed to move forward. The interest in "reforming" LPS law remains high, in large part, I believe due to an over association between what is characterized as untreated mental illness and California's growing homelessness crisis.

A [2020 audit](#) by the Auditor of the State of California, which focused on the implementation of the LPS Act in Los Angeles, San Francisco and Shasta Counties, concluded that the LPS Act's criteria for involuntary treatment "allows counties sufficient authority to provide short-term involuntary treatment to people". The Auditor also found "no evidence" to justify expanding the LPS Act's criteria for involuntary treatment. The auditor did find that "California has not ensured adequate care for individuals with serious mental illness in its broader mental health care system."

Los Angeles County, which was instrumental in pushing for the audit, was very displeased with the results, as they have been behind many of the efforts to expand grave disability criteria/LPS conservatorships and were hoping that the audit would conclude that such changes were warranted. They also strongly pushed back against the audit's conclusions asserting that Los Angeles County had done a very poor job of connecting individuals who had been subject to multiple involuntary holds with comprehensive community-based services. The County continues to push for expanding the criteria, and as you know, Los Angeles County holds a tremendous amount of political power. They also have a very large population of unhoused individuals and mounting pressure from voters to address the issue.

Legislators have indicated an interest in moving forward with efforts to expand grave disability/LPS conservatorship criteria in the upcoming year, chief among them, Senator Eggman, who has also indicated her intent to place an LPS reform initiative on the 2024 ballot.

That brings us to the December 15th hearing.



CASRA has met with other advocacy groups to discuss talking points/strategy and what we know so far about who might be on the panels. CASRA is currently not on any of the panels, and probably will not be. Although there will be panelists who share many of CASRA's positions on these issues, at current glance the deck seems to be somewhat stacked in the opposite direction. In short, we will need all the help we can get during the public comment period on December 15th - so "bring" a friend!

The point of this hearing is to possibly give the political green light to allow changes to LPS to move forward. There are certainly numerous other factors that are at play, but put in simple terms, changes to LPS and homelessness are two very complicated issues that require separate discussions. The latter is providing much of the fuel for the former, making the LPS discussion far more political than it should be. As a result, the loudest voice is more likely to prevail.

We need to be very loud! Please help to make our voices heard on December 15th!