

"LAURA'S LAW" – WELFARE & INSTITUTIONS CODES 5345-5349.5

1. Background
 - In 2002 AB 1421 aka *Laura's Law* gave County Boards of Supervisors the option to implement Assisted Outpatient Treatment (AOT) programs as described in W & I Codes 5345-5349.5 in their counties. Section 5349 provided that no voluntary mental health program could be reduced in order to establish and pay for such programs.
2. Eligibility Criteria
 - Person must be 18 years or older
 - Must be suffering from a "Serious Mental Illness" – defined in WIC 5600.3
 - Is unable to "survive safely" in the community without "supervision"
 - Has a history of "lack of compliance with treatment," as evidenced by at least one;
 - i. Been hospitalized/incarcerated 2 or more times in last 36 months due to mental illness
 - ii. Demonstrated violent behavior towards self or others in the last 48 months
 - The person must have been offered and refused treatment on a voluntary basis
 - Their condition must be "deteriorating"
 - Assisted Outpatient Treatment (AOT) is considered the least restrictive treatment
 - AOT is needed to prevent relapse or further deterioration
 - The person will likely benefit from AOT
3. Petition Process
 - A request to file a petition to the Court is made to the County Mental Health Director, by any;
 - i. Adult, with whom the person resides
 - ii. Parent, spouse, sibling or child of person – 18 or older
 - iii. Director/designee of the mental health treatment facility or residential facility where person is/was receiving treatment
 - iv. Licensed mental health treatment provider for the person
 - v. Law enforcement, including parole and probation
4. Investigation Process
 - Licensed designee of Mental Health Director performs clinical investigation, and if request is confirmed, a petition to the Court includes;
 - i. Summary of the eligibility criteria met
 - ii. Facts supporting the clinical opinion
 - iii. The person must be currently residing in County
 - iv. Clinician must have examined person in last 10 days
 - If person refuses exam, Court may order up to 72 hour hospitalization. Person must meet 5150/5250 criteria for continued stay
 - v. Services recommended must be openly available in the community, and offered voluntarily
5. Court Enforcement
 - If petition upheld by "Clear & Convincing Evidence" standard, Court orders person to AOT
 - Initial period of 6 months, with 6 month renewal increments
 - Director of treatment facility must file affidavit every 60 days, attesting to continued need
 - If person refuses treatment, cannot force
 - i. Court orders person to meet with treatment team to "gain the person's cooperation"
 - ii. Failing that, 72 hr hospitalization "hold" to "gain the person's cooperation"
 - iii. Failing that, person would have to meet 5150/5250 criteria for continued stay in hospital
 - iv. Refusal to participate does not fall within "contempt of Court"
 - v. Rise hearing required for involuntary medication
6. Assisted Outpatient Treatment
 - Like a full service partnership, 1:10 staff client ratio, community-based, mobile, multidisciplinary, rehabilitation & recovery focused, provides housing
 - Services must also be available on a voluntary basis in community, available to all (not just those under *Laura's Law* and *Laura's Law* services cannot be at expense of other services)
 - There is no provision for involuntary medication other than available under current law