

## **Laura's Law Implementation Requirements**

1. Board of Supervisors' Resolution certifying that no voluntary behavioral health program serving adults or children is to be reduced because of implementation of an Assisted Outpatient Treatment (AOT) Program.
2. Assurance of Compliance (signed by the Director) that the County will comply with the provisions of the law as codified in WIC Sections 5345 to 5349.1.
3. Development of comprehensive, wide ranged service delivery plan involving a variety of stakeholders.
4. Documentation of Humboldt County Board's review of the County's plan for implementation of an AOT program.
5. Development of a comprehensive training and education program.
6. Annual reports to the State Department of Mental Health and oversight committee with required data.

**WELFARE AND INSTITUTIONS CODE - WIC**  
**DIVISION 5. COMMUNITY MENTAL HEALTH SERVICES [5000 - 5952]**  
**PART 1. THE LANTERMAN-PETRIS-SHORT ACT [5000 - 5556]**  
**CHAPTER 2. Involuntary Treatment [5150 - 5349.1]**  
**ARTICLE 9. The Assisted Outpatient Treatment Demonstration Project Act of**  
**2002 [5345 - 5349.1]**

1. Background

- a. 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 5345-5349.1 in their counties. Section 5349 provided that no voluntary mental health programs could be reduced in order to establish and pay for such programs.

2. Eligibility Criteria

- a. Person must be 18 years of age or older.
- b. Must be suffering from a mental illness as defined in WIC Section 5600.3.
- c. Is unlikely to survive safely in the community without supervision.
- d. Has a history of lack of compliance with treatment, as evidenced by at least one of the following:
  - 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.
- e. The person must have been offered and refused treatment on a voluntary basis.
- f. The person's condition is substantially deteriorating.
- g. Assisted Outpatient Treatment (AOT) is considered the least restrictive treatment.
- h. AOT is needed to prevent relapse or further deterioration.
- i. The person will likely benefit from AOT.

3. Petition Process

- a. A request to file a petition with 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. Director of a hospital where the person is hospitalized.
  - v. Licensed mental health treatment provider for the person.
  - vi. Law enforcement, including parole and probation.

4. Investigation Process

- a. Licensed designee of Behavioral Health Director performs clinical investigation, and if request is confirmed, a petition to the Court includes:
  - i. Summary of eligibility criteria met.
  - ii. Facts that support the clinical opinion.
  - iii. The person must be currently residing in the County.

- iv. The person must retain the right to counsel representation.
- v. Clinician must have examined person in last 10 days.
  - 1. If person refuses examination, the Court may order the person transported to the designated treatment facility, and held for up to 72 hours, in order to complete the examination. Person must thereafter meet 5150/5250 criteria for continued stay.
- vi. Services recommended must be openly available in the community, and offered voluntarily

#### 5. Court Enforcement

- a. If petition upheld by "Clear & Convincing Evidence" standard, Court orders person to participate in AOT.
- b. Initial period of 6 months, with 6-month renewal increments.
- c. Director of treatment facility must file affidavit every 60 days, attesting to continued need.
- d. If person refuses treatment, cannot be forced.
  - i. Court orders person to meet with treatment team to gain the person's cooperation.
  - ii. Failing that, if the mental health treatment provider believes the person may be in need of involuntary admission to a hospital for evaluation, the mental health treatment provider may request that the person be transported to the designated treatment facility for evaluation, and held for up to 72 hours.
  - 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. There is no involuntary medication while receiving outpatient treatment.

#### 6. Assisted Outpatient Treatment

- a. Like a full service partnership, 1:1.0 staff client ratio, community-based, mobile, multidisciplinary. Rehabilitation and recovery focused, provides housing.
- b. 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).
- c. There is no provision for involuntary medication while receiving outpatient treatment.