April 20, 2015

The Honorable Susan Talamantes Eggman
California State Assembly, 13th District
State Capitol, Room 3173
Sacramento, CA 95814

RE: SUPPORT FOR AB 1194—Mental health: involuntary commitment.

Dear Assemblywoman Eggman:

NAMI California is pleased to support AB 1194, which would provide that for purposes of determining whether a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, danger constitutes a present risk or harm that requires consideration of the historical course of a person’s mental health disorder and shall not be limited to imminent or immediate risk of harm to others or to himself or herself.

NAMI California is the state’s organization of the country’s largest mental health advocacy organization, the National Alliance on Mental Illness. Our 19,000 members and 62 affiliates include people living with serious mental illnesses, their families and supporters. NAMI California advocates on their behalf, providing education and support to its members and the broader community.

The Lanterman-Petris Short Act (LPS Act) authorizes a person to be involuntarily detained for a period of up to 72 hours for assessment, evaluation, and crisis intervention, when, as a result of a mental disorder, the person is a danger to him or herself or to others, or is "gravely disabled." The law defines "gravely disabled" to mean a condition in which a person, as a result of a mental disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter. In making a determination of probable cause for a LPS detention, any person who is authorized to initiate a detention must consider available relevant information about the historical course of the person's mental disorder if the authorized person determines that the information has a reasonable bearing on the determination as to whether the person is a danger to others, or to himself or herself, or is gravely disabled as a result of the mental disorder.

It is important the historical course of mental illness be considered when determining whether an individual is a danger to him or herself or others. Family members often have reason to believe, based on behavior in the recent past, that a loved one is in danger and needs treatment. That information must be seriously considered by those authorized to detained individuals for evaluation and treatment. When the information provided by family members is ignored, individuals can be at risk of serious harm.

Although current law allows for the consideration of the historical course of mental illness when making a probable cause determination, the application of this provision is uneven due to its permissive nature. Many NAMI California families struggle to receive services and support for loved ones in crisis because the law is interpreted to require proof of dangerousness at that moment. This allows individuals to deteriorate needlessly before a family can access treatment. The knowledge a family has of past history is often a reliable way to anticipate the future course of illness, and must be utilized in every county in California.
We support this clarification in law and urge passage of AB 1194. If you have questions, please contact Kiran Savage-Sangwan, NAMI California Legislation and Public Policy Analyst at (916) 567-0163 or kiran@namica.org.

Sincerely,

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NAMI California

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