Addressing Mental Health Issues in Texas

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2018 Probate Academy
Galveston, Texas
Overview
The Challenges

• Mental health and related issues often are addressed by default as a law enforcement and court responsibility

• It is estimated 20 to 24 percent of the Texas inmate population has a mental health need
  • $650 million in annual local justice system costs
  • FY 2011: TDCJ spent more than $130 million on mental health and substance abuse services
  • 2010: 8 adults with severe and persistent mental illness in jail or prison for every adult in a state psychiatric hospital

• 36,000 persons with complex needs
Long Waits

- Texas has seen increases in length-of-stay and waiting list at state hospitals
  - 2,463 beds in FY 2015; deteriorating facilities
  - Length of stay: from 58 days in 2012 to 74 days in 2015
  - Waiting list has more than quadrupled since 2013; as of January 2016, it stood at 424 individuals
Other Key Challenges

- Providing appropriate treatment for specific populations: persons with complex needs, first episode psychosis

- Providing appropriate local/outpatient treatment in community

- Addressing the shortage of mental health professionals and resources, especially in rural areas
The Big Picture: Texas Needs

• Effective mental health screening and information sharing across public systems

• Systems planning, financing, and implementation of diversion programs for mentally ill individuals in the justice system

• Implementation and financing of community and jail-based competency restoration
The Texas Judicial Council Mental Health Committee

• Created in June 2016

• Charge
  • Examine administration of civil and criminal justice for those suffering from or affected by mental illness
  • Review approaches for diversion of individuals with mental illness from the criminal justice system
  • Make recommendations on improving administration of justice in cases involving mental health issues; strategies for enhancing judicial leadership and education on mental health issues; creation of permanent judicial commission on mental health
  • Make recommendations on legislative changes

• Reconstituted in 2017 to encompass guardianship, IDD
Judicial Council Recommendations - 2016

• 3 recommendations focused on improvements to existing statutes/programs
  
  • Improve screening protocols under CCP Art. 16.22; increase flexibility for bond availability for mentally ill, non-violent defendants under CCP Art. 17.032
  
  • Allow local communities to offer competency restoration and maintenance under CCP Art. 46B in safe and clinically appropriate local settings for misdemeanor defendants
    • Outpatient residential, community inpatient, jail-based
    • Improve procedures for reimbursing counties for a restored inmate’s medication
  
  • Provide funding for jail diversion programs tailored to local needs, resources, and conditions
Judicial Council Recommendations - 2017

- Recommendation to create a judicial commission on mental health
  - Follow successful example of other judicially created and led commissions
Multi-Branch Concern

- House Select Committee on Mental Health, chaired by Rep. Four Price
  - Interim Report issued December 2016
- State of the Judiciary Address 2017: Chief Justice Hecht calls for attention to procedures for mentally ill defendants
- Multiple mental health-related bills introduced during the 85th Legislature
The 85th Legislature Responds

• Key bills passed and signed into law 2017

    • Mental health screening under CCP Art. 16.22
    • PR bonds under CCP Art. 17.032
    • Competency restoration for misdemeanor defendants under CCP Art. 46B


Other Legislation

• SB 1096 (Author: Sen. Zaffirini; Sponsor: Rep. Smithee)
  • Creates a statewide guardianship registry available for query by law enforcement
  • Requires training, background checks, and registration for guardians other than attorneys, corporate fiduciaries, and certified guardians

• SB 36 (Author: Senator Zaffirini; Sponsor: Rep. Thompson)
  • Expands authority to regulate guardianship programs and compile a list of registered programs

• Vetoed: statewide guardianship compliance program administered by OCA; pilot program continues
Current Developments
Judicial Commission on Mental Health is Launched

- Joint initiative of the Texas Court of Criminal Appeals and the Supreme Court of Texas
  - Created in February 2018 following extraordinary joint court session in January 2018
  - Commissioners appointed April 2018
  - First meeting May 15, 2018

- Commission is jointly chaired by Justice Jeff Brown and Judge Barbara Hervey
Judicial Commission on Mental Health is Launched

• Joint hearing on January 11, 2018
Judicial Commission on Mental Health is Launched

• Testimony from 20 witnesses
More Access to Information

Guide for Addressing the Needs of Persons with Mental Illness in the Court System

General Information

People with Mental Illnesses:

- People with mental illnesses entering the Texas court system are, first and foremost, people. People first!

- Composition of the Texas court system: The court system is开奖 on people rather than the disabilities. This guide contains a brief explanation for the shift toward people-first language and offers examples of People-first language.

- Available at: [texascourts.gov](http://texascourts.gov)

- Guide to Understanding Mental Health: The case study is drawn from the work of the Texas Mental Health Commission. It offers a brief overview of the mental illness spectrum, along with local resources for mental health professionals. It also includes a list of key terms to familiarize oneself with the mental illness spectrum.

- Available at: [texascourts.gov](http://texascourts.gov)

- Judicial Officers: The Mental Health Act and Juvenile Offenders

- Available at: [texascourts.gov](http://texascourts.gov)

- Related Resources:
  - Mental Health Act
  - Juvenile Offenders

- Available at: [texascourts.gov](http://texascourts.gov)

- Training Materials

Training Materials Home

- Beyond the Bench
- CAPPS for COAs & Judicial Entities
- Domestic Violence Information
- Interpreter Information
- Manuals & Bench Books
- School Ticketing
- Shared Solutions
- Truancy Reform
- Mental Health
Recommendations for 86th Legislature

• Potential areas of focus

  • Refinements to legislation enacted in 2017
  
  • Expand OCA Guardianship Compliance Project statewide
  
  • Consider Texas Guardianship Association recommendation to create and fund a network of guardianship specialty courts modeled on the existing network of Child Protection Specialty Courts; this recommendation mirrors the recommendation of the Texas Judicial Council’s Elders Committee in its 2016 report to establish a pilot project
  
  • Examine effectiveness of Health and Safety Code Chapter 574 governing court-ordered involuntary mental health treatment
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