JUDICIAL COUNCIL OF CALIFORNIA

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Director, Governmental Affairs

May 24, 2018

Hon. Lorena S. Gonzalez-Fletcher, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 1971 (Santiago), as amended April 12, 2018– Fiscal Impact Statement

Dear Assembly Member Gonzalez-Fletcher:

AB 1971, as amended April 12, 2018, modifies the definition of "gravely disabled" which is used to assess if a person suffering from a mental health disorder should be taken into custody for treatment. Among other things, this bill expands the definition of gravely disabled to include a person's inability to provide for their basic personal medical treatment needs if their failure to obtain medical treatment results in a deteriorating physical condition.

Fiscal Impacts
We anticipate this bill would have workload costs for courts that range between $1.3 million and $5.6 million. The primary cost driver for this bill is its expansion of the existing definition of gravely disabled, which could lead to an increase in involuntary detentions and conservatorships allowed under the state's existing mental health civil commitment system, typically referred to as the Lanterman-Petris-Short (LPS) Act. Comprehensive data on the population this bill intends to address is incomplete. We utilized data by the Department of Health Care Services, which summarize the number and types of LPS involuntary detentions and temporary and "permanent"

(*or 1-year*) conservatorship cases that occurred in fiscal year 2015-16.[1] Based on a review of this data, it is reasonable to assume that this bill could lead to an increase in LPS involuntary detentions and conservatorships of between 5% and 15% above what courts currently process. This would equate to a statewide increase of approximately 300 to 1,000 LPS conservatorship case filings.[2] The increase in additional LPS conservatorship case filings would carry costs of approximately $828,000 to $4.2 million to support court workload to handle these additional cases.

We do not have statewide data on the number of LPS involuntary detentions that courts currently hear.[3] However, we were able to obtain data on the number of LPS 14-day and 30-day certification review hearings that the Los Angeles Superior Court conducted in fiscal year 2015-16.[4] Using this data, a 5% to 15% increase would add between 1,200 and 3,600 additional 14-day certification review hearings and between 120 to 370 additional 30-day certification reviews hearings to this court's existing workload. The increase in additional LPS certification review hearings would carry workload costs for the Los Angeles Superior Court of

[1] Department of Health Care Services, "California Involuntary Detentions Data Report Fiscal Year (FY) 2015-16," Mental Health and Substance Use Disorder Services Division, http://www.dhcs.ca.gov/services/MH/Documents/FMORB/FY15-16_Involuntary_Detentions_Report.pdf (as of May 22, 2018).

[2] This table provides a summary of the Department of Health Care Services data and our calculation methodology:

LPS Case Type	Workload Category	DHCS Data	5% Increm. Increase	15% Increm. Increase	Avg. Hearing Time	Avg. Case Processing Time	Low Range*	High Range*
Temp. Conservatorship	Hearing	1,955	98	293	60 180	n/a	$82,345	$741,101
	Case Processing				n/a	627	$163,029	$489,088
Perm. Conservatorship	Hearing	4,643	232	696	60 180	n/a	$195,563	$1,760,068
	Case Processing				n/a	627	$387,184	$1,161,553
14 and 30 Day Certification Reviews (*Los Angeles*)	14-Day Hearing	24,159	1,208	3,624	25	n/a	$424,008	$1,272,024
	30-Day Hearing	2,476	124	371			$43,524	$130,221
Totals							$1,295,654	$5,554,056

*Currently, one minute of court hearing time costs $14.04, which includes all judge, clerk, and court room OE&E costs. Additionally, one minute of staff time associated with case processing costs $2.66 and includes salary, benefit and court security costs.

[3] Welfare and Institutions Code Section 5256.1 allows for certification review hearings to be conducted by either a court-appointed commissioner or referee, or a certification review hearing officer (*which includes a variety of non-court mental health care professionals*).

[4] Welfare and Institutions Code Sections 5256 and 5270.15 provide the authority for individuals to be involuntary detained through findings made in proceedings that are commonly referred to as 14-day certification review hearings and 30-day certification review hearings.

approximately $424,000 to $1.3 million for 14-day certification reviews and approximately $44,000 to $130,000 for 30-day certification reviews. To the extent that other courts are responsible for conducting these certification review hearings, the costs could be significantly higher.

Please contact Mark Neuburger if you have questions about the information contained in this letter at mark.neuburger@jud.ca.gov or 916-323-3121.

Sincerely,

Mailed on May 24, 2018

Cory T. Jasperson
Director, Governmental Affairs

CTJ/MN/jh
cc: Members, Assembly Appropriations Committee
Hon. Miguel Santiago, Member of the Assembly
Ms. Lisa Murawski, Consultant, Assembly Appropriations Committee
Mr. Matthew Fleming, Consultant, Assembly Public Safety Committee
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Ms. Rebecca Kirk, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California

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July 18, 2018

Hon. Anthony Portantino, Chair
Senate Appropriations Committee
State Capitol, Room 3086
Sacramento, California 95814

Subject: AB 1971 (Santiago), as amended July 3, 2018 – Fiscal Impact Statement

Dear Senator Portantino:

AB 1971, as amended July 3, 2018, modifies the definition of "gravely disabled" which is used to assess if a person suffering from a mental health disorder should be taken into custody for treatment in Los Angeles County. Among other things, this bill expands the definition of gravely disabled in Los Angeles County to include a person's inability to provide for their basic personal medical treatment needs if their failure to obtain medical treatment results in a deteriorating physical condition.

Fiscal Impacts
We anticipate this bill would have workload costs for the Los Angeles Superior Court that range between $560,000 and $1.9 million. The primary cost driver for this bill is its expansion of the existing definition of gravely disabled, which could lead to an increase in involuntary detentions and conservatorships filed with the Los Angeles Superior Court under the state's existing mental health civil commitment system, typically referred to as the Lanterman-Petris-Short (LPS) Act. Comprehensive data on the population this bill intends to address is incomplete. We utilized data by the Department of Health Care Services (Health Care Services), which summarize the number and types of LPS involuntary detentions that occurred in Los Angeles County in fiscal

year 2015-16.[1] Additionally, we used data provided by the Los Angeles Superior Court indicating the number of conservatorship cases that were filed with the court in fiscal year 2016-17.[2] Based on a review of this data, it is reasonable to assume that this bill could lead to an increase in LPS involuntary detentions and conservatorships of between 5% and 15% above what the court currently process.[3] This would equate to an increase of approximately 40 to 110 LPS conservatorship case filings in Los Angeles County.[4] The increase in additional LPS conservatorship case filings would carry costs of approximately $93,000 to $465,000 to support court workload to handle these additional cases.

We analyzed data provided by Health Care Services on the number of LPS 14-day and 30-day certification review hearings that the Los Angeles Superior Court conducted in fiscal year 2015-16.[5] Using this data, a 5% to 15% increase would add between 1,200 and 3,600 additional 14-day certification review hearings and between 120 to 370 additional 30-day certification reviews hearings to this court's existing workload. The increase in additional LPS certification

[1] Department of Health Care Services, "California Involuntary Detentions Data Report Fiscal Year (FY) 2015-16," Mental Health and Substance Use Disorder Services Division, http://www.dhcs.ca.gov/services/MH/Documents/FMORB/FY15-16_Involuntary_Detentions_Report.pdf (as of July 6, 2018).

[2] Los Angeles Superior Court, "2016/17 Annual Report," https://www.lacourt.org/newsmedia/uploads/142017105142756AnnualReport2017-compressedfile.pdf (as of July 6, 2018)

[3] Welfare and Institutions Code Section 5256.1 allows for certification review hearings to be conducted by either a court-appointed commissioner or referee, or a certification review hearing officer (*which includes a variety of non-court mental health care professionals*). In Los Angeles County all certification review hearings are handled by the Los Angeles Superior Court.

[4] This table provides a summary of the Department of Health Care Services data, Los Angeles Superior Court data and our calculation methodology:

LPS Case Type	Workload Category	Cases	5% Increm. Increase	15% Increm. Increase	Avg. Hearing Time		Avg. Case Processing Time	Low Range*	High Range*
Conservatorship (*Temporary and Permanent*)	Hearing	739	37	111	60	180	n/a	$31,127	$280,140
	Case Processing				n/a		627	$61,626	$184,878
14 and 30 Day Certification Reviews	14-Day Hearing	24,159	1,208	3,624	25		n/a	$424,008	$1,272,024
	30-Day Hearing	2,476	124	371				$43,524	$130,221
Totals								$560,285	$1,867,263

*Currently, an hour of court hearing time costs approximately $842, which includes all judge, clerk, and court room OE&E costs. Additionally, 30 minutes of staff time associated with case processing costs approximately $80 and includes salary, benefit and court security costs.

[5] Welfare and Institutions Code Sections 5256 and 5270.15 provide the authority for individuals to be involuntary detained through findings made in proceedings that are commonly referred to as 14-day certification review hearings and 30-day certification review hearings.

review hearings would carry workload costs for the Los Angeles Superior Court of approximately $424,000 to $1.3 million for 14-day certification reviews and approximately $43,000 to $130,000 for 30-day certification reviews.

Please contact Mark Neuburger if you have questions about the information contained in this letter at mark.neuburger@jud.ca.gov or 916-323-3121.

Sincerely,

Mailed July 18, 2018

Cory T. Jasperson
Director, Governmental Affairs

CTJ/MN/jh
cc: Members, Senate Appropriations Committee
Hon. Miguel Santiago, Member of the Assembly
Mr. Shaun Naidu, Consultant, Senate Appropriations Committee
Ms. Margie Estrada-Caniglia, Chief Counsel, Senate Judiciary Committee
Mr. Matt Osterli, Consultant, Senate Republican Caucus
Mr. Daniel Seeman, Deputy Legislative Secretary, Office of the Governor
Ms. Rebecca Kirk, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California