



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MONTEREY

240 Church Street, Salinas, California 93901 - (831) 775-5400  
[www.monterey.courts.ca.gov](http://www.monterey.courts.ca.gov)

JULIE R. CULVER  
*Presiding Judge*  
2020 - 2022

PAMELA L. BUTLER  
*Asst. Presiding Judge*

CHRIS RUHL  
*Court Executive Officer*

March 11, 2021

To Whom It May Concern:

Monterey County Behavioral Health (Behavioral Health) provided to the Monterey County Superior Court (Court) and to Justice Partners involved in the Collaborative Court Steering Committee information related to AB 1976, the Assisted Outpatient Treatment (AOT) legislation approved by the Governor on September 25, 2020, which commences July 1, 2021. The presentation included information regarding some of the current services provided by Behavior Health to Monterey County residents struggling with severe mental illness. It is our understanding based on the presentation that Behavioral Health offers services that go above and beyond those mandated by AB 1976. Subsequently we have considered the benefits and challenges that enacting this law in Monterey County would pose for Monterey County residents and Court-sponsored programs. While there may be some benefit to a very small number of individuals at risk of decompensation within the community who are identified as meeting the parameters set forth under AB 1976, the anticipated additional burden to currently functioning Court-sponsored programs creates an unnecessary burden that outweighs its benefits.

The Court appreciates our ongoing collaboration with Monterey County Behavioral Health in providing a wide range of Collaborative Court Programs for participants with severe behavioral health needs, including severe mental illness. The Court has a strong long-standing relationship with Behavioral Health. Through existing collaborative efforts, many of the needs of the vulnerable populations identified in AB 1976 are met. As AB 1976 does not include funding for implementation, and existing resources cannot be reduced pursuant to the legislation, it requires resources to be taken from other currently offered Court programs. It is our position that the implementation of AOT would create an unsustainable burden on limited Court resources and programs.

In summary, the Court concurs with the recommendation that the Board of Supervisors adopt a resolution to opt out of the AB 1976 Assisted Outpatient Treatment (AOT) implementation this year.

Respectfully Submitted,

Honorable Julie R. Culver  
Presiding Judge  
Superior Court, Monterey County

Chris Ruhl  
Court Executive Officer  
Superior Court, Monterey County

# MONTEREY COUNTY



## OFFICE OF THE COUNTY COUNSEL-RISK MANAGER

168 WEST ALISAL STREET, 3<sup>RD</sup> FLOOR, SALINAS, CALIFORNIA 93901-2439  
(831) 755-5045 FAX: (831) 755-5283

**LESLIE J. GIRARD**  
COUNTY COUNSEL-RISK MANAGER

**CHRISTI McDONALD**  
DEPUTY COUNTY COUNSEL

March 24, 2021

Monterey County Behavioral Health  
Attn: Michael Lisman  
1441 Constitution Blvd # 202  
Salinas, CA 93906  
Via Email: LismanM@co.monterey.ca.us

Re: Assisted Outpatient Treatment (AOT) Welf. & Inst. Code section 5345 et seq.

Dear Mr. Lisman,

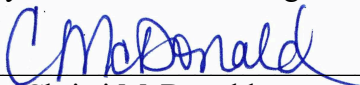
You have requested the Office of the County Counsel comment on how the provision of services known as Assisted Outpatient Treatment (AOT), pursuant to Welfare and Institutions Code section 5345 et seq., or Laura's Law would affect our office. This letter comments on such impacts but does not, and is not intended to, comment on the wisdom or effectiveness of AOT or Laura's Law.

Our analysis indicates that implementation of AOT would require the hiring of an additional Deputy County Counsel and additional legal secretary to prepare legal documents and attend court at regular intervals for each client in the program. AOT requires legal counsel for Behavioral Health to prepare and file petitions, notices of hearings, orders, status reports, trial briefs, and settlement agreements. Each client in the program has the right to a new evidentiary hearing (trial) every 180 days and status reports to be held every 60 days. Depending on the case, review hearings in court may be held on a biweekly or monthly basis as well. This work will also require secretarial staff to handle eFiling legal documents, serving legal documents, and providing other customary legal support to the Deputy County Counsel assigned to handle AOT cases.

As such, in order to implement AOT, County Counsel would seek to augment its current and future budgets to add these new positions; however, if the County chooses to implement AOT we will of course participate in that implementation.

Sincerely,

LESLIE J. GIRARD  
County Counsel-Risk Manager

By:   
Christi McDonald  
Deputy County Counsel



# NAMI Monterey County

Supervisor Wendy Root Askew, Chair  
Monterey County Board of Supervisors  
2616 1st Street  
Marina, California 93933

March 28, 2021

Supervisor Root Askew:

NAMI Monterey County is an affiliate of the National Alliance on Mental Illness. The organization has as its mission to offer hope and reduction of stigma associated with mental illness through education, advocacy, service access and support for families and their loved ones who live with mental illness. To this end, we seek to enhance the quality and fulfillment of their lives through wellness and recovery.

Representatives of NAMI Monterey's Board of Directors met virtually with staff of Monterey County Behavioral Health Bureau to hear the Bureau's informational report about programs currently offered by the MCBHB, and an explanation of its opt-out recommendation relative to AB 1976, Mental Health Services: Assisted Outpatient Treatment (AOT). We understand the Board of Supervisors will take up the matter on April 7.

NAMI Monterey's board considered the AB 1976 opt-in requirement on March 15 and voted 6-0 to support the Behavioral Health Bureau's request to opt-out for the fiscal year beginning July 1, 2021. NAMI board members cited the unfunded mandate of AB 1976, the fact counties are not permitted to reduce services as a result enacting AOT, and the Behavioral Health Bureau not having additional funds to support programming requirements of AOT, as the primary basis for their decision.

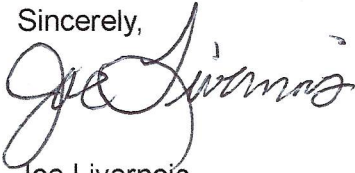
The NAMI MC board commends the Behavioral Health Bureau on its innovative array of community-based services focusing on recovery, and that meet the client where they are. Members of the NAMI board suspect, however, that there may be a small subset of individuals within the county who have serious mental illness, who are noncompliant with treatment, and who are frequently hospitalized or incarcerated as a result of their untreated mental illness, thus costing the county exorbitant sums of money.

Therefore, NAMI MC would like to recommend that Assisted Outpatient Treatment not be permanently excluded from the array of mental health services available within Monterey County. Rather, NAMI proposes that key leaders of the mental health treatment system, the

criminal justice system, and mental health advocacy groups form an AOT implementation team for the purposes of planning and conducting a needs-assessment. With the current work being done by the Council of State Governments regarding the *Stepping Up Initiative* in Monterey County, this seems a particularly strategic time to take a closer look at whether AOT may be an important tool in reducing the number of individuals incarcerated in jail who have a serious mental illness.

Thank you for your kind consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Livernois". The signature is fluid and cursive, with the first name "Joe" being particularly prominent.

Joe Livernois  
Board president  
NAMI Monterey County

cc: Supervisor Luis Alejo  
Supervisor Mary Adams  
Supervisor Chris Lopez  
Supervisor John Phillips  
Lucero Robles, Acting Behavioral Health Director

OMNI Resource Center  
339 Pajaro St., Suite A  
Salinas, CA 93901

March 29, 2021

To the County of Monterey Board of Supervisors:

The OMNI Resource Center is Monterey County's only peer- and family member run wellness center for people with mental health challenges, such as bipolar disorder, schizophrenia, and PTSD, among others. OMNI provides support groups, connection with community resources, leadership skills training, advocacy, and an opportunity for people to socialize with someone who experienced the same issues they are experiencing now. All of our staff are consumers of mental health services, and they understand what our peers are coping with.

**On behalf of the mental health consumers in Monterey County, we write this letter in support of the Behavioral Health Bureau, Adult Services stance against adopting AOT (Laura's Law) in our county.**

This law, which mandates involuntary treatment for severely mentally ill individuals, is controversial. Some people, particularly the desperate families of these people, support the law, but others believe it encroaches on the civil rights of the mentally ill, and sets a dangerous precedent of enforced compliance with societal norms.

Monterey County Behavioral Health has been proactive and has done a wonderful job of ensuring that there is already a safety net for consumers who need help. Everything that is required in AOT already exists here and was designed with input from consumers. **"Nothing about us, without us."**

The Recovery Model of mental health care is a holistic, person-centered approach, based on two premises:

1. It is possible to recover from a mental health condition.
2. **The most effective recovery is patient-directed.**

From a recovery standpoint, mandating someone who doesn't want to access services doesn't mean they will magically recover. A person must WANT to start their path towards recovery. Forcing them into a mental health program will make them resent the services and the people who put them in that situation.

Given the proper supports, consumers can live active lives in our community, and we are lucky that Monterey County Behavioral Health has provided those supports. We are luckier, still, that Monterey County Behavioral Health encourages consumers to be involved in their treatment; lasting change happens when it is self-directed. **The Substance Abuse and Mental Health Services Administration (SAMHSA) even defines one of the ten principles for recovery as being person driven.**

According to Monterey County's Data Driven Decisions (D3) report for 2019-2020, 37% of people served by MCBH Adult Services are white, and they receive 42% of the service value. The US Census Bureau's

2020 count indicates that people who identify as white make up 29.3% of Monterey County's population. AOT has not been shown to be effective in meeting the needs of the unserved and underserved minority community; AOT is biased towards white males. AOT is not suitable for the needs of Monterey County's mental health consumers, at this time.

Our peers have a voice in Monterey County and they want it to be heard. Below are some quotes from peers who use the OMNI Resource Center.

"I don't think this bill should pass. They should spend the money on programs that the county needs."

"I feel that Laura's Law is a waste of money, as well as a test of manpower."

"I don't think committing adults to some facility or other services they don't want is good. Money would have to be raised for the services from somewhere, most likely a new sales tax. I live off my benefits, and raising the sales tax means I have less to live on. This might be to aid or help people, but it will also hurt."

"It is my opinion that instead of going forward this law is taking us back to a time when I and many others had no rights. This law scares me. I know the people behind this law thinks this will help those individuals who are on the street. I think that it will create more fear and distrust among the peers in the community. I don't care how you word this law, it is still the same. Nobody wants to give up their rights or have a court make that choice for them. There has to be a better solution than this. I don't think this is it."

"It's not clear enough for me to support at this time. I think in theory it could be useful, but in application, I am afraid it will disenfranchise peers."

In closing, we all hope that the Board of Supervisors will vote to opt out of AOT because mental health consumers do not want it. We thank you for your enlightened attitude, in this serious matter.

Regards,



- Samuel Medina



The Peers at the OMNI Resource Center