Consider the following:

- What big challenge do you see in your legal landscape?
- What do you hope to understand better by the end of this meeting?
National Litigation Trends:

FOUR KEY TRENDS IMPACTING LITIGATION
1. Forensic Bed Waitlists

- From 1955-2005, state hospital beds fell 95%.
- From 2008-2013, state hospital beds fell 9%.
- U.S. population increased 93.8% from 1955-2015
- Forensic expenditures as % of state hospital expenditures increased from 7.6% in FY1983 to 36% (+4.7% for sex offenders) in FY 2013.
The Harris County Jail...

"is the largest mental institution in the state"
– Brandi Grissom, Texas Tribune

Is "the largest mental health provider in Texas"
– Former Sheriff Adrian Garcia

"is the state’s largest mental health facility"
– Emily DePrang, Texas Observer

"treats more individuals with mental health issues on a daily basis than our state’s 10 psychiatric hospitals combined" – Former Sheriff Adrian Garcia and Police Chief Charles McClelland
Sequential Intercept Model

• Planning tool that emphasizes “intercept points” at which diversion can occur.

• Stresses early interception and collaboration to minimize penetration into the criminal justice system.

• Uses the entire community as a unit of analysis to address criminal justice and mental health problems.
Sequential Intercept Model

**Intercept 1:** Law enforcement

**Intercept 2:** Initial detention/court

**Intercept 3:** Jails/courts

**Intercept 4:** Reentry

**Intercept 5:** Community corrections
2. Slow *Olmstead* Implementation

“Institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable of or unworthy of participating in community life.”

“Confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.”

*Olmstead v. L.C., 527 U.S. 581 (1999)*
Individuals in Facilities Seeking Community Placement

- State IDD residential facilities
- State hospitals
- Nursing homes (PASRR)
- Money Follows the Person
Individuals in the Community at Risk of Unnecessary Institutionalization

- Seeking community supports
  - 1915c HCBS Medicaid Waivers
  - 1115 Demonstration Medicaid Waiver

- Housing

- Employment
3. Reliance on Restraint and Other Aversive Approaches

- Restraints vs. seclusion vs. emergency medication
- Recovery model moves from coercion to collaboration with a person-centered approach.
- Trauma-informed care looks at the root cause of behaviors.
Six Core Strategies

- Leadership toward organizational change
- Use of data to inform practice
- Workforce development
- Use of seclusion and restraint prevention tools
- Consumer roles in inpatient settings
- Debriefing techniques
4. Guardianship Reform

- Limited guardianship
- Power of attorney
- Representative payee
- Supported decisionmaking

Jenny Hatch testifying in Virginia
A Wild Card: The Murphy Bill

H.R. 2646: Helping Families in Mental Health Crisis Act
Thanks for listening.
Please feel free to contact me at 
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