

MOTION BY SUPERVISORS KATHRYN BARGER  
AND MARK RIDLEY-THOMAS

JANUARY 30, 2018

**County Sponsored Legislation – Grave Disability**

On October 31, 2017 the Board of Supervisors directed the Department of Mental Health (DMH) to work with County Counsel, the Chief Executive Office, mental health advocacy groups, civil rights organizations, and other pertinent stakeholders to develop recommendations for legislative proposals that would consider an individual’s inability to provide and/or access urgently needed medical care for him or herself due to a mental disorder as part of the criteria for grave disability.

DMH and its partners engaged stakeholders to solicit feedback from various statewide and local organizations. The comprehensive feedback, which was overwhelmingly positive, expressed interest in modifying the current grave disability standard in state law to consider extraordinary circumstances where an individual’s life is in jeopardy.

As a result, DMH has proposed language to amend existing state law as follows:

*"a condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, shelter, or medical treatment where the lack or failure of such treatment results in substantial physical harm or death."*

--- M O R E ---

**MOTION**

Solis	_____
Ridley-Thomas	_____
Hahn	_____
Barger	_____
Kuehl	_____

This proposed addition (in the underlined section above) is similar to the criteria used in 37 states nationwide. This sets precedent for the proposed addition, which has proven to be constitutionally precise. All protections would remain intact, and grave disability would still have to be proven beyond a reasonable doubt.

It is quite clear that the status quo mental health care system is inefficient and in need of thoughtful change. While this recommended amendment to state law will not address all of the problems local jurisdictions face, it is a critical component which will allow for the humane treatment of those who are suffering from a mental illness and at risk of substantial physical harm or death. Allowing the most vulnerable to languish on our streets without a lifeline is inhumane, and we cannot accept this as a viable option.

**I, THEREFORE, MOVE** that the Board of Supervisors direct the Chief Executive Officer to work with the Director of the Department of Mental Health to immediately sponsor legislation that would amend the definition of gravely disabled pursuant to the recommendation outlined in the January 10, 2018 report titled "Assessment of Grave Disability" and provide regular status updates to the Board every 30 days or as needed.

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KB:ems