

ASSEMBLY BILL

No. 2228

Introduced by Assembly Member Hayashi

February 24, 2012

An act to amend Section 5847 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2228, as introduced, Hayashi. Mental Health Services Act: family justice centers.

Existing law contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs. The act provides that it may be amended by the Legislature by a $\frac{2}{3}$ vote of each house as long as the amendment is consistent with and furthers the intent of the act, and that the Legislature may also clarify procedures and terms of the act by majority vote.

Existing law requires each county mental health program to prepare a 3-year plan that includes, among other things, a program for services to children and for services to adults and seniors.

Existing law authorizes, until January 1, 2014, specified cities and counties to establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, officer-involved domestic violence, sexual assault, elder or dependent adult abuse, stalking, cyberstalking, cyberbullying, and human trafficking, to ensure that

victims of abuse are able to access all needed services in one location and to enhance victim safety, increase offender accountability, and improve access to services for victims of crime, as provided.

This bill would require the county mental health programs for children and for adults and seniors to include services that address the needs of crime victims who seek services at a family justice center, if the county has a family justice center, thereby imposing a state-mandated local program. This bill would declare that it is consistent with and furthers the intent of the Mental Health Services Act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5847 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5847. Integrated Plans for Prevention, Innovation, and System
- 4 of Care Services.
- 5 (a) It is the intent of the Legislature to streamline the approval
- 6 processes of the State Department of Mental Health and the Mental
- 7 Health Services Oversight and Accountability Commission of
- 8 programs developed pursuant to Sections 5891 and 5892.
- 9 (b) Each county mental health program shall prepare and submit
- 10 a three-year plan. The plan shall include all of the following:
- 11 (1) A program for prevention and early intervention in
- 12 accordance with Part 3.6 (commencing with Section 5840).
- 13 (2) A program for services to children in accordance with Part
- 14 4 (commencing with Section 5850), to include a program pursuant
- 15 to Chapter 4 (commencing with Section 18250) of Part 6 of
- 16 Division 9 or provide substantial evidence that it is not feasible to
- 17 establish a wraparound program in that county.
- 18 (3) A program for services to adults and seniors in accordance
- 19 with Part 3 (commencing with Section 5800).
- 20 (4) A program for innovations in accordance with Part 3.2
- 21 (commencing with Section 5830).

1 (5) A program for technological needs and capital facilities
2 needed to provide services pursuant to Part 3 (commencing with
3 Section 5800), Part 3.6 (commencing with Section 5840), and Part
4 4 (commencing with Section 5850). All plans for proposed facilities
5 with restrictive settings shall demonstrate that the needs of the
6 people to be served cannot be met in a less restrictive or more
7 integrated setting.

8 (6) Identification of shortages in personnel to provide services
9 pursuant to the above programs and the additional assistance
10 needed from the education and training programs established
11 pursuant to Part 3.1 (commencing with Section 5820).

12 (7) Establishment and maintenance of a prudent reserve to
13 ensure the county program will continue to be able to serve
14 children, adults, and seniors that it is currently serving pursuant
15 to Part 3 (commencing with Section 5800), the Adult and Older
16 Adult Mental Health System of Care Act, Part 3.6 (commencing
17 with Section 5840), Prevention and Early Intervention Programs,
18 and Part 4 (commencing with Section 5850), the Children’s Mental
19 Health Services Act, during years in which revenues for the Mental
20 Health Services Fund are below recent averages adjusted by
21 changes in the state population and the California Consumer Price
22 Index.

23 (c) The State Department of Mental Health shall not issue
24 guidelines for the Integrated Plans for Prevention, Innovation, and
25 System of Care Services before January 1, 2012.

26 (d) The programs established pursuant to paragraphs (2) and
27 (3) of subdivision (b) shall include services to address the needs
28 of transition age youth ages 16 to 25. In implementing this
29 subdivision, county mental health programs shall consider the
30 needs of transition age foster youth.

31 *(e) For counties with family justice centers, the programs*
32 *established pursuant to paragraphs (2) and (3) of subdivision (b)*
33 *shall include services to address the needs of crime victims who*
34 *seek services at family justice centers, including, but not limited*
35 *to, family justice centers established pursuant to Title 5.3*
36 *(commencing with Section 13750) of Part 4 of the Penal Code.*

37 (e)

38 (f) Each year the State Department of Mental Health, in
39 consultation with the California Mental Health Directors
40 Association, the Mental Health Services Oversight and

1 Accountability Commission, and the Mental Health Planning
2 Council, shall inform counties of the amounts of funds available
3 for services to children pursuant to Part 4 (commencing with
4 Section 5850), and to adults and seniors pursuant to Part 3
5 (commencing with Section 5800). Each county mental health
6 program shall prepare expenditure plans pursuant to Part 3
7 (commencing with Section 5800), and Part 4 (commencing with
8 Section 5850), and updates to the plans developed pursuant to this
9 section. Each expenditure update shall indicate the number of
10 children, adults, and seniors to be served pursuant to Part 3
11 (commencing with Section 5800), and Part 4 (commencing with
12 Section 5850), and the cost per person. The expenditure update
13 shall include utilization of unspent funds allocated in the previous
14 year and the proposed expenditure for the same purpose.

15 (f)

16 (g) A county mental health program shall include an allocation
17 of funds from a reserve established pursuant to paragraph (7) of
18 subdivision (b) for services pursuant to paragraphs (2) and (3) of
19 subdivision (b) in years in which the allocation of funds for services
20 pursuant to subdivision ~~(e)~~ (f) are not adequate to continue to serve
21 the same number of individuals as the county had been serving in
22 the previous fiscal year.

23 SEC. 2. The Legislature finds and declares that this measure
24 is consistent with and furthers the intent of the Mental Health
25 Services Act.

26 SEC. 3. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the local agency receives funds from the Mental Health Services
29 Fund for this purpose pursuant to Proposition 63, an initiative
30 measure approved by the voters at the November 2, 2004, general
31 election.