

File # 190572
Recomm. in Committee
5/20/19

SB1045 – HOUSING CONSERVATORSHIP OVERVIEW

Hearing and Ordinance
Files 190372 and 181042





Presentation Outline

- I. Recap
- II. Housing Conservatorship Eligibility Criteria
- III. Implementation of SB 1045
- IV. Implementation of SB 1045 w/ SB 40
- V. Questions



Issue Recap

- The landscape of need has changed.
- Current methamphetamine and opioid epidemic.
- Vulnerable individuals who are unable to care for themselves due to a combination of serious mental illness AND substance use disorder that cycle in and out of crisis.
- Ineligible for traditional involuntary or court ordered treatment options.
- Most are chronically homeless.
- Absent intervention, individuals may die on our streets.
- San Francisco has a history of innovation to expand and adapt our care to meet the needs of our population.
- SB 1045 (Housing Conservatorships) provides San Francisco a narrow tool to care for vulnerable individuals suffering from severe addictions and mental illness and for which no other programs have been successful.



Eligibility

All must apply:

1. Inability to care for one's health and well-being;
2. Diagnosis of Serious Mental Illness;
3. Diagnosis of Substance Use Disorder;
4. Frequent 5150 detentions (at least 8 over 12 months);
5. Court determination that an individual does not meet AOT criteria or AOT is insufficient to meet their needs.

Melanie

- She's diagnosed with serious mental illness and substance use disorders
- Frequent medical and psychiatric crisis incidents
 - Often running in and out of traffic while under the influence of substances
 - Serious infections and wounds
 - Psychosis
- Ten 5150 holds in Psychiatric Emergency Services (PES) in one year
- Presents as stable when no longer under the influence of substances
- Declines voluntary treatment services, cycles back into emergency room days later
- Without treatment, she will continue to get worse and is at risk of dying on our streets



Process leading up to a Housing Conservatorship

Scenario 1: SB1045

1. Melanie has been placed on 5 involuntary holds in past year. Melanie is brought to PES on 6th involuntary hold, evaluated, and treated. She is released within 72hrs after she no longer meets legal criteria for involuntary hold and refuses voluntary services. Melanie has been referred to AOT.
2. Melanie meets the statutory requirements for AOT, and a court petition for AOT is submitted by the City Attorney. The court grants the AOT petition.
3. After Melanie attempts AOT, it is determined AOT is insufficient to meet Melanie's needs. Her case is referred to Office of Public Conservator for further investigation.
4. Melanie is brought to PES on 7th involuntary hold, evaluated, and treated. She is released within 72 hours after she no longer meets legal criteria for involuntary hold and refuses voluntary services.
5. Melanie is brought to PES on 8th involuntary hold, evaluated, and treated. If she refuses voluntary services, and before Melanie is released from PES, she is noticed that Public Conservator may submit court petition for a Housing Conservatorship investigation.

Process leading up to a Housing Conservatorship


Scenario 1: SB1045

6. Melanie refuses voluntary services and is released from PES when she does not meet legal threshold to remain.
7. Public Conservator will notice the Public Defender that they intend to investigate.
8. Public Conservator will conduct an investigation to confirm conservatorship is the most appropriate and least restrictive option for Melanie.
9. Public Defender meets with Melanie and informs her of her rights and pending court date.
10. To support her, mobile outreach teams will meet with Melanie in advance of the scheduled hearing to offer her support to attend court.

Process leading up to a Housing Conservatorship

Scenario 1: SB1045

11. A court hearing will occur to establish a conservatorship (including a jury trial, if requested).
12. If court grants a Housing Conservatorship based on the plan of care provided by the Public Conservator, Melanie will be ordered to follow the plan.
13. If granted, Housing Conservatorship will be authorized for period of up to 12 months, or will terminate sooner if court determines conservatorship is no longer least restrictive level of care.
14. Melanie receives on-going wraparound services and clinically appropriate housing, even after the end of the Housing Conservatorship.
15. When deemed clinically appropriate, Melanie is provided a Permanent Supportive Housing (PSH) unit. Until then, she will remain in appropriate treatment.



Process leading up to a Housing Conservatorship

Scenario 2: SB1045 plus SB40

- Duration of the conservatorship shortened to 6 months.
- Individual notified after the 7th involuntary hold of a possible, future conservatorship petition.
- Establishes temporary conservatorship for 28 days after individual's 8th involuntary hold.
- Public Conservator to submit status report to the court every 60 days to support continued need for conservatorship.
- Clarifies intent of AOT amendment made in SB1045.

Process leading up to a Housing Conservatorship

Scenario 2: SB1045 plus SB40

1. Melanie has been placed on five involuntary holds in past year. Melanie is brought to PES on 6th involuntary hold, evaluated, and treated. She is released within 72hrs after she no longer meets legal criteria for involuntary hold and refuses voluntary services. Melanie has been referred to AOT.

2a. If Melanie meets the statutory requirements for AOT, and AOT would be sufficient to treat Melanie, a court petition for AOT will be submitted by the City Attorney. If AOT does not successfully treat Melanie, she will be referred to the Public Conservator for further investigation.

2b. If Melanie meets the statutory requirements for AOT, but AOT would not be sufficient to treat Melanie, a court petition for AOT will not be submitted. Melanie will be referred to the Public Conservator for further investigation.


2c. If Melanie does not meet the statutory requirements for AOT, a court petition for AOT will not be submitted. Melanie will be referred to the Public Conservator for further investigation.

3. Melanie is brought to PES on 7th involuntary hold, evaluated, and treated. She is officially notified that on 8th involuntary hold, Public Conservator may submit court petition for a Housing Conservatorship. Melanie is released after she no longer meets legal criteria for a involuntary hold and refuses voluntary services.

Process leading up to a Housing Conservatorship

Scenario 2: SB1045 plus SB40

4. Melanie is brought back to PES on her 8th involuntary hold, receives clinical evaluation, and is treated. Melanie is offered voluntary services, which she refuses.
5. Within 72 hours of 8th involuntary hold, the Public Defender is notified.
6. City Attorney will petition Court to establish 28-day Temporary Conservatorship. Melanie (through her Public Defender) has the right to contest through in-hospital proceeding (“probable cause hearing”).
7. During 28-day period, a petition for a Housing Conservatorship is filed with the court and considered (with a jury trial, if requested).
8. If granted, Housing Conservatorship authorized for period of up to 6 months, or will terminate sooner if court determines conservatorship is no longer least restrictive level of care.



Process leading up to a Housing Conservatorship

Scenario 2: SB1045 plus SB40

9. Melanie receives on-going wraparound services and clinically appropriate housing, even after the end of the Housing Conservatorship.

10. When deemed clinically appropriate, Melanie is provided a Permanent Supportive Housing (PSH) unit. Until then, she will remain in appropriate treatment.



Questions?

