

The County of Yuba

Public Guardian



TO: Board of Supervisors

FROM: Public Guardian, Kiran Phagura

SUBJECT: Adopt resolution - deferring implementation of changes made to Welfare Institutions Code Section 5008 by Senate Bill 43 to January 1, 2026 and authorize chair to sign.

DATE: November 28, 2023

NUMBER: 571/2023

Recommendation:

Adopt resolution-deferring implementation of changes recently made to the Welfare and Institutions Code Section 5008 by Senate Bill 43 to January 1, 2026, and authorize Chair to sign.

Background:

The Lanterman-Petris-Short Act codified in Welfare and Institutions Code § 5000 et seq. provides for the evaluation and treatment of a person who is gravely disabled, which is defined to mean a condition in which a person, as a result of a mental health disorder, is unable to provide for their basic personal needs of food, shelter or clothing.

Senate Bill 43, Statutes 2023, Chapter 637, (SB 43), signed by Governor Newsom on October 10, 2023, expands the definition of gravely disabled and makes significant changes to the State's involuntary detention and conservatorship laws under the Lanterman-Petris-Short (LPS) Act:

- Expanding the state's "gravely disabled" criteria to allow for the involuntary detention and conservatorship of individuals based on a standalone "severe" substance use disorder (SUD) or co-occurring mental health disorder SUD.
- Expanding the definition of grave disability to include individuals who are unable to provide for their basic personal need for personal safety or necessary medical care.
- Defining "necessary medical care" to mean care that a licensed health care practitioner determines to be necessary to prevent serious deterioration of an existing medical condition that is likely to result in serious bodily injury if left untreated.
- Modifying hearsay evidentiary standards for conservatorship proceedings without requiring in person cross-examination.

- Requiring counties consider less restrictive alternatives such as assisted outpatient (AOT) and CARE Court in conducting conservatorship investigations.

SB 43 also expands reporting requirements to align with the new criteria and allows counties to delay implementing the change until January 1, 2026 through adoption of a county board resolution.

Discussion:

Sutter-Yuba Behavioral Health (SYBH) provides mandated LPS services to both Sutter and Yuba counties. Yuba County Public Guardian provides conservatorship services to behavioral health clients who are Yuba County residents. These services include investigation of the need/criteria for conservatorships when the Public Guardian receives referrals, on-going administration/management of conservatorships once appointed by Yuba County Superior Court, including placement of conservatees in the least restrictive setting as specified by the Court. SYBH can also refer clients who it believes may be candidates for conservatorship, either LPS Conservatorships, or Probate Conservatorships, to the Public Guardian to further investigate and make a determination on whether to file a Petition for Conservatorship.

Counties will need to develop an extensive array of new policies, procedures, workforce and treatment capacity in order to implement SB 43 effectively. Further analysis is needed to understand the full scope of state and local secondary guidance that will be required to support full implementation. As of now, SB 43 has not come with dedicated state funding to support the expanded obligations. Counties will need additional time to arrange staffing and the resources necessary to sufficiently implement the new requirements of SB43.

Committee Action:

Due to the nature and discussion of the item, this is being presented to the full Board of Supervisors.

Fiscal Impact:

No fiscal impact.

Attachments: Resolution deferring implementation of changes made to Welfare and Institution Code Section 5008 by Senate Bill 43.