

CONNECTICUT LEGAL RIGHTS PROJECT

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TESTIMONY OF JAN VANTASSEL, ESQ.
Appropriations Committee
February 15, 2013

My name is Jan VanTassel. I am the Executive Director of the Connecticut Legal Rights Project (CLRP), a statewide non-profit program that provides free legal services to low income adults with psychiatric disabilities on matters related to their treatment and civil rights. I am also the founder and co-chair of the Keep the Promise Coalition, and many of you are more familiar with my advocacy for that coalition than you are with my “real” job as an administrator and lawyer with CLRP. Therefore, I will provide you with some background on CLRP.

CLRP was established under a Consent Order issued in 1989 to provide legal representation to persons being served, or eligible for services from, the Department of Mental Health and Addiction Services, in order to assure that this vulnerable population had access to legal advocates to protect their rights. Connecticut was one of the first states in the nation to enact a “Bill of Rights” to protect persons receiving mental health services.

In the 1990 case of *Mahoney v Lensink*, the Connecticut Supreme Court recognized that the “Bill of Rights” was “intended to afford patients a meaningful right to treatment, consistent with the requirements of good medical practice. Meaningful treatment thus requires not only basic custodial care but also an individualized effort to help each patient by formulating, administering and monitoring a specialized treatment plan.”

The Connecticut Supreme Court subsequently concluded that an individual’s statutory right to be an “active participant” in treatment planning includes “a right to have an advocate to help her meaningfully participate in her treatment plan,” *Phoebe G. v. Solnit*, 1999. That is one of CLRP’s fundamental responsibilities and we routinely intervene to protect client rights in treatment and discharge planning. We do not appear as counsel in criminal matters, including PSRB deliberations, or in Probate cases where counsel has been appointed, although we often collaborate with attorneys appointed for clients that we are representing on other matters.

While the core of our representation is to protect the rights of our clients in the mental health system, we have, for the most part, a strong and respectful relationship with DMHAS. They recognize that the rights of the people they serve must be respected, and that such respect is essential to a recovery-oriented system of care.

Given our inability to represent every DMHAS client individually, we focus much of our work on identifying and addressing systemic procedures and practices that violate our clients’ rights under state or federal laws and regulations. These are

brought to the attention of administrators, and can usually be resolved through negotiations with the Department and the Attorney General's Office. This year CLRP negotiated with DMHAS to clarify the rights of patients to access telephones; the documentation of conservator compliance with informed consent mandates; and the due process rights of civil patients transferred to the maximum security units in the Whiting Service Division at CVH. We are also collaborating with CVH to train discharge planning staff on the housing rights of clients to help them identify violations and make timely and appropriate referrals to CLRP.

CLRP submits quarterly reports to DMHAS on all of our activities and CLRP's legal advocates meet regularly with facility administrators to discuss and resolve systemic issues. In addition, CLRP attorneys meet quarterly with the DMHAS Commissioner and her staff, and CLRP's Legal Director and the DMHAS Medical Director also meet periodically to discuss matters of mutual interest.

CLRP has offices in all of the state-operated mental health hospitals and facilities, including Connecticut Valley Hospital in Middletown, Connecticut Mental Health Center in New Haven, the Greater Bridgeport Community Mental Health Center, Capitol Region Mental Health Center in Hartford, the DuBois Center in Stamford, the Southeast Mental Health Authority in Norwich and the Western Connecticut Mental Health Network in Waterbury. In addition, CLRP legal advocates conduct outreach and intake at state funded mental health providers, social clubs and other community sites throughout the state.

CLRP is currently staffed by eight attorneys, including the Legal Director and Executive Director, and seven paralegals, including our intake paralegal, and we have only two administrative positions. There are currently five staff vacancies: two paralegals, an IT specialist, one administrative assistant and a community liaison.

The legal services that CLRP provides are at the intersection of the law and mental health, and the work can be complex and time-consuming. In order to provide effective and zealous representation, our legal advocates must develop an understanding of the relevant state and federal laws, and be familiar with the mental health system and treatment options. In addition, they must cultivate the skills to represent persons with severe and persistent mental illness, helping them to understand their legal options and protecting their rights to have their objectives and decisions respected. There is no doubt that it is challenging work. However, it can also be incredibly rewarding when we represent persons that many thought could not live independently who establish productive lives in the community.

CLRP receives funding under the legal services line item of the DMHAS budget for two purposes: (1) to represent clients institutionalized in DMHAS facilities, and (2) to protect the housing rights of DMHAS clients in the community. Last year CLRP received \$639,269 for inpatient advocacy. This is more than the Consent Decree mandates, because it was recognized that the level of funding provided for under the Consent Decree made it impossible for CLRP to maintain salaries and benefits comparable to the state's other legal services programs. Those salaries, as you may know, are substantially below those of attorneys who work for the state, as are their benefits. Even with those salary increases, all legal services attorneys, including CLRP's, are still paid much less than their state counterparts. For example, the

starting salary of a CLRP attorney is comparable to the salary of an investigator at the Office of Protection and Advocacy. It is \$7000 below a starting attorney at the Public Defender's Office, and our benefits are worth much less. The Governor's budget cut CLRP's funds for inpatient advocacy by more than 20%, \$140,000.

Housing funds were added to the DMHAS legal services line item last year. For more than a decade CLRP has represented DMHAS clients in the community on housing matters, to try to preserve the stable housing so vital to their stability and recovery. Most of this work was funded under a ten-year private grant that expired in December of 2012. Because the cost-effectiveness of this advocacy had been established, \$175,000 was added to the DMHAS legal services line item last year to cover the cost of CLRP's housing cases for six months from January to June of 2013. It was expected that this funding would be annualized to \$350,000 in the Governor's budget to provide full year funding. Attached is a copy of the letter sent to DMHAS confirming the Legislature's intent. Instead of being annualized, that funding was eliminated.

Frankly, I was surprised and disappointed when I learned that the Governor's budget appropriated roughly half of the funds that we expected to be in the legal services line item of the DMHAS budget. The rationale for this cut is not clear. I understand that the state has a budget crisis, however, we had been lead to believe that the Governor is a strong supporter of legal services. He recognizes that legal rights without a legal advocate are meaningless. In fact, last August he hosted a reception in the LOB Atrium to honor legal services staff, referring to us as, "The safety net for the safety net." He acknowledged the importance of having legal services attorneys holding the state accountable, even when public officials may not always like it. I assumed that he was including attorneys for people with mental illness in his remarks, but this budget makes me wonder.

More importantly, CLRP has established strong working relationships with DMHAS staff to collaborate on matters of mutual interest. The overwhelming majority of our housing cases are direct referrals from provider staff who are desperate to help the people they serve obtain or retain stable housing. The loss of these services will make their work, and the lives of our clients, much more difficult.

Equally significant is the fact that CLRP's advocacy is a good investment for the state. Our work promoting timely community integration, comprehensive supports, and stable housing cuts down on the use of expensive hospital beds and costly emergency room visits.

Finally, I must emphasize that CLRP simply cannot absorb these cuts. The staff have already sacrificed much to protect client services....

- *A salary freeze for two years
- *Monthly furlough days for two years
- *Five Vacancies from lay-offs and attrition
- *Reduction of Employer Pension Payments
- *Cuts in Health Insurance
- *Suspension of the Law School Loan Repayment Program

We have cut all we can, and there is nothing more that we can do to protect client services. So it is up to you.

I ask that you provide the full funding that CLRP needs to continue its current level of advocacy by adding \$490,000 to the DMHAS legal services line item for a total of \$992,481.

Thank you for your consideration.