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THE JUVENILE JUSTICE - MENTAL HEALTH CONNECTION: WILL PROPOSITION 63 HELP?

By David Steinhart

Nationally, there is growing concern that juvenile justice facilities have become “dumping grounds” for children with mental problems ranging from low-level behavior disturbances to serious organic brain disorders. In California, studies show consistently high mental health problem rates among incarcerated youth populations. According to a Stanford study, more than 90 percent of California Youth Authority wards have mental health problems. A 2003 survey by the National Council on Crime and Delinquency (NCCD) reports that 42 percent of children in county detention facilities and 59 percent of children in probation placements require mental health treatment.

California’s track-record of providing mental health services to incarcerated children is dismal. At the Youth Authority, protracted funding cuts produced declines in mental health staffing and services that are now targeted in litigation by the Prison Law Office. Local Probation Departments, in the NCCD survey, report large deficiencies in mental health staffing and training, and in youth assessment and case planning services. A common complaint of county personnel is the lack of secure treatment facilities for delinquent wards who are severely mentally disturbed.

Beyond the justice system, community mental health services for all California children have gone into a widely-acknowledged tailspin. Compounding the problem, Governor Schwarzenegger this year vetoed the last \$20 million supporting the state’s System of Care for children with serious mental conditions.

Champions of mental health reform like Assembly-man Darrell Steinberg (D.-Sacramento) have fought to reverse these service-killing trends. In 2004, Steinberg tried to address the mental health needs of children in the justice system with his AB 2019. That measure became a bloody battlefield where even children’s advocates and mental health professionals could not agree on a plan. Even when distilled to a proposal that incorporated successful assessment and case-planning procedures from the Santa Clara County Mental Health Court, the bill continued to elicit cries of pain from county

supervisors, mental health directors and probation personnel who said they could not implement the bill’s modest reforms without additional resources. Those complaints were probably magnified by other budget woes, since counties had already made a deal with the Governor to accept \$2.6 billion in funding cuts over the next two years. In August, AB 2019 died in a mire of cost concerns and advocate disputes.

Good models of juvenile justice mental health care— like the Mental Health Court— are not lacking. Modalities like Multi-Systemic Therapy and Functional Family Therapy show positive outcomes for delinquents with mental health problems— including reduced recidivism— at lower costs than correctional confinement. Wraparound services, in lieu of high-end residential care, have also proven to be successful with children in the justice system.

Prop 63 would fund children’s services

What’s missing is the money to pay for the models. Now, there is a glimmer of hope that resources may be forthcoming from Proposition 63, a statewide initiative on the November, 2004 ballot.

Proposition 63— the “Mental Health Services Act”— creates a state Mental Health Services Fund with a one percent surtax on individual incomes over one million dollars. The Legislative Analyst’s Office estimates that \$700 to \$800 million per year could be generated by the initiative. Prop 63 requires the state Department of Mental Health to allocate these funds to local mental health programs in priority areas including prevention and early intervention, innovative programs, Children’s System of Care and Adult/Senior System of Care. Children and Adult Systems of Care would get 60 percent of the pot starting in 2005. This would indeed provide relief for shrinking revenues and growing caseloads of children with severe mental disorders.

While Proposition 63 does not earmark funds for mental health programs for juveniles in the justice system, the initiative offers several planning and implementation options that could

go a long way toward meeting their needs. If the measure passes in November, children's advocates will have new opportunities to replicate juvenile justice treatment models that appear to have no chance without a new revenue source.