

For Immediate Release

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Contacts:

Kim Lewis, Western Center on Law & Poverty, (213) 220-3288, kewis@wclp.org

Dan Brzovic, Protection & Advocacy, Inc. (510) 267-1235, dan.brzovic@pai-ca.org

To read the petition for this lawsuit: <http://www.wclp.org/health/whatsnew.php?id=536>

Mental Health Advocates Sue Governor to Restore Vital Program for Homeless Californians

Oakland, CA – The state’s largest and most influential groups advocating for homeless individuals with mental illness have sued Gov. Arnold Schwarzenegger to restore a highly effective program they say is vital to their clients’ safety and well-being. The lawsuit charges that the Governor violated Proposition 63, now known as the Mental Health Services Act – the law passed by voters to expand mental health services in California.

The Governor eliminated the program providing integrated services to homeless, mentally ill adults (the AB 2034 program) when he cut the \$55 million in funding for the program last August through a line-item veto. As a result, the AB 2034 programs in 34 of the state’s 58 counties were forced to shut down, leaving counties scrambling to find alternative funding or provide services through other programs. Many adults in the program have lost housing, employment, treatment, and other services, and thousands more are at risk of losing them, “thus destroying the progress they have made in managing their conditions and reintegrating into society,” the suit said. The program, previously praised by the Governor as a national model for its success in helping this population, served nearly 5,000 people.

Plaintiffs include statewide advocacy groups as well as individual clients who credit the program with helping them quit drugs, attend college classes, or get their own apartment. All say that without the services provided through the program, they would be back living on the street. The advocacy groups are the Mental Health Association in California, California Network of Mental Health Clients, and the National Alliance on Mental Illness California.

The suit was filed today in Alameda County Superior Court demanding that the program immediately be restored, as well as retroactive payment of program funds be made to counties. The Governor, the Department of Mental Health, and Stephen Mayberg, the Department’s Director, are named in the suit.

In a letter sent to the Governor and Mayberg last October, attorneys for the plaintiffs warned that they would file a lawsuit if the program was not restored.

The state legislature authorized funding for the AB 2034 program in 2000, and it has been fully funded each year since. In an attempt to lessen the blow of the governor’s veto,

the Department of Mental Health made a one-time \$64 million in unspent Proposition 63 administrative funds available to cover the cost of services provided through AB 2034. Many counties and local mental health service providers have used that or other money provided through Proposition 63 to continue services.

“Proposition 63 was intended to expand the AB 2034 program,” said Rusty Selix, Executive Director of the Mental Health Association in California, lead plaintiff in the lawsuit. “The elimination of this program violates the voters’ intent. The release of additional Prop 63 funds in no way compensates for the Governor’s elimination of the 2034 program. “

“This money would have to be released to the counties anyway. The bottom line is counties still have \$55 million less to spend on mental health services than they had before,” Selix said.

“Elimination of this program is a breach of the public’s trust as well as a violation of the law,” said Laurel Mildred, Executive Director of the California Network of Mental Health Clients, a consumer-run organization with more than 1,500 members statewide.

The lawsuit charges that Proposition 63 expressly prohibits the use of its funds to pay for mental health services already in existence when the measure was passed. Proposition 63 was passed in November 2004 to expand, not replace, mental health services, advocates said. In addition, the \$64 million is a stop-gap measure, available only for one year.

Plaintiffs are being represented by Protection & Advocacy, Inc., Oakland, CA; Western Center on Law & Poverty, Los Angeles, CA; Mental Health Advocacy Services, Los Angeles, CA; National Center for Youth Law, Oakland, CA; and the law firm of Howard Rice Nemerovski Canady Falk & Rabkin, San Francisco, CA.

Organizational Plaintiffs:

Rusty Selix, Mental Health Association in California, Sacramento, CA
916-205-7777, rselix@mhac.org

Laurel Mildred, California Network of Mental Health Clients, Sacramento, CA
916-443-3232, laurelmildred@californiaclients.org

Ralph E Nelson Jr., MD, President, National Alliance on Mental Illness California,
Sacramento, CA

916-567-0163, ralph.nelson@namicalifornia.org

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