

Hi, Erik.

I've been asked to communicate with the Committee about a couple of questions that have come up on this legislation. While this is not something that the Mental Health Law Project concentrates on, I think I can provide the following information:

1. Do we support the inclusion of an eighteen-month waiting period before a person can file for restoration of rights?

I don't see any reasonable basis for a waiting period. As I read the bill, the only time it could even possibly come into play is after a determination has been made that the person no longer poses a danger to him or herself or others. In the court process the petitioner will have the burden of demonstrating that he or she is no longer a person in need of treatment. The waiting period, which by its nature looks to the past, and not to the present or future, adds nothing to public safety but does unfairly tie the petitioner to the consequences of previous court decisions. Therefore, we support the proposal to eliminate the waiting period.

2. Would the Mental Health Law Project be available to provide representation in restoration proceedings?

Since the closure of the Vermont State Hospital, and the increased dispersion of involuntary patients across the state that has resulted, the burdens on MHLP staff have increased without an equivalent increase in resources. (For instance, you may recall from last year's discussion of S. 287 that the number of involuntary medication cases filed by the state in the last four years alone has more than doubled, and increased to another all-time record in 2014.) Without additional funding to take on a new area of practice it would be impossible for us to handle these new cases. If these cases had adequate funding for legal representation, however, we would certainly consider it.

Finally, the Committee might be interested in the Supreme Court's decision in *In re: T.S.S.*, Docket No. 2015 VT 55, issued last Friday morning. I'm attaching a copy of that decision.

I hope this is helpful. I don't intend to be there tomorrow, but feel free to share this with the Committee.

John J. McCullough III
Project Director
Mental Health Law Project
Vermont Legal Aid, Inc.
P.O. Box 1562
Montpelier, Vt. 05601-1562