

VERMONT LEGAL AID, INC.

MENTAL HEALTH LAW PROJECT

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Vermont Legal Aid's Mental Health Law Office Faces \$44,500 Cut

The Administration has proposed a \$44,500 cut to the operating budget of Vermont Legal Aid's Mental Health Law Project (MHLP). This cut is listed in the Talking Points handed out by the Department of Mental Health (DMH) as being "associated with rent at Vermont Legal Aid." That document shows total grant savings of \$44,500 and a General Fund savings of \$20,595. Neither the MHLP staff, nor anyone at Vermont Legal Aid, has been contacted about this proposed cut, its rationale, and the likely impact on services to Vermonters.

Pursuant to a contract with the Agency of Human Services, the MHLP is appointed by the Superior Court to represent anyone in Vermont facing commitment or involuntary medication. The MHLP also has a contract with the Department of Mental Health to pay for an independent psychiatric examination in each of these cases. This has been the arrangement for over 30 years.

In the aftermath of Tropical Storm Irene, the MHLP's offices in Warterbury had to be abandoned. The State of Vermont had always provided Legal Aid with office space, heat, electricity, maintenance, and telephone service at no charge. After trying to identify suitable state office space for five months, the State decided to pay Legal Aid to lease independent space directly. They added \$44,500 to cover this cost and added the funding to the DMH grant for providing psychiatric examinations. That \$44,500 amount has remained unchanged for the past three years.

The funds were never part of a "temporary Irene recovery plan," but were a base cost of providing constitutionally-required representation for those facing commitment. It is a cost the state has always recognized as its obligation to provide.

Recently, the Vermont Supreme Court reaffirmed that legal representation for all proposed patients in mental health proceedings is a vital element of the due process of law to which they are entitled under the Constitution.

Mental health-related caseloads are higher today than they were when Irene struck, and the cost of handling these cases has risen, as those cases must now be handled all over the state. The state has not increased funding for mental health work in almost ten years. Rather than reducing funding for MHLP's office costs, the State should provide a modest increase to cover the increased costs of travel and document production.

The funding that is threatened here is federally matched, so the state's general fund savings would only be \$20,595, rather than the full \$44,500 that Legal Aid will experience. Cutting that that funding will lead directly to a reduction in services, equivalent to almost a half of an attorney position, as Legal Aid must still pay rent and other expenses to house the staff providing mental health representation. And given the size of our mental health caseloads, the resulting cuts will mean a reduction in services to low-income Vermonters whose services have been level funded for 7 out of the last 8 years.