

Final Order Issued in Emily Q. v. Bontá

May 11, 2001, Los Angeles -- More than one hundred children in the state's two state mental hospitals and thousands more in other locked mental facilities throughout California were given new hope because of an order issued today by a Federal District Court judge in Los Angeles. Judge E. Howard Matz issued a final permanent injunction and judgment in a class action lawsuit, *Emily Q. v. Bontá*, which was filed in 1998 on behalf of seven young people with serious psychiatric and behavioral disabilities.

The young plaintiffs in the lawsuit charged that they had been sent to mental institutions because the state Medi-Cal program refused to provide them with a new type of therapy known as "Therapeutic Behavioral Services." This new service provides a trained mental health aide or "coach" who works with a young person in his or her home or community as much as 16 hours per day. "When every other approach has failed, this can turn a child's life around," explained Melinda Bird of Protection and Advocacy, one of the attorneys representing the child plaintiffs. "Young people who would otherwise be locked away in a state mental hospital at a cost of more than \$120,000 per year now have a chance at normal life," she added.

The Federal Court ordered Diana Bontá, the director of the California Department of Health Services, to include Therapeutic Behavioral Services (also known as "TBS") in the Medi-Cal program, a state and federally funded health insurance program for low-income Californians. Bontá is required to conduct a special assessment of 135 young people under age 21 in Metropolitan and Napa State Mental Hospitals to see who can be discharged with the help of TBS. Bontá is also required to provide a notice explaining the new service to all families on the Medi-Cal program as well as when a child is hospitalized for a psychiatric emergency, when a child goes into foster care or is being considered for institutional placement. The state has estimated that as many as 14,000 children per year will be covered by the class action order, although not all will actually qualify for TBS.

Since the federal court had issued a preliminary injunction order in 1999, more than 1000 children have received TBS services throughout the state. A participant at one state training described TBS as "probably one of the most significant advances we've seen in a long time in mental health." According to another attorney for the children, Robert Newman of Western Center on Law and Poverty, "California has budgeted more than \$12 million for the TBS services required by the lawsuit, but the state will save far more by avoiding costly hospital and institutional care for children with severe mental disabilities."

Attorney Marilyn Holle of Protection and Advocacy explains that "TBS is part of a broader national movement known as "wraparound" which tailors services to a child's strengths and individual needs." Families who want to know more about wraparound and TBS should call their county mental health department, which is responsible for providing TBS under the Court's order, or the state Department of Mental Health Ombudsman at 1-800- 896-4042.

Protection and Advocacy, Inc. (PAI) is a non-profit public interest program which advocates for the rights of California adults and children with disabilities. For more information about PAI, go to www.pai-ca.org or contact one of PAI's three regional offices by calling 800-776-5746. The PAI attorneys involved in the lawsuit were Melinda Bird, Marilyn Holle, Suzanna Gee, and Eva Casas-Sarmiento.

The other public interest law attorneys involved in the Emily Q. class action lawsuit were Robert Newman of Western Center on Law and Poverty, 213-487-7211, Jenny Weisz of Public Counsel, 213-385-2977, and Nancy Shea and Jim Preis of Mental Health Advocacy Services in Los Angeles, 213- 484-1628.