



*"Never doubt that a small group of thoughtful committed citizens can change the world. Indeed it is the only thing that ever has."*

MARGARET MEAD

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## Civil Commitment Law in Virginia

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by Pam Weiseman and Ruby Fitzgerald

The history of mental health treatment in Virginia as in most of the world has been driven by the need to provide care and services to people who could not care for themselves. The reforms and innovations over the years have been no doubt well intentioned. It has been the lack of information, services, and funding which has caused failure in many of these programs. This can be changed and the implementation of the new laws can serve to provide the best services when needed.

A look at the history of mental health treatment should serve to remind us to be alert to the total picture as we work to see that history is not repeated.

During Colonial times people with mental illness were usually cared for at home until urbanization led state governments to deal with the problem that previously had been relegated to families. Asylums and mental hospitals were begun. Alternatively, individuals were found in almshouses (poor houses), work houses, and jails. Williamsburg, Virginia was the site the first asylum opening in 1773 with 24 beds. It is interesting to note that it was not full for over 30 years.

At the end of the seventeen hundreds almost every state had an asylum whose goals were to restore mental health and prevent chronicity. The quality of care in these institutions deteriorated because under funding and over crowding were rampant. Local governments, mandated to pay for care, sought to avoid the expense and used almshouses and jails instead. At this point, conditions in the asylums had become intolerable and newspaper exposes followed.

The stage was set for deinstitutionalization. First, the advent of effective drugs made it possible. President Kennedy, who championed the mentally ill, proposed federally, funded Community Mental Health Centers which were to be alternatives to the state psychiatric hospital.

What happened? Simply put many individuals who today would have been in institutions were relying instead on community services that were not effective because of not enough funding. This lack of adequate funding led to diminished services that did not match the demand.

Although many people were able to recover because of more effective medications, many more became homeless and impoverished. Prisons became the new mental hospitals with over 16% of those incarcerated having a mental illness.

In 2005 The Commission on Mental Health Law Reform, led by Richard Bonnie and launched by Sr. Chief Justice Hassell of the Supreme Court of Virginia examined Virginia's mental health laws, on the books and in practice, in order to construct better legal policies concerning persons with mental illness. The commission aims to formulate and defend policies that (1) will serve the needs and protect the interests of persons with mental illness and (2) will respect the interests and needs of their families and communities. Their research culminated in a mental health law reform package that was presented to the 2008 General Assembly.

The 2008 General Assembly made changes to the Civil Commitment Law which will change how people are served.

Now we as families have the opportunity to learn about these new laws and the impact which they may have. Services must be funded for any system to work. Let's not let history repeat itself.

**Join us for the June 24th Advocacy Meeting.**