

# JUDGE ELINORE MARSH STORMER

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## House Civil Justice Committee Judge Elinore Marsh Stormer Proponent Testimony on House Bill 439 December 1, 2021

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the House Civil Justice Committee, I thank you for this opportunity to submit proponent testimony for House Bill 439.

I am Judge Elinore Marsh Stormer of the Summit County Probate Court. I have been a judge for 30 years, serving in Municipal and Common Pleas Court before becoming a probate judge in 2012. In each court, I witnessed the toll that untreated mental illness takes on our community and resources.

As a municipal judge, I started the first mental health treatment court for seriously mentally ill misdemeanants who committed crimes largely because they were untreated. As a probate judge, I run an Assisted Outpatient Treatment Court for those civilly committed. Prior to Covid, this Court had a recidivism rate of 2.5% - only 2.5% of those who completed the program were re-hospitalized during the next several years. That number has changed due to reduced access to treatment as well as increased stressors among those with severe mental illness during the pandemic.

I am writing in support of HB 439, a change desperately needed to provide a doorway to treatment for those whose severe mental illness is deteriorating but who refuse or cannot access treatment.

First, I want to note that this bill only lets specific people initiate emergency hospitalization for someone who has **already** been diagnosed with a severe mental illness such as schizophrenia or bipolar disorder. It gets them into a medical facility so that they may be seen by a doctor. It does NOT apply to anyone with Alzheimers or cognitive impairments and it does not mandate treatment.

Second, it is NOT an automatic civil commitment. In fact only about 30% of the people in Summit County who are brought to emergency rooms using an R.C. 5122 affidavit actually move forward to civil commitment hearings. The other 70% receive appropriate treatment and are released.

So, what does this bill do? It allows people familiar with a seriously mentally person to ask for help when their loved one is objectively deteriorating. It means that they don't have to wait until that person is in danger of harming themselves or another.

Here is a recent example: Matt M was living in a burned out home with no water or utilities. He was using water from the creek behind his house and panhandling for food and drugs. He was previously diagnosed with schizophrenia, was not able to describe how he was caring for himself, was not on medication and appeared psychotic. Crisis Intervention Trained (CIT) police officers took him to an emergency room where he was not found to be a "danger" to himself.

Several days later, the CIT officers returned and found him naked, mowing the lawn of his home. He was arrested for indecent exposure, jailed and eventually taken from jail to the state psychiatric hospital where he stayed for several weeks. He was not civilly committed. He went to a group home which he subsequently left. It was determined that he is treating his mental illness by using methamphetamine, something not that uncommon.

Wouldn't it have been better if he could have been taken in the hospital the first time, treated and released to community services? Or if warranted, hospitalized and stabilized? Or if necessary, committed and put into an Assisted Outpatient Treatment (AOT) program? Instead, he absorbed many more services, including being treated in the jail, before returning. How much money did it cost in police time and ultimately state hospitalization, to send him home untreated versus treating him in the first instance.

And, sadly, Matt is one of many.

I doubt anyone would suggest that allowing those with a diagnosis of severe mental illness to go untreated is a good idea. HB 439 is a step in the right direction. I thank you for the opportunity to submit testify in support of H.B. 439. Although I am unavailable to testify in person, I would be happy to answer any follow-up questions you may have.

Sincerely yours,

*Elinore Marsh Stormer*  
Judge Elinore Marsh Stormer