



DATE: March 4<sup>th</sup> 2021  
TO: Senate Committee on Judiciary  
RE: SB 295, relating to fitness to proceed

Sheltercare has been a contacted provider for shelter beds for Community Restoration Participants since July 2019. During this time, we have seen the restoration process work smoothly, effectively supporting people to be restored to fitness and reengage in their court proceedings. We have also experienced firsthand the significant risk and burden to the community, other participants, and our agency when this process does not work successfully. There are not current protections for providers to be able to remove participants whose behaviors pose a safety risk to the program; including staff, other participants who are engaged and to the property. Sheltercare's shelter beds are provided in houses in the community and we have had zero success getting police to remove a current or former participant from the property without sheltercare having an FED judgement in hand. Each time police are called we are told that the issues are Landlord Tenant law issues and therefore we must follow the FED process before they can assist us; even though we do not in fact fall under Landlord Tenant Law. It is for this reason that additional wording specific to this amendment be added that will not only protect the provider but also the participants who are doing well in the program, and the community as a whole.

In the absence of any requirement for releasing conditions to community restoration placements, Sheltercare has had to try to create release agreements specific to our programs with the local courts, allowing the release to be revoked if someone is in violation of our program rules and/or posing a risk to the program. The creation of these agreements has been incredibly time consuming and costly to us as an agency. We have refused to take new participants until we have a release agreement for a referral. The risk is too large for us to take someone into our program where there is not a legal mechanism to have them removed though a faster process than the FED process. We have only been successful in completing this agreement with one of the three local courts, leaving us unable to take any municipal court participants. The local FED hearing process is currently taking four to six weeks to complete, leaving the participants in our houses for that entire time; creating more damage, instability in other participants and a physical risk to participants and staff.

Sheltercare has experience a significant amount of property damage due to not being able to remove participants when it is needed. We provide nine beds total, in three houses. Our current cost to make repairs caused by participants who we could not exit

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in a timely manner is estimated close to \$30,000, and may likely exceed that number. This cost could have been significant reduced if we had a way to remove participants when it was needed.

Sheltercare has issued program termination notices to participants who were in violation of program rules, only to have them assault another participant and/or staff while we wait for the court FED process to happen. One participant was exited for assaulting her roommate and multiple instances of destruction of house property. She was arrested on a warrant on a Friday, we consider her to be exited from our program which is in our legal right, and changed the locks to her room. She was capacity based released over the weekend before we could clean out her room. She broke in to the room through a window she broke and has been living there for over a month, with the roommate she assaulted still living in the house. We were told by police that we must get an FED judgement before they have the ability to remove her. We filed the FED and our first court date was nearly four weeks out from filing, leaving her living in the house still, posing a significant safety risk to the roommate who is engaged with us and wanting services, and she is doing daily property damage. In this case we called the police to try to have them arrest her on another current warrant, only to be told by responding officers that they will only arrest her if they see her outside of the house because it is a landlord tenant issues and Sheltercare must get an FED for them to help. In addition to this, we have had multiple participants use physical intimidation and/or threats towards other participants; participants who then have had to continue to live together because we could not remove the offending one in a timely manner. We have another situation where we have been waiting for the FED court process, and in this time the participant locked a service provider in the house and would not let her leave and chased after the car of another one.

Without legal ability to remove participants when it is needed, community restoration will not be successful. The key to restoration of fitness is engaging in services. The population we serve and the service providers need support from the courts to do this. Sheltercare spends the majority of staff time addressing the crisis's that are created by the participants that we can't exit fast enough. This is causing significant negative results on the participants who want to engage and who are trying to better their lives. We are missing out on an opportunity to better the lives of the people engaged in restoration services.

Sincerely,



Risa Holden, Program Manager  
Permanent Supported Housing, Sheltercare