

# Governor Signs Bill to Strengthen, Modernize Mental Health Laws

**New Castle, DE** – Building on progress made under a five-year U.S. Department of Justice settlement agreement to reform Delaware’s public mental health care system, Governor Markell today signed legislation to modernize the civil commitment procedures, decrease the number of involuntary admissions and commitments, and ensure better civil rights protections and due process at all stages for individuals with a mental illness. 

[House Bill 346](#) reflects hundreds of hours of work by members of the House Joint Resolution 17 Mental Health Law Study Group, chaired by Department of Health and Social Services (DHSS) Secretary Rita Landgraf. The study group’s unanimous recommendations combined Chapters 50 and 51 of the Delaware Code, and updated language and definitions to modernize and improve Delaware’s civil mental health laws and treatment of individuals with a serious mental illness.

“This bill represents our commitment to modernize the state’s civil mental health laws, many of which had not been updated since the 1950s,” said Governor Markell. “By shifting the responsibility of evaluating a mental illness crisis away from law enforcement and toward credentialed mental health screeners, we will help more Delawareans receive the treatment they need while remaining in their communities.”

With more than 350 mental health screeners in the state, this legislation will ensure screeners can be sent to evaluate individuals wherever they are and initiate the emergency detention process, if warranted. This will, in turn, reduce the number of involuntary admissions and commitments for

mental health treatment.

“The majority of people in a mental health crisis don’t need to be handcuffed and placed in the back of police squad car,” said Rep. Mike Barbieri, D-Newark, the bill’s prime sponsor. “This bill brings mental health screeners to the scene of any incident to offer an immediate evaluation of a person’s mental health status. From there, if they do need care, we hope that can be done on a voluntary basis.”

In addition, the changes will provide a consistent process so people enter civil mental in a consistent manner, with due process protections.

“People with mental illness should get the best care and treatment we can offer,” said Sen. Bethany Hall-Long, D-Middletown, who sponsored the bill in the Senate. “This bill moves the ongoing mental health reform in our state forward by modernizing and improving treatment procedures. Our expectation is that these changes will reduce the barriers and stigma for people who seek treatment for a mental illness.”

HB 346 also extends due process protections for youth, with emergency detentions done only by psychiatrists and mental health screeners for juveniles. The bill also provides for increased access to treatment for minors and rules for discharge and involuntary treatment were updated to reflect the principles developed for the adult system, but modified to  reflect the special needs of children.

“For more than a year, stakeholders from across the mental health system came together to work on the recommendations that would become HB 346,” Secretary Landgraf said. “I am grateful to the members of the Study Group for their commitment to the people of Delaware, and for the broad consensus that we reached, which meant that our recommendations were unanimous. This is an important day in Delaware for the civil rights of all individuals with serious

and persistent mental illness.”

[Photos from the event](#)