

Community Forensic Aftercare Program Improvements

The Community Forensic Aftercare Program (CFAP), established in 1982, performs important functions. Operating within the Maryland Department of Health, CFAP monitors and coordinates care for individuals who, in interactions with the criminal justice system, were found to be Not Criminally Responsible and are eligible for conditional release. Individuals with mental illness can and do improve –and treatment in community, enabled by conditional release, is an effective and significantly less expensive way to provide treatment than in-patient care in state psychiatric hospitals where beds are in short supply.¹

While CFAP monitors approximately 700 individuals on conditional release at any given time,² and has been doing so for more than 40 years, no statute or set of regulations governs the operations of CFAP or the decision-making of those employed as CFAP monitors.

This bill will:

✓ Create statute for CFAP that:

- Provides clear guidance, by clarifying that CFAP may not make clinical decisions for patients
- Requires regular CFAP meetings with patients, their mental health teams, and/or advocates appointed by patients to better coordinate care and provide better support for patients receiving treatment in the community
- Establishes a Community Monitoring Board within the program who can make decisions regarding a patient's conditional release requirements and the duration of the conditional release. Also includes consistency and transparency measures such as:
 - Patients may authorize an advocate to attend Board meetings
 - The Board will retain written records of their decisions which will be added to the patient's medical records
 - Proper notice must be provided when meetings are scheduled
 - Stipulates that if CFAP receives an allegation of a patient out of compliance with the conditions of their release, there must be a proper notification process and connection to the State's Attorney
 - Requires timely distribution of records when requested

For more information please contact:

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[1] <https://www.who.int/news-room/commentaries/detail/from-isolation-to-inclusion---community-based-mental-health-care>

[1] <https://health.maryland.gov/bha/Documents/BHA%20Strategic%20State%20Plan%20FY25-27.pdf>