

# Understanding Casey's Law

Casey's Law refers to the Matthew Casey Wethington Act for Substance Abuse Intervention.

The law became effective in 2004 after the death of Casey Wethington, a 23-year-old Kentucky man who died of a heroin overdose.

Casey's mother became an advocate for a law that would allow involuntary treatment for a person suffering from alcohol or drug abuse.

Casey's Law provides for a means of intervention with someone who is unable or unwilling to recognize his or her needs for treatment due to addiction.

The law allows a parent or friend to petition the court (called the petitioner) for treatment on behalf of the person who is abusing alcohol or drugs (the respondent).

## HOW IT WORKS:

– Under Casey's Law, a person suffering from drug or alcohol abuse will be ordered to undergo involuntary treatment if the court finds that (a) the respondent suffers from alcohol or drug abuse; (b) the respondent presents an imminent threat of danger to self, family or others as a result of alcohol or drug abuse, or there exists a substantial likelihood of such a threat or danger in the near future; and (c) the respondent can reasonably benefit from treatment.

– To file a petition, contact County Attorney Jennifer Hutchison-Corbin's office in the courthouse annex (270-384-3216). Corbin and her staff work directly with the petitioner and help guide them through every step of the process. Hutchison-Corbin's office will provide a packet of information for the petitioner that outlines the required process, all



Under Casey's Law, the case will go before District Judge Michael Loy during a closed hearing.

documents needed and a list of possible contacts that will be made during the process.

– The petitioner, the person seeking the involuntary treatment for someone else, is responsible for all costs in the process and must sign a guaranty of payment before the case begins.

Once the respondent is evaluated, the two health care professionals will provide a written document to the court.

Costs can be expensive, however, and once the process begins, the petitioner cannot change their mind and the

process cannot be stopped without a court order. (People involved in the process noted that in many instances, the

respondents may have health insurance or may qualify for health care assistance through the Affordable Health Care that will pay the costs of treatment. There are also free treatment programs.)

– The petitioner must file a petition with the circuit court clerk's office in the judicial center.

When filing the petition, the petitioner must have an appointment with one physician and one qualified health professional who will each independently meet with and review the respondent within the next 14 days.

(The form also is available online at [courts.ky.gov/resources/legalforms/LegalForms/700A.pdf](https://courts.ky.gov/resources/legalforms/LegalForms/700A.pdf))

– In the document, the petitioner must describe facts that support the belief's that the respondent qualifies under Casey's law to undergo involuntary treatment. The more details the more likelihood of success.

The county attorney's office provides a description of what should be included on the form.

– After the appointments are made and the petition is filed, the case will go before District Judge Michael Loy during a closed hearing. The hearings are not open to the public.

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## THE COST OF ADDICTION

### Mom shares story of forcing daughter into treatment

*Editor's note: Tammy is not the real name of the woman featured in this article. Out of respect for her daughter, who is currently in a drug treatment facility, she has asked to remain anonymous.*

For the past eight years, Tammy's life has been consumed by drug addiction. Tammy herself is not an addict, but her life has revolved around her daughter. Four months ago, Tammy used Casey's law to force her daughter into long-term treatment.

Tammy's daughter thrived academically and earned several college credits before she graduated high school. While she did attend college, instead of preparing for a career, Tammy's daughter became an active drug user.

Now, at the age of 26, Tammy's daughter couldn't

hold down a job. She would steal to pay for her addiction. She overdosed once and is only alive now because someone performed CPR on her. Tammy knew it wouldn't be long before her daughter lost her battle with drug addiction.

"I gave her a year," Tammy said. "What she does when she comes out, who knows. I hope this is going to be a good outcome, but you do not know. She was rock bottom, and at least I gave her one year."

Her daughter had voluntarily gone into short-term treatment in the past but checked herself out before completing the program. When Tammy told her daughter she would be using Casey's law to force her into treatment, she begged her mother not to and said she would go into treatment herself.

"She made many promises,

but I couldn't take that chance," she said. "It was hard. She still hasn't quite forgiven me yet. But that's okay. Hopefully one day she will, but if she doesn't I've done the best that I could do for her."

Tammy's daughter has been in treatment for more than four months now and her mother is seeing a difference in her.

"She even looks totally different," she said. "She is much better, but she has a ways to go."

Her daughter is starting to make plans for a future now, such as talking about returning to college to earn a degree, something she fell short of because of her addiction.

As the months pass, Tammy says she is "cautiously optimistic" about her daughter's future.

She misses her daughter, or



at least her daughter when she is not on drugs.

"When she is using she is someone I don't even recog-

nize," Tammy said. "I get lonely to hear her, to see her

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## Republican legislators propose taxing electronic cigarettes



Kentucky would tax electronic cigarettes just like other tobacco products for the first time, under a proposal endorsed by three leading Republican legislators and the state health commissioner Tuesday.

Taxing e-cigarettes would discourage their use, especially among children — whose increased use experts call an epidemic — and pregnant women, as well as raise needed revenue for the state, advocates of the legislation said.

"This is the classic win-win scenario," Rep. Jerry

T. Miller, a Louisville Republican and State Government Committee chair, said at a Frankfort news conference.

An e-cigarette tax was included in a bill that raised the tax on traditional cigarettes last year, but was removed in the Senate, just before final passage and after lobbying by Altria Group, the largest tobacco company and 35 percent owner of Juul Labs, the largest e-cig company.

Senate leaders declined to explain the move then, and Senate President Robert Stivers

said he couldn't recall what happened. Sen. Chris McDaniel, chair of the Senate Appropriations and Revenue Committee, said he wasn't sure what happened, but thought that a staff member may have raised "a definitional problem" that couldn't be resolved at the last minute.

In this year's 30-day session, Miller unsuccessfully sponsored an e-cigarette tax bill that would have dedicated the estimated revenue of \$35 million a year to Kentucky's unfunded pension liability. He said this

one does not, on the advice of House Speaker David Osborne, who said the lack of earmarking would get the bill more support.

"We've got a lot of support for this bill," said Ben Chandler, president of the Foundation for a Healthy Kentucky. "It has the potential to go a long way toward cutting youth e-cigarettes use in this state. . . . We will keep a whole lot of young people from getting addicted."

Dr. Jeffrey Howard,

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