



A Hopeful Option Lighting the Way to Recovery

# CASEY'S STORY

## LESSONS OF A LIFE AND A LAW

How did we go from this...



To this...



# Denial is powerful.

Don't

Even

Notice

I

Am

Lying

# RISK FACTORS

- Risk-taking behavior
- Genetics
- Availability, Affordability and Accessibility of drugs

“Imagine if we began to treat diabetes in a system such as we have designed for addiction”.

(Dr. Tom McLellan: Addiction and Segregation, April 26, 2011)

# CASEY HAD TO:

- Want to
- Lose enough
- Hit bottom

# Bottom Line

- “Hitting bottom isn’t necessary and can be **deadly**”. ~Mick Meagher, author of Beginning of a Miracle: How to Intervene with the Addicted or Alcoholic Person
- “The bottom line is this, people have to be alive to recover.”  
~Charlotte Wethington, Casey’s mom



# CASEY HAD RIGHTS

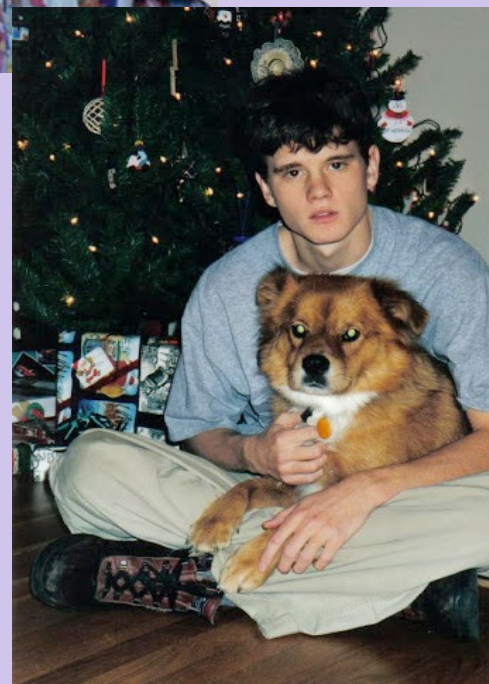
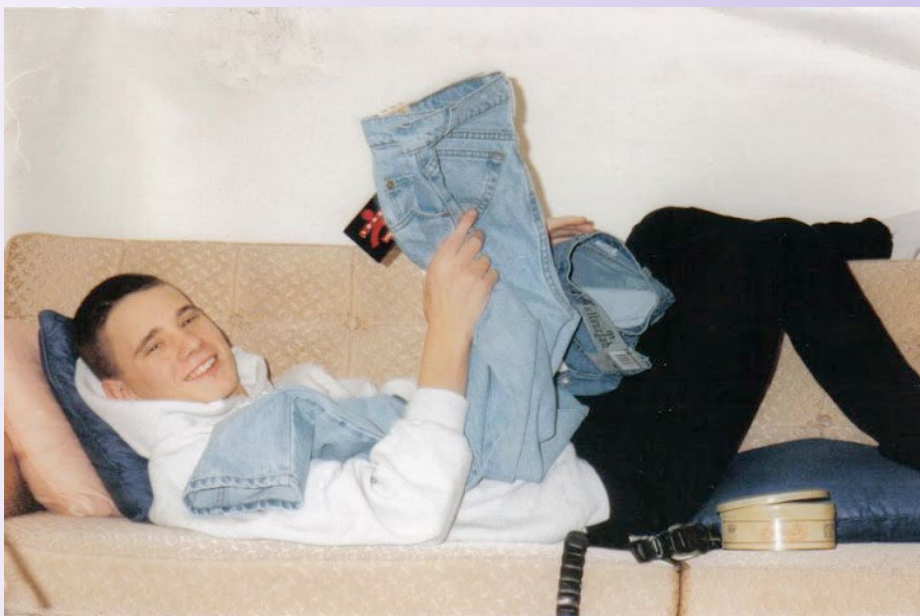
- Civil rights is a sticking point
- Casey kept his rights
- Parents/family does have the right to pull the plug at the end
- Casey died 6 months after learning he was using heroin

There was no law. . .

and then. . . .

Casey died.





# Lessons Learned:

- Addiction is a disease, NOT a crime
- People who have the disease of addiction need and deserve treatment as much as anyone else who has a chronic, progressive, potentially fatal disease.
- Casey died from a socially unacceptable disease

“It’s impossible”, said pride.

“It’s risky”, said experience.

“It’s pointless”, said reason.

“Give it a try”, whispered the heart.

~ Anonymous

# From Passion to Purpose

“Casey died and . . .

an advocate was born-

Casey’s mom

# WHAT IS CASEY'S LAW?



- An involuntary treatment act in Kentucky for those who suffer from the disease of addiction
- Became a law April 9, 2004
- Effective July 13, 2004 in Kentucky



If you think something is wrong . . . .  
there probably is.

**Act Now!**



# PRESENTATION

*A Hopeful Option Lighting the Way to Recovery*

The Matthew Casey Wethington Act for Substance Abuse Intervention

KRS (Kentucky Revised Statute) 222.430 – 222.437

Visit [CaseysLaw.Org](http://CaseysLaw.Org) for additional information

# DEFINITIONS AND TERMS

**Petitioner:** A parent, relative, or friend, filing the paperwork requesting involuntary drug/alcohol treatment for a loved one.

**Respondent:** The person in need of involuntary drug/alcohol treatment. **Petition:** The formal legal application and paperwork for Casey's Law.

**QHP:** Stands for Qualified Health Professional and refers to the professionally certified individuals required to complete the Casey's Law certification forms.

**Certification:** Legal form (evaluations) that must be completed by the QHP. Each professional must sign their form and have it notarized. The signed form must be returned to the clerk's office within 24 hours of its completion and no later than 24 hours before the hearing date.

**Clerks:** County Circuit Court Clerks

# CASEY'S LAW COMPREHENSIVE SCREENING QUESTIONNAIRE

- This form guides the petitioner to gather pertinent information about the respondent
  - It will help determine options for proceeding with Casey's Law and making treatment arrangements
  - It will facilitate completion of the petition Form 700A
  - Information will be readily available should either of the evaluators have questions
- It is recommended copies be made of all forms and be retained in a permanent file

## FILING THE PETITION – COMPLETE FORM 700A

[http://caseyslaw.org/KY\\_Files/CaseyLawForm700A.pdf](http://caseyslaw.org/KY_Files/CaseyLawForm700A.pdf)

<http://courts.ky.gov/resources/legalforms/LegalForms/700A.pdf>

**Two evaluations (certifications) are required before you have a court hearing. Scheduling the two appointments BEFORE filing the petition is highly recommended.**

## FORM 700A - NOTES

- Petition will be filed with the circuit court clerk in the county where the respondent resides.
- The clerk's office can provide a blank Casey's Law Petition or one may be obtained online at links provided above.
- Once the form is complete bring the names, address, and phone numbers of the two evaluators, appointment dates, and times to County Clerk's Office when filing the petition.
- The completed Form 700A should be signed in the clerk's office so the Petitioner's signature can be witnessed. It is required for every blank line to be completed.

## GUARANTEE OF PAYMENT:

- Do not let this be a deterrent!
- Petitioner has the right to choose the evaluators and treatment
- Low cost and no cost facilities are available in and out of state
- The respondent's health insurance may cover a portion of the assessment fees and the treatment.

## EVALUATIONS – FORM 703A

<http://courts.ky.gov/resources/legalforms/LegalForms/703A.pdf>

### REMINDER:

In the event an evaluator requests information on the Respondent from the family, it is suggested the **CASEY'S LAW COMPREHENSIVE QUESTIONNAIRE**, be completed prior and brought to the evaluations. This will allow pertinent information to be readily available.



## EVALUATIONS – FORM 703A

<http://courts.ky.gov/resources/legalforms/LegalForms/703A.pdf>

### REMINDER:

In the event an evaluator requests information on the Respondent from the family, it is suggested the **CASEY'S LAW COMPREHENSIVE QUESTIONNAIRE**, be completed prior and brought to the evaluations. This will allow pertinent information to be readily available.

## EVALUATIONS – FORM 703A – Continued

1. The law requires evaluations by two qualified health professionals. Each will complete Form 703A Certification of Qualified Health Professional.
2. It will be necessary to accompany the Respondent to appointments
3. Provide the evaluation (certification) forms Form 703A to the professional and ensure they are completed.
4. The evaluator must date, sign, and have the certification (evaluation) form notarized.

## EVALUATIONS – FORM 703A – Continued

- 4. Do not give the completed evaluations to the Respondent!**
5. The certification (evaluation) **MUST** be turned into the clerk's office within 24 hours of its completion and no later than 24 hours before the hearing date.
6. Failure to comply with these deadlines **MAY** result in a dismissal of the case.
7. If the Respondent refuses or fails to attend scheduled evaluation appointments the judge may find the Respondent in contempt of court and may issue a 72-hour hold at a detention center for the sole purpose of completing the evaluation requirement. This will not result in any criminal charges.

# CASEY'S LAW CHECKLIST

Another tool we designed to help keep the petitioner organized

## RIGHTS AND RESPONSIBILITIES - PETITIONER

- Has the right to choose the two evaluators and treatment facilities for the Respondent.
- Has the right to be present in court.
- Has the right to request representation by the county attorney.
- Has the right to speak at a hearing and may be asked to testify.
- Has the right to inspect the confidential record pertaining to the Casey's Law Petition.
- Has the responsibility to inform the court if Respondent leaves treatment.

## RIGHTS AND RESPONSIBILITIES – RESPONDENT

- Will be advised of their rights by the presiding judge.
- Has the right to counsel. This may be a private attorney or public defender. Note: Be aware the counsel's charge is to defend the rights of the Respondent and they may argue against the petition.
- Has the right not to testify.
- Has the right to call witnesses.

## 10 FREQUENTLY ASKED QUESTIONS:

Q. Is there a filing fee?

Q. Is there an age limit?

Q. Will there be any criminal charges associated with Casey's Law?

Q. What if the Respondent refuses to attend the evaluations?

Q. Do I have to have an attorney?

**From:** Preston, Damon L (DPA) <damon.preston@ky.gov>  
**Sent:** Monday, September 17, 2018 10:48:27 AM  
**To:** Burke, Stephanie  
**Subject:** DPA's Position on Casey's Law cases

KRS 222.430 says that, unless otherwise covered by Casey's Law, a person subject to an order for alcohol or drug treatment is entitled to all the rights guaranteed to a person subject to a 202A petition. In *Denton v. Commonwealth*, 383 S.W.2d 681, 682 (Ky. 1964), the Court of Appeals held in regard to the standard of proof in a petition for involuntary hospitalization that, because such "a proceeding may lead to the loss of personal liberty, the defendant in that proceeding should be afforded the same constitutional protection as is given to the accused in a criminal prosecution." 383 S.W.2d 681, 682 (Ky. 1964). In addition to a constitutional right to counsel, KRS 202A.121 provides a statutory right to counsel. Finally, KRS 222.436 says that the procedures in KRS Chapter 202A apply to Casey's Law cases unless they are otherwise provided for in KRS 222.430 to 222.437.

DPA believes these authorities make clear that a person against whom a Casey's Law petition is filed has a personal right to counsel to act and argue on his or her behalf (not in a "best interests" capacity) and that the Department of Public Advocacy should be appointed to provide that counsel.

As the organization responsible for protecting the rights of indigent persons in the criminal (and quasi-criminal) courts, DPA wants to help persons facing court orders that may lead to incarceration. Many of those persons are already our clients or will become our clients if the Casey's Law process fails.

We look forward to serving any courts in which a Casey's Law petition is filed.

**Damon L. Preston**  
*Public Advocate*

Twitter: [@AdvocateDamon](#)



## 10 FREQUENTLY ASKED QUESTIONS – CONTINUED

Q. What if the Respondent leaves the treatment program against court order?

Q. Can more than one person sign on the petition?

Q. Can you file a Casey's Law petition more than once?

Q. What if there are current pending charges against the Respondent?

Q. How many attempts will be made by the Sheriff to serve the Respondent's summons to appear for evaluations and the court date?

# MYTHS AND MISCONCEPTIONS ABOUT CASEY'S LAW

**Myth:** Involuntary treatment doesn't work.

**Myth:** The person must be homeless to qualify for Casey's Law.

**Myth:** The facility must be a locked down facility.

**Myth:** If no treatment is available in the county where the petition is filed, Casey's Law does not apply in the county where treatment is located, whether that is in state or out of state.

**Myth:** Only families who have financial means can file a Casey's Law petition.

**Because** of passionate, purposeful and persistent advocacy efforts of empowered people, Casey's Law continues to give those who have substance use disorders and their families hope for recovery.

Today, because of Casey's life and death, there are people living in recovery who may not have been had there not been a Casey's Law.

# RESOURCES

## References

KYHELP Statewide Call Center

833-8KY-HELP

(833-859-4357)

<http://www.findhelpnowky.org>

[www.NKYHatesHeroin.com](http://www.NKYHatesHeroin.com)

[National Institute on Drug Abuse \(NIDA\)](https://www.drugabuse.gov/)

<https://www.drugabuse.gov/>

Substance Abuse and Mental Health Services Administration (U.S. Department of Health and Human Services)

<https://www.samhsa.gov/>

# RESOURCES

## Family Support Groups

Parent CRAFT by Cadence Online  
<https://www.cadenceonline.com/>

[www.palgroup.org](http://www.palgroup.org)

[www.al-anon.org](http://www.al-anon.org)

[www.nar-anon.org](http://www.nar-anon.org)

Facebook Groups (Closed groups, approval required):

Casey's Law

Kentucky Parents Against Heroin



Grief Recovery After a Substance Passing

[www.GRASPhelp.org](http://www.GRASPhelp.org)



*"I made a difference  
to that one!"*

*For I know the thoughts that I  
think toward you, says the Lord,  
thoughts of peace and not evil, to  
give you a future and a hope.  
Jeremiah 29:11*

**Celebrate Recovery Meetings**  
Every Friday 6-9:30pm  
Clay City First Church of God  
3200 Main Street, Clay City

**Youth Outreach**  
Every Friday  
3:30-5:30pm  
Stanton City Park

And now for the rest of the story. . .

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<http://caseyslaw.org/>

<https://www.facebook.com/caseywethingtonact>