

MEMORANDUM IN OPPOSITION

A.10421 (Gunther); S. 7596 (Young)

AN ACT to amend the mental hygiene law and the correction law, in relation to enhancing the assisted outpatient treatment program; and to amend chapter 408 of the laws of 1999 constituting Kendra's Law, in relation to the effective date.

The Schuyler Center for Analysis and Advocacy (SCAA) is strongly opposed to this legislation. The numerous amendments this legislation makes to the existing Kendra's law would substantially reduce the rights of persons with psychiatric disabilities by expanding the scope of the law and making it permanent.

Kendra's Law was first passed as a way to provide court-ordered, out-patient mental health treatment for certain individuals. We have learned over the years that many people seek voluntary treatment when it is offered to them and that the court-order is not always necessary. Studies have also determined that patterns of racial and geographic disparity exist in the way the law is implemented. In some areas, minorities are disproportionately represented in the use of assisted outpatient treatment (AOT) petitions. The law is also used to a greater extent in New York City and several other jurisdictions while used infrequently in other areas of the state.

When it was enacted, Kendra's Law was an untested approach to mental health care using court-ordered, out-patient treatment for certain individuals. The mental health community, patients and their families, the courts and law enforcement have all had to learn the best way to provide treatment, engage people and assess the impact of the law. While research done by Duke University showed that there have been positive outcomes associated with better access to care, this legislation implies that the existing law is not working.

Too much remains unclear to make the law permanent. Too much is at stake to impose additional restrictions on the rights of individuals as this legislation proposes. Not enough research has been done on the impact of Kendra's Law to answer the many questions raised in the first few years of implementation to believe that the law should be made permanent or to justify the proposed changes. For these reasons, SCAA is opposed to this bill.

Sincerely,



Karen Schimke
President and CEO
April 2010