

# *Mental Health Association in New York State, Inc.*

194 WASHINGTON AVENUE, ALBANY, NY 12210, SUITE 415  
*Working to ensure available and accessible mental health services for all New Yorkers*



---

Glenn Liebman, *CEO*

Janine Dykeman, *Chair of the Board*

---

## *Legislative Issue Brief*

### *Children and Families*

---

#### **Background**

Children are dependent on parents and other adults to provide love, support and discipline to assure that their mental, physical and spiritual needs are met. The ability of parents to provide for the needs of their children can be profoundly affected when the parents have an untreated or unmanaged psychiatric disability. Likewise, when children have mental health problems that are not being managed, it can strain parents in many ways, including the parents' marriage, work and other relationships. In short, the mental health of a family is a composite of the mental health of all of its members.

#### **Issues/Recommendations**

##### *Parents with Psychiatric Disabilities*

Issue: Termination of parental rights (TPR) is a drastic, permanent measure, severing forever that parent's right to be a part of his or her child's life. In New York there are currently four grounds for permanently terminating parental rights. Those grounds are:

1. abandonment
2. permanent neglect
3. severe and repeated abuse
4. The parents are presently and for the foreseeable future unable, by reason of mental illness or mental retardation, to provide proper and adequate care for a child who has been in the care of an authorized agency for a period of one year.

The 4<sup>th</sup> ground itself is discriminatory and the substantive and procedural provisions are vague, subjective and easily misapplied, thus undermining the required standard of proof of clear and convincing evidence. This statute was written prior to changes in mental health treatment promoting and acknowledging recovery. As public policy, this statute is destructive because parents are afraid to seek treatment for fear of losing their children and children are removed from families where there is no abuse or neglect. In addition, based on this statute, case law has upheld diligent efforts to keep families

together and provide services do not need to be provided once a parent is identified with a psychological diagnosis, mental health issue, or mental deficiency.

### Recommendation

- Eliminate mental illness as one of the reasons for custody loss by revising Social Services Law, 384B (Section 4C, 6A - E)

### *Youth in Transition*

Issue: There are many adolescents with a psychiatric diagnosis who either drop out of school or graduate from school without any transition plan in place for their future. There are also adolescents aging out of the foster care system and juvenile justice system with a mental health diagnosis and no transition plan in place.

As a result, many adolescents with a psychiatric disability end up hospitalized, homeless, or in jails and prisons. Some become the victims of homicides or suicides.

### Recommendation

- Support funding for MHANYS initiative to provide drop in centers for youth in transition to adult services in community colleges. Service plans would include trainings and programs that provide youth with incentives around education, employment and skills training

### *Children's Mental Health*

Issue: An estimated 10 percent of children and adolescents in the United States suffer from mental illness severe enough to cause some level of impairment. However, less than 20 percent of these children receive treatment. According to The Substance Abuse and Mental Health Services Administration's (SAMHSA) National Survey on Drug Use and Health data from 2004 and 2005, 8.88 percent of the nation's youths aged 12 to 17 had experienced a major depressive episodes in the past year. In New York the rate was 9.17 percent.

### Recommendation

- Support funding in the governor's Executive Budget to promote family involvement and fund family support programs in Child and Family Clinic Plus.