



NEW YORK STATE SENATOR
John J. Flanagan

New York Senate Passes Legislation To Make Kendra's Law Permanent

JOHN J. FLANAGAN March 28, 2018

| ISSUE: **KENDRA'S LAW, MENTAL HEALTH**



New York State Senate Majority Leader John Flanagan (2nd Senate District) has announced that the New York State Senate has passed legislation that would strengthen Kendra's Law and make its provisions permanent. The bill (**S516B**), sponsored by **Senator Catharine Young (57TH District)**, enhances public safety, improves the quality of care provided to the mentally ill, and makes Kendra's Law permanent.

Senator Young said, "Untreated mental illness is a devastating problem that often ruins the lives of those affected, causes heartbreak to their families, and inflicts social and economic costs on our communities. As our headlines make painfully clear, at its worst, this condition can lead to horrific acts of violence against other people. Since its enactment in 1999,

Kendra's Law has been a lifeline for thousands of New Yorkers, ensuring they receive the treatment they need to build stronger lives and protecting the public by getting people help before they become a danger to themselves or others. It is past time to take this landmark law and improve it further by making it permanent and closing loopholes that are still allowing too many people to fall through the cracks. We owe it to New Yorkers to close those gaps, to ensure better care for those in need and more safeguards for the public."

"New York State has an obligation to help those suffering from mental illness, especially those who are unable to seek help themselves. Kendra's Law provides our state and healthcare professionals with that ability, and that will benefit everyone who lives in New York," stated Senator Flanagan. "I applaud Senator Young for her efforts on this important issue that will enhance our state's overall safety."

Kendra's Law was first enacted in 1999 following the tragic death of 32-year-old Kendra Webdale, who was shoved in front of a New York City subway train by a man with untreated schizophrenia. The law helps address the concerns about mentally ill people who are potentially a danger to themselves and society by allowing for court-ordered assisted outpatient treatment (AOT) for individuals who won't voluntarily seek help.

Since Kendra's Law was enacted, studies have found that patients given mandatory outpatient treatment and who were more violent to begin with were four times less likely than members of a control group to perpetrate serious violence after undergoing AOT. The studies also found fewer psychiatric hospitalizations, shorter lengths of hospitalizations, declines in the probability of arrest, higher social functioning, less stigma, and no increase in perceived coercion.

The law is designed to avert serious injury to the mentally ill person or others, but gaps exist in the present system that must be fixed to make it more efficient. The measure would not only make Kendra's Law permanent, but includes several provisions to improve the current system of AOT, requiring:

- Follow-up for those who move during the AOT period to ensure that they receive their treatment;
- An assessment for AOT when mental health patients are released from inpatient treatment or incarceration so that people needing services do not fall through the cracks;

- Counties to notify the state Office of Mental Health (OMH) when an assisted outpatient is missing and thereby unavailable for an evaluation as to whether he or she continues to meet AOT criteria; and
- The Commissioner of OMH to develop an educational pamphlet on the AOT process of petitioning so that family members have information on how to file a report.

The legislation has been sent to the Assembly.

RELATED LEGISLATION

2017-S516B

- Introduced
- ◦ In Committee Assembly
 - In Committee Senate
- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Enhances the assisted outpatient treatment program and eliminates the expiration and repeal of Kendra's Law

January 03, 2017

In Assembly Committee

Sponsored by Catharine Young

Do you support this bill?