



Legislation Text

File #: Res 0916-2005, **Version:** *

Res. No. 916

Resolution urging Governor Pataki to withdraw his support of legislation making New York's Assisted Outpatient Treatment law, also known as Kendra's Law, permanent in its current form, until the various concerns about the law within the mental health community are addressed.

By Council Members López and Palma

Whereas, New York State's Assisted Outpatient Treatment law, also known as Kendra's Law, which was signed into law in August of 1999, created a statutory framework for court-ordered Assisted Outpatient Treatment (AOT), in order to ensure that individuals with a mental illness, who have a history of hospitalizations or violence, participate in community-based services appropriate to their needs; and

Whereas, Under Kendra's Law, there are four (4) core phases involved in obtaining a court order: 1) referral; 2) investigation; 3) assessment; and 4) service delivery and monitoring; and

Whereas, From November 1999 through March 1, 2005, according to the New York State Office of Mental Health, 10,411 individuals have been referred for a potential court order, and 3,958 individuals have received a court order; and

Whereas, Kendra's Law is currently scheduled to sunset on June 30, 2005; and

Whereas, On March 8, 2005, Governor Pataki announced the introduction of legislation that would make Kendra's Law permanent in its current form; and

Whereas, While Kendra's Law has been successful in reducing rates of homelessness, hospitalization and incarceration for individuals under court order, there are still many issues that need to be addressed before Kendra's Law becomes permanent, including funding, confidentiality, and allegations of geographic and racial disparity; and

Whereas, The Governor of the State of New York continues to slash funding to community mental health programs that serve thousands of individuals annually, forcing many programs to close their doors or limit the number of individuals they can serve, while continuing to financially support Kendra's Law, which has assisted less than 4,000 individuals over a five-year period; and

Whereas, A provision of the treatment plan under Kendra's Law requires that case managers report the client's compliance with their program, disregarding client confidentiality and seriously hindering the ability to build a trusting relationship between client and staff; and

Whereas, As of March 1, 2005, seventy-six percent (76%) of court orders are from New York City, and some counties in New York have yet to order anyone into treatment; and

Whereas, Statewide, sixty-two percent (62%) of individuals under court order are Black or Hispanic, suggesting that adequate mental health services are not available in these communities; now, therefore, be it

Resolved, That the Council of the City of New York urges Governor Pataki to withdraw his support of legislation making New York's Assisted Outpatient Treatment law, also known as Kendra's Law, permanent in its current form, until the various concerns about the law within the mental health community are addressed.

LS# 2631
JC
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