



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Legislation to Make Kendra's Law Permanent Passes Senate

JIM RANNEY May 1, 2017

| ISSUE: **MENTAL HEALTH**



Senator Patrick M. Gallivan (R-C-I, Elma) says the Senate has approved a bill that strengthens Kendra's Law and makes its provisions permanent. The bill (S516), co-sponsored by Senator Gallivan, enhances public safety, improves the quality and effectiveness of care provided to the mentally ill, and prevents Kendra's Law from expiring on June 30, 2017.

"By strengthening and improving Kendra's Law, we can help prevent people suffering from profound mental illness from doing harm to themselves or others," Gallivan said. "The

legislation has been successful in preventing violence and ensuring that patients receive the treatment they need. Now it's time to make the law permanent."

Kendra's Law was first enacted in 1999 after 32-year-old Kendra Webdale was pushed in front of a subway train by a man with untreated schizophrenia who was roaming New York City streets. The law allows for court-ordered assisted outpatient treatment (AOT) for individuals who will not voluntarily seek help but are a safety threat.

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 less frequent psychiatric hospitalizations, shorter hospital stays, reductions in the likelihood of arrest, higher social functioning, less stigma, and no increase in perceived coercion.

The law is designed to prevent serious harm to the mentally ill person or others, but gaps exist in the current system that must be fixed to make it more effective. The measure would not only make Kendra's Law permanent, but includes several provisions to enhance the current system of AOT, including:

- requiring follow-up on those who move during the AOT period to ensure that they receive their treatment;
- requiring an evaluation for AOT when mental health patients are released from inpatient treatment or incarceration so that people needing services do not fall through the cracks;
- requiring counties to notify the 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;

- requiring 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 bill has been sent to the Assembly, where it is sponsored by Assemblywoman Aileen Gunther (A604).

-30-

---

#### RELATED LEGISLATION

---

### **2017-S516**

---

- 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?