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Editorial



Make Kendra's Law permanent

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A law that allows courts to force people to take mind-altering medication would seem to violate the notion of a free society. But Kendra's Law has proven itself to be the exception to the rule.

Now, after more than a decade of experience with the law and several studies that have documented its effectiveness, the Legislature has a chance to both improve it and make it permanent before it expires this month. The Assembly, however, prefers another five-year extension. That's a half-measure. Those who are mentally ill, their families and society deserve better.

The law is named for Kendra Webdale, a young woman who was pushed to her death from a New York City subway platform by a mentally ill man who was off his medication. It allows courts to order people, under strictly regulated conditions, to take psychiatric drugs, undergo treatment, or both. Passed in 1999, it was renewed for five more years in 2005.

Unlike the many gratuitous laws that the Legislature passes that promise to solve everything from sex crimes to obesity, Kendra's Law has been proven to make a difference in the lives of thousands of mentally ill people. Follow-up studies have found a marked decline in hospitalization, imprisonment and homelessness among people who were subject to court-ordered outpatient treatment.

Those affected by Kendra's law are a tiny subset -- less than one percent -- of the mentally ill population. Many could function in society if they stuck to their medication and treatment, but refuse to, often because their mental illness convinces them that they aren't ill. Without treatment, they are a danger to themselves and to others. Without the law, no one can force treatment on them until it is too late.

On the table now are three options: Extend Kendra's Law for another five years; make it permanent as is; or make it permanent with certain sensible changes. They would, for example, cover people as they move from one county to another; subject those released from prison or a mental institution to review; and allow courts to order treatment for a full year rather than six months at a time, which studies have found to be more effective over the long term.

The Office of Mental Health argues against making the law permanent, saying that the state needs more mental health services and can't afford them right now. Yet Kendra's Law has been in force for more than 10 years, and it has worked. It arguably grows only more affordable as more people are helped by it, costing the social services, medical, and criminal justice systems less as its beneficiaries lead more stable lives.

As for outright opponents of the law, we have to wonder what they are really fighting for. The right of a severely mentally ill person to destroy his or her life? The right to follow a path toward imprisonment, homelessness or death?

Another extension would only leave courts, the mentally ill, the people who care about them and the rest of society uncertain whether a law that has been proven to work will always be there to help. The Senate should do the right thing: Adopt an improved, permanent Kendra's Law and get the Assembly to follow its lead.

The issue:

Kendra's Law is about to expire.

The Stakes:

What is the reluctance to make permanent a law that has improved so many lives?

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