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Kendra's Law for good

Once New York state lawmakers settle on a desperately overdue budget, they can move on to other important legislation.

One of those is the renewal of Kendra's Law, a measure approved in 1999 that allows judges to order seriously mentally ill patients to undergo outpatient treatment in their communities if they want to continue to live there. Often those being treated are so ill, they don't know it, and thus the law gives courts the right to insist on state-monitored treatment without having them committed.

It's a law that makes sense and protects the mentally ill as well as those whom they might harm through their potentially violent behavior.

The catch is that the law was enacted with a sunset provision, meaning that it expires after a certain time period unless the Legislature acts to extend the law. For new laws that have some concerns, the sunset provision is a good safety valve. In the case of Kendra's Law, there have been two such safety valves. One in 2005, when the Legislature extended the law and another impending one this year, on June 30, when Kendra's Law is set to expire.

Advocates want to make Kendra's Law permanent, and they have studies to back up its effectiveness. Skeptics want another five-year extension, which adds an unneeded layer of bureaucracy to a law that has proved its effectiveness.

The law was named after Kendra Webdale, a 32-year-old woman originally from western New York, who died Jan. 3, 1999, after being pushed off a subway platform in New York City into the path of a

train by a man who had sought help for severe mental illness and who reportedly had not taken his medicine. He was later convicted and sent to prison.

The state Legislature didn't wait for a guilty verdict though. Lawmakers were concerned enough about the incident that they approved Kendra's Law in the 1999 session. The law went into effect in November that year and has since survived legal challenges all the way to the state's highest court.

Having passed the legislative and legal tests in New York, it needed to prove its worth to the state, and the extension for another five years in 2005 indicates that lawmakers didn't think they made a mistake. If future experience reveals weaknesses in the law, state lawmakers can amend it, just as they update bills. In fact, the bill to make Kendra's law permanent, introduced by Democratic Assemblywoman Aileen Gunther of Sullivan County and Republican state Sen. Catharine Young of Olean, closes a loophole whereby patients could dodge the law by moving from one county to another.

Meanwhile, studies that the Treatment Advocacy Center cites from the past 10 years show that the law has reduced homelessness, suicide attempts and substance abuse among mentally ill people in the state while reducing violence to people and property. It also has cut hospitalization, arrests and incarceration, costly services often shouldered by taxpayers.

Groups endorsing a permanent Kendra's Law include those involved with mental health and law enforcement. They see the permanent value of Kendra's Law. Lawmakers should, too.