

Request for Targeted Technical Assistance In Kansas

Background

NAMI has long been gravely concerned with the practice of custody relinquishment – forcing families to turn custody of their child over to the state to access vitally necessary mental health treatment and services.

The GAO report – *Child Welfare and Juvenile Justice – Federal Agencies Could Play a Stronger Role in Helping States Reduce the Number of Children Placed Solely to Obtain Mental Health Services* – confirms that states and counties force families to give up custody of tens of thousands of children and adolescents with mental illnesses to the child welfare and juvenile justice systems to secure necessary treatment. This national tragedy exists even though those systems are not designed primarily to provide mental health care and often fail to represent a therapeutic environment for children with mental illnesses.

The GAO report supports NAMI's landmark study -- *Families on the Brink: The Impact of Ignoring Children with Serious Mental Illness*, published in 1999 by NAMI, in which 20% of families surveyed reported having to give up custody of children to the state to secure treatment for their mental illnesses.

NAMI is deeply concerned with both the findings in the GAO report **and** with the failure of states to track and report on the number of families that are forced to relinquish custody of their child because there simply is no other way for them to secure services. The report revealed that no formal or comprehensive federal or state system exists to track the number of families asked to relinquish custody of their child to secure mental health services. In fact, the GAO report admits that figures available from 2001 understate the problem. Of those states from which the GAO could not obtain estimates, five have the greatest populations of children in the nation.

NAMI is also gravely concerned with the information reported to the President in the New Freedom Commission Report in July, 2002. It is consistent with the research and information in the Surgeon General's 2001 report on children's mental health and the seminal report released in 1999. According to the Surgeon General's report, 1 in 10 children and adolescents in the United States suffers from a mental illness severe enough to cause impairment while fewer than 1 in 5 of these children receives needed treatment.

One thing is patently clear -- too many children with mental illnesses are not receiving any services. The circumstances are even worse for African-American, Latino and other youth from ethnically and culturally diverse communities. Tragically, they often bear a significantly greater burden from unmet mental health needs and thus suffer a greater loss in overall health and productivity. (Surgeon General 2001 Report on Mental Health: Culture, Race, and Ethnicity)

NAMI is frequently contacted by families from across the country who have struggled to get treatment for their child, and in the process attempted to navigate a fragmented, broken and under-funded system. Often these families have long since exhausted their private insurance benefits for mental health coverage (90% of private health insurance plans place restrictive and discriminatory caps on mental health benefits) and paying for intensive services is simply not financially feasible. Most of these families do not qualify for Medicaid benefits. State agencies and others tell many families that the only way to access critically needed treatment is by relinquishing custody of their child to the state. This causes unthinkable stress for families, hit at their most vulnerable moment.

The good news is that bipartisan supported federal legislation to address this crisis has just been introduced in both the U.S. House and Senate – the Keeping Families Together Act (S. 1407/H.R. 3243 – introduced on October 2, 2003). Also, the issue of custody relinquishment is receiving vast attention from the media across the country – putting a face on this unthinkable practice.

States need help to address this crisis. They clearly lack the resources and scope of understanding to do it alone. When the states cannot solve such problems, the federal government has a responsibility to act – as a partner in our federal system.

The unthinkable practice of custody relinquishment is a national scandal. Federal legislation and action at the state and local levels are critically necessary to help build a system that can provide appropriate treatment for children with mental illnesses. No child should be left behind. No parent should ever be forced to abandon their children to get the help they desperately need. Children and teenagers represent our nation's hope for the future. Those with mental illnesses deserve to receive treatment and services in their homes and communities and close to those who love them the most.

Targeted technical assistance will give NAMI Kansas, Keys for Networking (the Kansas chapter of the Federation of Families for Children's Mental Health) and members of the Kansas Mental Health Coalition the opportunity to not only learn more about the issue of custody relinquishment, but also recommendations on steps that can be taken to stop the practice and begin to build an effective children's mental health system.

Specific Topics

Targeted assistance will include information on the following:

- A summary of the crisis in the children's mental health system and the level of unmet need;
- A definition of custody relinquishment and why it happens;
- *NEW* Federal legislation – discussion will include a summary of new federal legislation that has been introduced that is designed to address this crisis -- The Keeping Families Together Act (S. 1704/H.R. 3243) and recommendations on how stakeholders can work to ensure that the legislation moves in the U.S. Congress;

- Discussion of other federal legislation that, if enacted, would help to address our nation's custody relinquishment crisis;
- Discussion of recommended state level advocacy activity and state level funding options that can help to address this crisis;
- Discussion of the role of family advocates in addressing the crisis.

Stakeholder Involvement

Stakeholders will include representatives from NAMI Kansas, Keys for Networking (Kansas Chapter of the Federation of Families for Children's Mental Health) and the Kansas Mental Health Coalition – including community mental health providers, the state Social Rehabilitation Services office, family members, consumers, legislators, and other state agency officials.

Type of Assistance

A meeting is scheduled for October 14th with approximately 50 stakeholders attending. Darcy Gruttadaro, J.D., Director, NAMI Child & Adolescent Action Center will present on the topic of custody relinquishment at the meeting and will lead an interactive discussion on this issue.

Immediacy of Need

There is an urgent need for all stakeholders to receive technical assistance on the custody relinquishment crisis – particularly with the introduction of federal legislation to address the issue. We need to build support for this legislation across the country to see that it is enacted. Also, there is great national momentum on exposing the tragic practice of forcing families to relinquish custody of their child to access mental health services -- as a result of major newspapers and magazines running stories on it (San Antonio newspaper published a 5-part series, Portland Herald Press newspaper in Maine published a 5-part series, Time Magazine included an article on it, the New York Times published a front section story in September and many other stories have been published across the country). The media coverage, along with the introduction of federal legislation targeting this issue -- have raised the visibility of the issue and this presents an ideal time to work with state advocates to help them understand the issues and begin to pressure federal, state and local officials to address this unthinkable practice.

Outcomes Expected

Stakeholders will have an increased understanding of custody relinquishment – why it happens and recommended steps that can be taken to stop or minimize the practice. Stakeholders will also learn more about federal legislation that they can support to help to end the custody relinquishment crisis and suggestions on how to work with state and local officials to minimize the practice.

In addition, this technical assistance program will provide a unique opportunity for stakeholders to meet, discuss the issues, and begin to develop a plan of action to address the challenges and provide solutions.

Organization Making Request:

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