

## MHLAC eNews

Volume 1 No.2 Fall/Winter 2014

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*MHLAC hopes everyone had a great summer. Fall has brought us more beautiful weather, delicious apples and colorful leaves. As we head towards cooler temps and shorter days, we'd like to take the opportunity to extend immense thanks to certain individuals who devoted time and energy to the Mental Health Legal Advisors through the years. After many years of service, Colby Brunt, Steven Wollman, and Dr. Judy Edersheim left the MHLAC Board. We've welcomed newcomers Deb Filler and Judge Brian Dunn. We also owe a shout out to our Summer of '14 interns. They were a hard working bunch all summer long. We greatly appreciated all their efforts, hope they enjoyed their time at MHLAC, and wish them the best success as future attorneys. Thank you Ashley Dearstyne, Ali Tucker, Ben Brooks, Chris Raichel, and Tiffanei Ressler-Moyer.*

### **OUTREACH & INTAKE: *On the road again***

MHLAC is continuing to outreach to the community about our services and mission. In May, we met many people at the annual NAMI Walk and were really impressed at the huge turnout, notwithstanding chilly temps and off and on rain (we may have to invest in a tent for future outings). Checking out the NAMI Chapters' creative and colorful t-shirts was one of many highlights. They were beautiful and expressed much talent and pride.

In October, MHLAC also participated in a "meet and greet" with the veterans community on the Cape. We visited the Cape and Islands Veterans Outreach Center and presented to the staff, board, and local community members about our services. We also discussed the issues that veterans with mental health conditions face in common and how MHLAC can help. We hope to continue reaching out to various organizations that serve the veteran population over the coming months. We also will continue our community visits to learn about the problems our clients encounter. If there is an event you'd like us to attend, please contact Megan Mauskapf at 617.338.2345, ext. 134.

If you or someone you know could use our legal help, contact MHLAC at 617.338.2345 or 1.800.342.9092 and press "4" or send an email message to [Intake@mhlac.org](mailto:Intake@mhlac.org).

If you are a professional or advocate, details on how to reach the Intake Department directly can be found at <http://www.mhlac.org/Intake.htm>.

## EVENTS



MHLAC coordinated and hosted two conference events in 2014. Both received overwhelmingly positive reviews from attendees.

On March 20<sup>th</sup>, MHLAC hosted “Challenging Assumptions about Violence and Mental Illness” at MCLE in Boston. Presentations focused on clinical judgment and risk prediction as well as risk assessment tools and their application in the courtroom. The audience was invited to engage and discuss these issues with a panel of experts in the field.

On June 20<sup>th</sup>, MHLAC hosted an all-day continuing education conference at UMass Medical School in Worcester: “Beyond the Medical Model: Alternative Approaches to Mental Health and Illness.” The event featured twenty speakers covering topics such as: the current state of scientific research on the causes of mental illness; mind-body practices; and residential alternatives to hospitalization. It was an immensely informative day. MHLAC staff is grateful to everyone who participated and attended. We look forward to seeing you at our next conference in February 2015!

### Save the Date:

Agenda and registration to be posted soon about our next conference event.

Friday, February 27, 2015

#### NAVIGATING THE CLINICAL AND LEGAL CHOICES OF ELDERS WITH MENTAL HEALTH ISSUES

MCLE, Boston, MA

UMASS Medical School, Worcester MA (via LIVE Simulcast)

## ADVOCACY EFFORTS

🌀 The names of individuals in the following stories have been changed. 🌀

### ▪ COMMUNITY SERVICES ▪

*A middle-aged woman under guardianship and receiving DDS services, Anne, lives in a group home. She asked repeatedly to visit with an elderly aunt that was like a mother to her. These requests were denied. After exhausting informal avenues, MHLAC asked the probate court to appoint public counsel for the client. The court obliged and also appointed a guardian ad litem to investigate. The GAL recommended visits at the aunt’s home. The first visit happened recently. Anne and her aunt were thrilled.*

### ▪ EDUCATION ▪

*Roy, a teenaged boy, in answering a test question, wrote a response that his teacher unreasonably took as a threat. The school reacted by suspending the boy from school. MHLAC’s advocacy resulted in Roy’s placement in an educational collaborative, where he is doing well and enjoying school for the first time in his life.*

## ▪ FAMILY LAW ▪

*John sought assistance to overcome undue restrictions on access to his son imposed by the child's mother due to troubles not of John's making that exacerbated his symptoms (a car accident; a medical insurance denial). In negotiations, MHLAC encouraged the parties to focus on relevant behavior and their respective strengths and weaknesses as parents, rather than John's mental health issues. With John's best interests front and center, they reached an agreement making provision for ample parenting time with them both.*

## ADVOCACY & POLICY HIGHLIGHTS

- MHLAC recently entered an appearance on behalf of the plaintiffs in *Minich v. Spencer*: a lawsuit challenging the widely-reported excessive use of physical restraint and seclusion at Bridgewater State Hospital. Intense settlement negotiations are currently under way. MHLAC is also involved in an effort to persuade the legislature to fund much needed new clinical staff, which we hope will cause BSH to operate more like a hospital and less like a harsh prison.
- MHLAC provided critical support, both statewide and in Boston, to efforts to reduce unnecessary and counterproductive exclusionary school discipline and arrest. Data persistently shows that students with emotional and mental health problems are the ones most targeted by arrest, suspension, and expulsion practices. There is an undeniable correlation between exclusion and dropping out of school, which most often results in a life of low wages and little opportunity; conditions under which mental illness may flourish. MHLAC:
  - Proposed and lobbied a statutory revision that would abolish the “crime” of “disturbing a school assembly,” which is used to justify the arrest of students for such misconduct as running in the hall, throwing paper airplanes, or simply being obnoxious as kids can sometimes be. The bill (H 4132) passed the House and is pending in the state Senate;
  - Participated strongly in two initiatives designed to promote faithful implementation of Chapter 222, which re-writes school discipline law by limiting schools’ ability to suspend and expel students and mandates alternative education for students excluded from the educational mainstream:
  - MHLAC assisted in drafting a proposal and lobbying the Department of Elementary and Secondary Education for protective regulations. A strong set of final rules was promulgated and will promote compliance with the new law;
  - MHLAC was a key player in an effort that resulted in approval by the Boston School Committee of revisions to its Code of Conduct that renders the Code more protective of students’ rights and aligns it with Chapter 222.
- MHLAC contributed importantly to a campaign to stop the use of Health Care Proxies to illegally abrogate the self-determination rights of mostly elderly and infirm clients. In some cases, designated proxies circumvented the protections against abuse existent in guardianship proceedings. As a result of this effort, the Probate Court issued guidelines insuring proper notice to and legal representation of clients whose appointed proxies intend to take actions they don’t desire (e.g. nursing home placement).

## RESOURCES & PUBLICATIONS

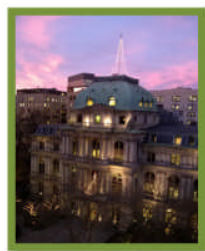
MHLAC Executive Director Phillip Kassel appeared on WGBH's *Greater Boston* show with Emily Rooney. He discussed the options for families with children with psychiatric histories as they enter adulthood, encouraging an approach that maximizes independent living. Check it out at: <http://wgbhnews.org/post/legal-issues-arise-when-mentally-ill-children-become-adults>

Our very own Susan Fendell appeared on the Disability Law Center's Disability Connection show. Check it out at <http://vimeo.com/107828126>.

Katherine Nemens, attorney for the Clubhouse Family Legal Support Project, is quoted in an article appearing in the *New England Psychologist* about efforts to prevent child abuse and neglect: <http://www.nepsy.com/articles/leading-stories/predictive-neglect-programs-may-modify-outcomes/>

Suffolk University Law School's *Journal of Health and Biomedical Law*, VI. X 2014, No. 2, features articles on issues of great importance to persons with psychiatric histories trying to access medical care: "The Unintended Results of Payment Reform and Electronic Medical Records" and "Choice and Continuity of Care as Significant Issues for Equality in Mental Health Care." The pieces were written by MHLAC Senior Attorneys Susan Fendell and Miriam Ruttenberg, respectively.

Do you know that MHLAC offers an extensive list of publications on its website Library page, <http://www.mhlac.org/Library.htm>? Education rights, health care reform and insurance, and DMH client rights are some of the topics covered. Contact information for state governmental agencies, legal services and state and national advocacy organizations appears on our [Useful Links](#) page. We welcome suggestions on topics or organizations to add. We'll soon be adding a media section as well as a page where you can access previous newsletters.



# *Happy Holidays*

*from MHLAC*

*Advancing the rights and opportunities of persons with mental disabilities  
through quality legal advocacy and education in Massachusetts*

### **Contact Information for MENTAL HEALTH LEGAL ADVISORS COMMITTEE**

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Business hours are 9:00 AM - 5:00 PM, Monday - Friday

The MHLAC [Intake](#) line is 617-338-2345, press 4 or toll free 1-800-342-9092, press 4