

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/breaking-point/an-interdisciplinary-approach-to-keeping-families-together>

### Public Facing Advocacy Writing

As highlighted in WNYC's Breaking Point series, the combination of poverty with serious mental health issues is deeply damaging to many families. In our work representing indigent parents and other caregivers in child protective proceedings in Manhattan and Queens, we at the [Center for Family Representation](#) (CFR) repeatedly witness the effects of this damage. Approximately 25 percent of our clients have already been diagnosed with a mental health disorder when we first meet them in court, and that percentage goes up to approximately 33 percent of our clients ages 25 and younger. Of this younger subset of clients with a mental health diagnosis, more than 30 percent either have been or are currently placed in foster care.

Rather than viewing a mental health diagnosis as a treatable condition, a parent or caregiver who is the subject of a child protective investigation may experience it as a stigma; they may feel blamed for their diagnosis or, conversely and contrary to the views of child protective personnel they may believe they are mentally stable and their ability to parent is entirely unaffected by their condition. Other times, parents may believe they have been saddled with a misdiagnosis but do not have the proof to support such a belief.

Because the law allows for a finding of neglect against a parent based solely on a risk of impairment to a child, many parents and caregivers with a history of mental health issues may find themselves branded as neglectful, even when no concrete harm of any kind has come to their children. Many of our clients find this frustrating and unfair, especially when a finding of neglect will extend the courts jurisdiction over the family and may mean continued foster care placement and other limitations on contact.

At CFR, we consider it essential to find services tailored to our clients individual needs, especially for clients with mental health diagnoses. We employ an interdisciplinary approach that aims to prevent the removal of children, quickly reunify families when a removal has occurred, and ultimately, end a family's involvement with the child welfare system. At the beginning of a case, each client is assigned an attorney and a member of our social work staff. Through in-court and out-of-court advocacy, we work to ensure that our clients receive the right services for themselves and their families. For example, we may seek a revised evaluation for a client to ensure the accuracy of a mental health diagnosis and the appropriateness of related treatment, or we may look for a service provider that not only accepts our clients insurance but also speaks his or her native language and is open to conducting family therapy for the client and his or her children.

This approach has facilitated the reunification of hundreds of families, including cases based on concerns about a parent's mental health. Given the recent decision handed down by New York's Appellate Division, Second Department which found that a mental health diagnosis itself does not prevent a parent from providing a minimum degree of care to a child we have even more reason to be hopeful about prevailing attitudes about and our work on behalf of New York City families going forward.

Vera is pleased to complement the WNYC broadcast, *Breaking Point: New York's Mental Health Crisis*, with [a blog series](#) that features the voices of experts from a range of fields as they examine how the nexus of poverty, mental health, and the criminal justice system affects nearly every aspect of New York City life.

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