

## **MISSION STATEMENT**

The Mental Hygiene Legal Service (MHLS) is a New York State agency responsible for representing, advocating and litigating on behalf of individuals receiving services for a mental disability. It is the oldest and most comprehensive legal advocacy program for the mentally disabled in the United States. Originally created by the New York State Legislature in 1964 as the Mental Health Information Service to act as the guardian of due process rights for the institutionalized mentally disabled, the agency functioned primarily in an informational and ombudsman capacity. In 1986, the agency became the Mental Hygiene Legal Service and over the years has evolved into a dedicated legal advocacy program providing a broad range of protective legal services and assistance to mentally disabled persons under the care or jurisdiction of State-operated or licensed facilities. In the 1990's our mandate was expanded to include critical roles in Mental Hygiene Law ("MHL") Article 81 Guardianship and most MHL §9.60 Assisted Outpatient Treatment ("Kendra's Law") proceedings. Most recently, in 2007, we were mandated by the new MHL Art 10 to provide representation and advocacy to sex offenders alleged to have mental abnormalities making them likely to re-offend and are therefore in need of civil confinement or intensive supervision.

MHLS operates pursuant to Article 47 of the New York State Mental Hygiene Law, and is an agency of the judicial branch of government. As such, MHLS operates independently from executive branch agencies, such as the Office of Mental Health.

The objectives of the MHLS are: to ensure that persons with mental and/or developmental disabilities are afforded due process and equal protection of the law; to provide legal counsel for persons involved in judicial proceedings concerning admission, retention, transfer, right to adequate care and treatment, right to object to treatment, etc.; to investigate and take legal action relative to cases of abuse or mistreatment; and to provide general day-to-day advocacy services meeting the myriad needs of the thousands of individuals who reside in or pass through the mental health system annually. Its oversight function includes monitoring providers' compliance with statutes, regulations and licenses.

But, it is the daily contact with individuals receiving services for a mental disability which is arguably MHLS' most important function. Other than contact with hospital personnel, the MHLS staffer is often the only outside individual to have close interaction and an open channel of communication with those receiving services. MHLS' regular physical presence in psychiatric hospitals and residential programs for

the developmentally disabled provides the hands-on advocacy which is a hallmark of the agency. Due to this proximity to its clients, MHLS is uniquely positioned to advocate on quality of life issues such as privacy while bathing and visiting, access to phones, religious observance, dietary needs, access to fresh air, etc.

Moreover, MHLS has both the statutory mandate as well as the mission to ensure that no individual falls through the cracks or goes forgotten. In this vein, MHLS staff reach out to their clients in an effort to meet their individual needs as well as to initiate impact litigation aimed at addressing broad issues relating to both the substantive and the procedural rights of these individuals.

In 2013, while performing judicial and non-judicial functions, MHLS, Second Judicial Department, had over 103,000 contacts with patients and residents and approximately 360,000 contacts with others. Moreover, MHLS represented clients in over 16,000 judicial proceedings.

MHLS' vision changes as mental health treatments develop and the delivery of mental health care to our constituents changes.