

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Court Sets Three-Year Extension of Deadline for Reform of Arizona Mental Health System for Children

Washington, D.C., November 21, 2006 – Facing a 2007 deadline for reform of the mental health system serving 40,000 poor Arizona children, state officials and children’s advocates today agreed to a three-year extension of the terms of a settlement in the federal class-action lawsuit known currently as J.K. v. Gerard.

Seeking the extension in a January 9th letter to the state’s lawyers, Ira Burnim, legal director of the Bazelon Center for Mental Health Law and Anne Ronan, staff attorney of the Arizona Center for Law in the Public Interest, who represent the class of children, said they had repeatedly raised concerns about the slow pace of implementation. “We are now at a critical juncture,” they wrote, and urged extension “to make up for lost time –the time lost due to Defendants’ failure to move as quickly as practicable and to make needed changes to contracts, decisions, practice guidelines and policies.”

The groundbreaking 2001 settlement committed the state to a series of concrete steps, including partnering with families in the design and delivery of services, a training program for frontline staff and supervisors, and other improvements in the state’s managed care system for Medicaid-eligible children. It anticipated implementation over six years, and obliged the state to move "as quickly as is practicable" to make needed changes.

In the settlement, the state had agreed to incorporate in all aspects of the system’s operations 12 principles for serving children with behavioral health needs in their communities. “While pleased that the state has agreed to the extension, we are deeply concerned about lack of progress to date,” Burnim said. Burnim finds it particularly disappointing that “children still lack access to the home- and community-based services that can help them avoid school failure, arrest and incarceration, and institutionalization.”

The three-year extension came after an extended mediation, in which Governor Janet Napolitano’s own counsel became involved. Burnim said he assumes that the state will address the specific concerns raised in mediation. If not, he expects to be back in court.

Also representing the children in JK are Robbin Coulon of the Arizona Center for Disability Law and Patrick Gardner of the National Center for Youth Law.