

Judge David L.

BAZELON CENTER

for Mental Health Law

NEWS

Motion Filed to Enforce Settlement Agreement on Mental Health Services for Low-Income Children in Arizona

PHOENIX, AZ - November 13, 2009 - The Bazelon Center for Mental Health Law and the Arizona Center for Law in Public Interest filed a motion today to enforce the settlement agreement in *J.K. v. Gerard*. According to the filing, the advocates charge that the state of Arizona has not taken the steps to which it agreed were necessary to transform its children's behavioral health system, and is therefore failing to "protect the right of Arizona's Medicaid-eligible children to receive necessary mental health and substance abuse services."

"We are disappointed that in the eight years since entering into the settlement agreement, Arizona has failed to ensure that quality services and supports exist for its most vulnerable population - children with significant mental health needs," said Anne Ronan, an attorney with the [Arizona Center for Law in the Public Interest](#).

"The State agreed to take specific actions, including establishing community-based mental health services so children don't have to be taken from their families and placed in out-of-home care. The State hasn't done what it committed to do," said Ira Burnim, legal director at the Bazelon Center for Mental Health Law.

The settlement committed the State to developing a behavioral health system with improved components such as community-based services to help children live with their families, avoid crises and succeed in school; substance abuse treatment for Arizona children; and a training program for behavioral health workers to increase their knowledge and skills, among other provisions.

The State was to act "as quickly as [was] practicable" to make the agreed-upon changes.

The advocates have requested that the court require Arizona to develop a plan to address its failures in implementing the settlement agreement and to extend the term of settlement agreement for the time necessary for the State to take the actions in the plan.

"The *J.K.* Settlement is an exemplary approach to meeting the needs of children with behavioral disorders. It has inspired reforms elsewhere in the nation. Now is not the time for Arizona to abandon it," said Alison Barkoff, senior staff attorney at the Bazelon Center.

The *J.K.* lawsuit was originally filed in federal district court in 1991 by a father who had been unable to obtain services for his son. When the managed care system refused to provide the treatment recommended by professionals, the boy ran away from home, attempted suicide and was ultimately admitted to a psychiatric hospital.

Visit [links](#) to today's motion and other court documents in the *J.K.* case.