



FREQUENTLY ASKED QUESTIONS Juvenile Court Mental Health Advocacy Project/ J-MHAP

What is Health Law Advocates?

Health Law Advocates (HLA) is a public interest law firm whose mission is to provide *pro bono* legal representation to low-income residents experiencing difficulty accessing or paying for needed medical services. HLA is committed to ensuring universal access to quality health care in Massachusetts, particularly for those who are most at risk due to such factors as race, gender, disability, age, immigration status or geographic location. With its partner organization, Health Care For All, HLA combines legal expertise with grassroots organizing and policy reform to advance the statewide movement for universal health care access.

What is the J-MHAP?

HLA's J-MHAP is dedicated to improving the mental and behavioral health of Juvenile Court-involved youth. It achieves this goal by implementing a sustainable and replicable advocacy program, initially in two Juvenile Court "pilot sites" from February 2015 through February 2017. Two designated Mental Health Advocates serve the Lowell and Salem Juvenile Courts, advocating for up to 50 youth total at a time. This pilot project builds on HLA attorneys' nine years of experience serving as Mental Health Guardians *ad Litem* (GAL) in Juvenile Courts in Central Massachusetts, Boston, Lowell, Lynn, and Salem. HLA's Mental Health GAL program has been highly effective in accessing mental health care for youth.

How did HLA develop the J-MHAP Mental Health Advocate pilot program?

The pilot program was developed primarily with the partnership of the Massachusetts Administrative Office of the Juvenile Court. HLA is grateful for the support of Chief Justice Amy L. Nechtem and the prior support of now-retired Chief Justice Michael F. Edgerton. A working group led by HLA played a key role in the design of the pilot project. In addition to the Administrative Office of the Juvenile Court the following agencies and organizations were part of the working group: Juvenile Court Clinics, the Department of Mental Health, Children's Friend and Family Services, the Massachusetts Society for the Prevention of Cruelty to Children, the Youth Advocacy Division of CPCS, Juvenile Probation, and the Parent/Professional Advocacy League.

What is a Mental Health Advocate?

A Mental Health Advocate is a highly qualified professional appointed by a Juvenile Court justice to advocate for a child's best interests as it relates to his/her mental and behavioral health needs. The Advocate works on a child's behalf for up to six months, with the option for renewing the appointment if further efforts are needed.

A Mental Health Advocate conducts an inquiry into a child's situation in order to figure out what the child needs and to advocate appropriately. A Mental Health Advocate determines what is in the child's best interest, while respecting the child's and parent(s)' express wishes and following communication with legal counsel. The Advocate reports to the court in writing or orally at each court appearance, and advocates in court for her position. A Mental Health Advocate also makes recommendations to the court, including recommendations for placement based upon opinions offered by reliable collaterals that a certain placement is required. A Mental Health Advocate works directly with community-based agencies, including schools in order to ensure that a child receives appropriate and needed services. HLA's two Mental Health Advocates engage in advocacy activities such as: attending special education team meetings to advocate for eligibility for services or improved services, collaborating and advocating with the Department of Children and Families to ensure that placement decisions are informed by treatment providers, referring youth to recommended services not yet accessed, advocating for eligibility and services from the Department of Mental Health, advocating against the use of juvenile detention while appropriate services are sought, ensuring that health insurance carriers provide coverage for services such as extended hospital stays when needed, and on and on.

Why would a child need a Mental Health Advocate?

There is a high rate of major mental illness among children in the juvenile justice system and many of these children are not receiving mental health services. One study found that 20% of youth in the juvenile justice system had a major mental illness or serious emotional disturbance.¹ Another study reported that between 40% and 50% of the children involved in the justice system has some form of mental illness.² A number of these children in Massachusetts end up in the custody of the Department of Children and Families or incarcerated in a Department of Youth Services facility due to their unmet mental health needs. To keep these children at home rather than in the custody of the state or incarcerated, there must be services available and advocates to help their families access mental health services.

How is a Mental Health Advocate appointed?

The Advocate is appointed by a Juvenile Court judge. Probation officers may make referrals, and can do so at the request of parents, attorneys, court clinicians, etc. Judges can also make an appointment at any time of their own initiative. Generally speaking, where a court clinic evaluation has been ordered, a judge cannot appoint the Advocate until the clinician's recommendations are available or the report has been or will be filed with the Court. (Note: On delinquency matters, child's counsel must assent to the appointment for the appointment to move forward.)

What is the difference between a Mental Health Advocate and other professionals who might provide advocacy and services to the child, such as a child's attorney?

The Mental Health Advocates' role is designed to ensure that there is no redundancy between the Advocates and other important professionals working on behalf of court-involved youth. The Mental Health Advocates are unique in that they use their expertise to advocate for a child's best interests both in and out of court for six months at a time. The Advocates also work collaboratively with any other involved professionals to help improve the child's situation.

How is the Mental Health Advocates' work funded?

The J-MHAP is generously supported by grants from The Peter and Elizabeth C. Tower Foundation, the Klarman Family Foundation, the Ludcke Foundation, the Gardiner Howland Shaw Foundation, the C.F. Adams Charitable Trust, the John W. Alden Trust, Boston Children's Hospital, and Hagens Berman Sobol Shapiro LLP. Previous supporters also include: the Eastern Bank Charitable Foundation, Blue Cross Blue Shield of Massachusetts Foundation, and the Bennett Family Foundation.

How will HLA know if the J-MHAP pilot program is effective?

HLA hired a team of independent researchers from the Boston University School of Public Health to conduct a full program assessment of J-MHAP's pilot program over the two years it will operate. If the program is proven to be effective, we will work to sustain the model and replicate it in courts across the Commonwealth.

Do you offer orientations or trainings to inform others about your work?

Yes. We would be happy to speak with you about setting something up. If you are interested in a training or if you have any other questions about the J-MHAP, please contact Meira Russ, Project Director at mruss@hla-inc.org.

¹Abrantes, A.M., et al. (2004). *Identifying Co-Occurring Disorders in Juvenile Justice Populations*. Youth Violence and Juvenile Justice, Vol. 2 No.4, October 2004 329-341.

² Lourdes Rosado, Esq. *Serving the Mental Health Needs of Youth in the Juvenile Justice System*, appearing in *Sharing*, a newsletter of the Parents Involved Network of Pennsylvania: <http://www.jlc.org/home/mentalhealth/youth.html>.