

Families as Allies
840 E. River Place, Suite 500
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STATE OF EMERGENCY: CHILDREN'S MENTAL HEALTH CARE IN CRISIS

Mississippi, a state known for its family values and charitable spirit, is failing its most vulnerable citizens: children affected by mental illness. Nobody knows that better than we do – we are the families of those children.

We are now approaching the four year anniversary of the completion of a comprehensive investigation of Mississippi's mental health system by the U.S. Department of Justice, which revealed what we have known for many years and still remains true today:

The State of Mississippi Fails to Provide Children with Disabilities with Medically Necessary and Educational Services, in Violation of Federal Law, Which Further Exposes Children to Unnecessary Institutionalization ([Dec. 22nd, 2011 letter to Governor Barbour, p. 28](#))

What do the findings of this investigation mean in the real world for children and families? It means that the services and supports our children need to succeed and do well often are withheld or are not offered at all, in direct violation of federal law. In the same way some children need wheelchairs and with them can live successfully, the provision of medically necessary services would allow more children to thrive, not become increasingly dependent on the State for long term survival.

But it doesn't have to be this way. We know that with an array of [flexible, real-world services and supports](#), coordinated between the systems and agencies that affect their lives, our children can thrive. A few families in Mississippi have found such services; however many more families find that even when such services are offered, they are simply more of what has failed in the past.

This coordinated approach focused on the real-life needs of children is called a [system of care](#) and has helped children and families in many other states. What are the results? Children do better in school. Parents keep their jobs. Families stay together. Our state would save money over time. Everyone would benefit.

Of all the values that are critical to the success of a system of care, the most fundamental is that it be [family driven](#). Family driven is defined as "families have a primary decision-making role in the care of their own children as well as the policies and procedures governing care for all children in their community, state, tribe, territory and nation".

That means that we, as families, must be partners not only in our own children's care but also be partners with the state and other stakeholders in developing a system of care that actually works. That only makes sense – we know better than anyone what our children need and what initiatives end up actually helping them do better. We can be the litmus test for an effective system when providers and policy makers genuinely engage with us. But that kind of family engagement is not what is happening in Mississippi.

The reality is in stark contrast to that ideal - for the past four years the State of Mississippi has conducted negotiations with the DOJ and the Southern Poverty Law Center regarding the State's abject failure to serve

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our children, with these negotiations totally hidden from public view and absent of any public input. These negotiations have excluded state systems that are critical to our children's success and have completely shut out families.

Month after month during these past four years, the families of our organization have continued to face horrendous and tragic situations: ***a young child with psychotic symptoms being held in an adult jail, a child missing school for months on end because no agency or institution knows how to serve them, a toddler in the home being put at risk for abuse because the right type of treatment for an older sibling who needs care simply isn't available in Mississippi.***

Because Mississippi does not have a coordinated and accessible service system, some of us have lost precious children to foster care, the streets and even jail.

It is time that our State, and most importantly, our elected officials and the heads of the agencies that serve our children stop ignoring this crisis and pretending that we, our children, and the grassroots organizations that we are a part of don't exist. This crisis is real. We are real. Our children are real. We are doing everything we can to help our children, but our broken system is real too.

Families as Allies is the only statewide organization run by and for families of children with mental health challenges. It is our job to offer policy makers technical assistance because we have a wealth of knowledge about family-driven systems of care and how to design them.

As the state, represented by the Attorney General, continues discussions and negotiations with the U. S. Department of Justice and Southern Poverty Law Center that have now gone on for four years with no evidence of any kind of successful resolution, we take this opportunity to share with the press and the public **what we as families believe to be the essential elements of an effective settlement agreement:**

- Enforcement of and adherence to Mississippi state law ([Miss. Code Ann. § 43-14-1](#)) which requires a family-driven, culturally responsive system of care for children's mental health. The oversight bodies mandated by this law must meet and function (the Interagency Coordinating Council for Children and Youth that is mandated to meet twice a year and coordinate oversight last met in December 2012).
- An objective way to assure that the board and executive leadership of the Department of Mental Health possess the skills, training and capacity to lead the Department in a manner consistent with federal mandates (such as [Public Law 102-321, Section 1914](#), page 60), best practices, and a patient-centered/family-driven philosophy as reflected in agency practices (including its certification processes and requirements), policies and strategic planning.
- Mandated, meaningful coordination among child-serving systems, including the departments of education, child welfare, juvenile justice and health.
- Comprehensive reform in the provision of school-based mental health, coordinated with education mandates (IDEA, RTI and PBIS, for example). As most children are in school, necessary services and supports must be provided there, where they are.

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- Coordination with the systemic restructuring of the Department of Human Services (DHS) given the overlap between the populations and needs of the children in Olivia Y and those that are the subject of these negotiations.
- Provision to families of accessible, responsive and beneficial services delivered by qualified providers.
- Assurance that all aspects of the settlement are family driven and that families and family organizations are equal partners both for their individual children and at the systems level in all settlement activities, including those outlined in the definition of family-driven care.
- An independent monitor appointed by the court with input from families, who will continue to coordinate closely with families and family organizations on settlement activities and assessing compliance with settlement terms.
- Parent-to-parent support certification, training, delivery and evaluation that are developed and coordinated by families and family organizations in collaboration with all stakeholders.

Any settlement which does not include these elements will fall short. They are fundamental to the reform of the children's mental health system in our state.

We have repeatedly urged all parties to incorporate these elements into any proposed resolution. We now urge every family, citizen and member of the press to join with us and hold all parties negotiating accountable for a settlement that will benefit our children

As the only statewide organization run by and for families of children with mental health challenges, Families as Allies commits that we WILL:

- Advocate passionately for these changes,
- Align with like-minded advocates and ally organizations to bring about these changes,
- Use all avenues available to us to create this change, including any salient legal and legislative remedies
- Insure that any and all families have the opportunity to give input into the design of an effective settlement

We cannot and will not let this opportunity pass us by to insure our children have the opportunity to succeed and reach their potential, just like all children in our state.

In his election night speech Governor Bryant said the following: ***"...as long as I am governor we will do all in our power with the Good Lord's might to make sure that no child takes that first step into darkness in this great state."***

We implore Governor Bryant and every Mississippian to be accountable to that promise on behalf of our children.

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