

Hochul touts more mental health commitments

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New York would increase involuntary commitments of people with severe mental and behavioral health issues under plans Gov. Kathy Hochul touted on Tuesday in her annual State of the State speech.

This would allow the state to, in part, involuntarily admit to hospitals or mental health facilities people who are at immediate risk because they can't care for their basic needs. The current laws require that authorities determine the person being committed poses an imminent risk to harm themselves or others.

The Democratic governor's proposals to amend mental health law and expand Kendra's Law come as violent New York subway incidents involving mental health issues have catapulted into the national spotlight in recent months, including several people being pushed onto tracks.

"People with serious mental illness

deserve care – not chaos. Yet for too long, our mental health system has been failing those who needed it most," Hochul said in a statement promoting her plans.

How could involuntary commitments change in NY?

Hochul's plan would amend New York's Mental Hygiene Law "to address gaps in the standards for involuntary commitment," according to the governor's office.

That would include, in part, allowing intervention "when individuals are at substantial risk of harm due to their inability to meet basic needs like food, shelter, or medical care." These changes would "clarify that evidence of imminent risk or recent overt acts is not required, enabling earlier intervention and aligning New York with other states," the office noted.

Hochul's mental health proposal would also expand Kendra's Law, which allows court-ordered treatment for people with mental illness who are at risk of harming themselves or others. The 1999 law was named after Kendra Webdale, who was pushed to her death in front of a subway by a man with schizophrenia.

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Kendra's Law governs Assisted Outpatient Treatment, and Hochul asserted her plan would reduce barriers to that care. The proposed changes would include "improving record sharing, expanding who can petition for court orders, and using video conferencing to streamline processes," she said.

Will more New Yorkers with mental health issues be removed from streets?

While some details of Hochul's plans remain unclear, the proposals would assuredly give authorities expanded powers to remove more people with mental health issues from the streets.

That would build upon the 22,504 total people who have received court-ordered treatment under Kendra's Law since 1999, state data show.

What do mental health, homeless advocates think of proposal?

The Coalition for the Homeless has opposed efforts by Hochul and New York City Mayor Eric Adams to increase involuntary commitments, with the group noting in part that the process reflects “the same socioeconomic disparities found in other coercive systems,” according to the group’s 2024 legislative testimony.

In New York City, which has the highest number of Kendra’s Law orders, there was a significant overrepresentation of both Black people (44% of commitments vs. 23% of the NYC population) and people with prior experiences of being unhoused (26% of commitments vs. 1% of the NYC population), the group noted.

“As it stands, in application it appears that this law’s primary impact is to forcibly remove low-income people with mental health issues from their communities, rather than serving mental health needs in any detectable way,” the group stated.

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In a statement addressing Hochul’s plan earlier this month, New York Civil Liberties Union Executive Director Donna Lieberman said, “the governor is right that the status quo response to homelessness and serious mental health issues is untenable.”

“But the change we need is not simply to lock more people away, especially those who pose no immediate threat to themselves or others,” Lieberman said. “That doesn’t make us safer, it distracts us from addressing the roots of our problems, and it threatens New Yorkers’ rights and liberties.”

Lieberman asserted “the real problem is there are not nearly enough mental health care resources available,” noting housing shortages also play a role in the issue.

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