

Mental Health Law

Mental Health Law Attorneys

The Mental Health Law Practice [Abrams Fensterman, LLP](#) is currently the only practice in New York State and across the country, which concentrates exclusively in Mental Health Law.

Our department represents institutions such as major hospital systems, outpatient mental health programs, individual mental health practitioners, and higher education institutions as it relates to mental health and/or substance use issues. Specifically, we handle Mental Hygiene Law Article 9 hospital proceedings for retention, treatment over objection, and Kendra's Law hearings for Assisted Outpatient Treatment ("AOT"), Article 81 Guardianship proceedings, and medical treatment cases for several major hospital systems. We also manage other civil litigation and negotiations relevant to mental health issues, capacity, informed consent, end of life decision making, and mental health legal issues of minors in a variety of legal and clinical settings. Our department has been involved in shaping the parameters of the Mental Hygiene Law in Appellate and Court of Appeals matters.

The family-focused portion of our practice involves guiding families through the complex landscape of legal issues that impact loved ones with serious mental illness and/or substance use issues. We employ both straight-line interventions as well as those which require the ability to "think out of the box" to develop appropriate and timely legal and clinical interventions. We represent individuals and families in mental health legal matters, including, but not limited to:

- Mental hygiene law hospital proceedings for retention and treatment over objection
- Mental hygiene warrant hearings
- Article 81 adult guardianship proceedings
- Applications for court-ordered Assisted Outpatient Treatment (AOT)
- Execution of advance directives, such as a Health Care Proxy and Power of Attorney
- Family Court Order of Protection matters
- Criminal defense matters, including representation in diversion courts such as Mental Health Court or Drug Treatment Court
- Employment law matters, including wrongful termination, discrimination, and the negotiation of employment and severance agreements
- Housing discrimination matters based upon race, gender, disability or familial status and mental health issues

To create and implement a legal and/or clinical strategy, we often collaborate with a team of psychiatric experts. We tap into our network of major healthcare institutions and individual mental health professionals to make referrals for treatment in a variety of settings. Treatment facilities range from hospital inpatient to outpatient psychiatric and/or substance use disorder programs. Referrals to mental

health professionals include licensed psychiatrists, psychologists, licensed clinical social workers and various other therapists, mental health care managers or geriatric care managers.

In the higher education setting, we manage client matters such as the coordination of mental health professionals in cases involving student mental health, medical leave situations, hoarding, eating disorders, personality and related disorders. We can also act as a liaison between parents, family and campus mental health services.

Our unique area of practice lends itself to serving as co-counsel with attorneys of all other areas of practice in cases involving mental health issues and substance use disorders. For example, we have experience serving as co-counsel with landlord-tenant, real estate, or condo/coop board counsel in matters where a tenant/resident demonstrates objectionable conduct in a residential or commercial building. We have also served as co-counsel in child custody matters where a parent or child may suffer from a serious mental illness or substance use disorder. In the field of trusts and estates, we consult on the creation of Supplemental Needs Trusts and assist in the drafting of appropriate language in estate planning documents relevant to individuals with mental health issues and substance use disorders.

Part of the services offered to clients in the practice include the availability of a 24-hour 7-day per week answering service, with attorneys in the mental health practice on-call and readily accessible at any time of the day or night. This allows for timely intervention and treatment arrangements in an urgent and/or emergent client situation.

The attorneys in our mental health law practice work tirelessly in both the legal field and with mental health care providers, to bring about an effective, efficient and safe intervention in the best interest of our clients. From the inception of a client relationship our goal is to develop and implement a plan of action, working within both the legal and mental health/health care systems.

Contact Our Law Firm

For further information about our mental health law practice, please [contact our law firm](#) on Long Island at [516-592-5857](tel:516-592-5857).