

Advocating for Mental Health Protections in Family Courts: A Call for Awareness and Reform

Introduction

Imagine being a patient with mental health illness and having the same rights, protections and favors as someone battling cancer. This isn't a far-reaching fantasy, but a basic right for which we must fight. Mental health is every bit as critical as physical health, but the stigma, especially in family courts, heaps unjust barriers on those who are already suffering. Let's dive into why we need to amp up awareness and slap down better mental health protections in family courts to genuinely support those diagnosed, or potentially diagnosed, with mental health disorders.

The Logical Appeal: Statistics and Data that Should Piss You Off

The data screams about the inefficacy and inaccessibility of mental health services. Reports indicate that explicit stigma royally screws up custody decisions. Parents with psychiatric conditions face a brutal bias – often denied joint custody (Jenkins & Gates, 2021). Among women with severe mental illness, a jaw-dropping 26-75% lose custody of their children (Kay, 2012). These statistics highlight a problem; they're flashing neon signs that shout we need urgent reform in how the judicial system perceives and manages mental health.

Questions to Ponder:

- **How are we still tolerating a system that treats mental health patients like second-class citizens?**
- **What biases are lingering in our legal systems that need to be eradicated today?**
- **How could we change the current family court structure wherein judges, therapists, lawyers, etc., are not all working together, giving each other "business." Trading favors rather than truly helping parents and children reach their ultimate best situation.**

The Emotional Appeal: Real Stories

To get painfully real - my own experience with severe PTSD from a traumatic childhood has been a lifelong fucking struggle. The terror of losing custody of my children drove me into suffocating silence. A friend's battle further illustrates this emotional turmoil. Her medical records, discussed openly in court, led to her losing custody to an uninvolved father, penalizing her for seeking necessary help. This occurred prior to my own divorce, therefore, I knew ahead of time to zip my lips no matter the personal costs. Sure, I sought individual therapy, but to admit I was suicidal? Hell no! I knew hospitalization could mean two things. 1) Loss of income for my kids and me because I've always been the sole breadwinner, and 2) a prime time for my ex to pounce and snag custody based on my "unfitness." So, I suffered quietly, alone.

The daily grind was relentless. Despite my long-term efforts to keep my mental health in check to the best of my own strength, family betrayal nearly toppled everything. If not for my fiercely dedicated therapy team of over a decade, who truly knew me, things could've spiraled out of control. These aren't just isolated sob stories; they reflect the callous realities faced by many.

Question to Ponder:

- **How many more silent sufferers are out there, fearing the repercussions of seeking help?**

The Ethical Appeal: Justice and Equality, and a Call to Get Your Shit Together

Penalizing individuals for mental health conditions while other health conditions receive a parade of sympathy and support is beyond unjust, it's fuckin' cruel. Cancer is horrible, and I wish it on NOBODY, believe me. But in this context, neither is a mental health illness a fun thing to have. Cancer? Cue the fundraisers, food drivers, and support brigades - because cancer treatment is hell and hella expensive, too!

But a PTSD (Post Traumatic Stress Disorder) diagnosis, especially from something like a prisoner of war? Silence. Severe PTSD with dissociative amnesia, panic attacks, and depression from a prison camp like background? No casseroles, no fundraisers, nothing but many cold shoulders, and glossed over eyeballs.

One year, without insurance, I racked up \$53,600 on therapy, treatment, and meds. Insurance helped, but that's a stark reality for the uninsured. Add the stress of a custody battle with legal fees and child support, and most likely trying to coparent with a difficult one who's bad mouthing you to your kids, and who texts and emails you at all hours of the day just to make your life hell. How the hell does someone find time or means to take care of themselves?

Mental health should be given the same lens of empathy, especially in parenting matters. Children are the future, right? So why aren't we investing in their parents' well-being, too!? Instead of piling on their struggles, how about supporting these individuals? The courts' approach where the parent with the most custody "wins" the child support money? It's a rigged shell game! It's a system set to fail from the jump! Think about it! We are putting the kids in the middle, to be pulled on by both parents, because.....money. One wants all the money and the other just wants to fucking survive. Believe me, I've been there - and I'm still bitter. LOL Maybe legislation should be enacted to take care of the kids while the parent addresses their mental health, just as Social security supports children of deceased parents.

Now, not all mental health patients are the same, and cases where patients neglect treatment and pose a danger to their kids need special handling. For this blog, I'm talking about parents who WANT HELP, or are GETTING HELP and just can't catch a break. Systemic prejudices have to go

Question to ponder.

- **Why do we rally around certain health conditions by leaving others to fend for themselves?**

Additional Insights: Shattering Misunderstandings and Prejudices

Many mental health patients opt for silence, driven by the fear of being seen as burdens. This isolation is often misread as self-neglect when they're actually managing their health privately. This misjudgment spawns unfair criticism and assumptions about their ability to care for themselves, or their children, intensifying their plight.

Question To Ponder

- **What steps can we take to smash the stigma and encourage open conversations about mental health?**
- **Because mental illness is an illness that is unseen, and the patient can walk, talk, eat, and seems fine, people prejudice the situation and assume their "making it up." How could we change that?**

Conclusion

In tearing down the stigma surrounding mental health and pushing for better mental health protections in family courts, we are championing a fairer and more empathic judicial system - and I think a better life for the children involved. Every step toward dismantling these prejudices and supporting parents rather than punishing them brings us closer to a society where justice and equality truly rule. A society where mental health care is a priority, not a perceived weakness.

Call to Action

I ask you to ask yourself the questions and challenge the status quo. It really begins with each of us and how we treat each other. If you hear someone is not at work and coworkers are speculating, shut down the talk with a simple, "Guys, we don't really know what is going on. Let's bring them some snacks and let them know we're here for them." Instead of talking about each other, reach out and genuinely care. Don't assume you know. Don't assume that because you'd do something one way, that that's how everyone would, or should.

Demand fair treatment in family courts, spread awareness, and stand up for justice and equality. Your voice can spark the change that's so desperately needed. Our children deserve so much better.

- MN Statutes. (2022). Chapter 253B. Civil Commitment.
- Jenkins, C.M., & Gates, M. E., (2021) Psychiatric genetic essentialism and stigma in child custody proceedings: Public views. Journal of Law and the Biosciences.
- Kay, J. (2012). Representing parents with severe mental illness in child welfare cases. Michigan Child Welfare Law Journal.
- Lehmann, C. (2003) Parents Giving Up Custody Of Mentally Ill Children.