

Social work and law



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In the case at bar, the Supreme Court was faced with the constitutionality of the procedure followed by the State in admitting minors for treatment in a State Mental Hospital. The issue came up when the appellees in the case instituted a class action against Georgia Mental Hospital oHHseeking to establish that admission to a state mental institution is a form of restriction on the individual and is thus an impairment of a person's liberty. The appellees then advanced that since such admission impairs a person's liberty, the procedure followed for such admission must not be violative of the due process clause. As mandated by the Constitution, no person shall be deprived of life, liberty, or property, without due process of law. The stance of the appellees was confirmed by the District Court which ruled that “ commitment to any of the eight regional hospitals constitutes a severe deprivation of a child's liberty” (442 U.

S. 584). As found by the Supreme Court in the case at bar, the lower court identified the child's liberty interest “ in terms of both freedom from bodily restraint and freedom from the ‘ emotional and psychic harm’ caused by the institutionalization”. Judgment in the District Courtdeclared that the procedure followed by the State Hospital in admitting mentally ill patients is unconstitutional because it failed to satisfy the twin requirements of due process: notice and hearing.

According to the District Court, the process followed by the State hospital was in violation of the due process clause because due process “ includes at least the right after notice to be heard before an impartial tribunal”. Thus, the District Court took the position that before commitment of a child to a mental institution may be had, an adversarial proceeding must first take

place whereby the parents are given the opportunity and duty to justify their application for their child's confinement or commitment to a mental hospital. On appeal, the Supreme Court was charged with the task of determining " what process is constitutionally due a minor child whose parents or guardian seek state administered institutional mental health care for the child and specifically whether an adversary proceeding is required prior to or after the commitment" (442 U. S. 584) and also of resolving the issue of whether the procedure adopted by the Georgia Mental Hospital violates the due process clause. In resolving the issue on due process, the Court laid down the importance of the balancing of the interests involved in the matter.

The Court, citing *Matthews v. Eldridge* (424 U. S. 319) and *Smith v. Organization of Foster Families* (431 U.

S. 816) then enumerated such interests," First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. It was found by the Court that the private interests involved in the case at bar in not only that of the child but also the parents'. Of course, the child has an interest in the matter since it is his liberty which is at stake.

In the same way, the parents' interest must not be overlooked because it is a natural tendency on the part of the parent to look out for the best interest of

the child and seek medical help once it is needed. So, also, the Court also took note that the interest of the State must also be considered in the balancing scheme pointed out. The importance of the State's involvement in cases of committing a minor to a mental institution was emphasized in the case of *Addington v. Texas* where the Supreme Court held that State interest exists " in providing care to its citizens who are unable, because of emotional disorders, to care for themselves and in protecting the community from the dangerous tendencies of some who are mentally ill [...] "(441 U. S.

418). The State has the duty too, of making sure that the Constitutional mandate of due process is not being violated. It must be noted, however, that despite similarity in the issues presented in this case and in the case of *Addington*, in the case at bar, the Court focused more on the interest of the parents and their ability to decide what is best for the safety and benefit of their child. In overturning the decision of the District Court, the Supreme Court held that the parents' interests over the welfare of their children must be placed on a higher scale than the interest of the State in regulating the procedure involved in the commitment of minors to mental institutions.

As correctly stated by the Court in the case at bar, " the statist notion that governmental power should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition". In defining the role of the parents in a scenario similar to the case at bar, the Supreme Court noted that In defining the respective rights and prerogatives of the child and parent in the voluntary commitment setting, we conclude that our precedents permit the parents to retain a substantial, if not the dominant, role in the decision, absent a finding of neglect or abuse,

and that the traditional presumption that the parents act in the best interests of their child should apply. We also conclude, however, that the child's rights and the nature of the commitment decision are such that parents cannot always have absolute and unreviewable discretion to decide whether to have a child institutionalized. They, of course, retain plenary authority to seek such care for their children, subject to a physician's independent examination and medical judgment. (442 U.

S. 584) Similar essay: " Law Should Be as an Instrument of Social Change"

Therefore, the control that the State must exercise over the procedure in the commitment of minors must yield to the interest of the parents to seek confinement of their children, if found to be needed. However, this does not mean that the decision making of parents to entrust their children to the institutions shall be unbridled.

The Court affirmed that due process still has to be satisfied, but it rejected the District Court's ruling that a trial type hearing is required before commitment may be had. In ruling this way, the Court put emphasis on the fact that the question involved in the commitment of minors to mental institutions is purely medical, and that to require an adversarial proceeding before commitment would entail great loss of time; to require a trial-type would divert the attention and time of medical attendants from the performance of their usual tasks. The Court also noted that to require a judicial hearing before commitment could also lead to lack of interest on the part of the parents to seek confinement even if needed because " it is surely not idle to speculate as to how many parents who believe they are acting in good faith would forgo state-provided hospital care if such care is contingent

on participation in an adversary proceeding designed to probe their motives and other private family matters in seeking the voluntary admission” (442 U. S. 584)As found by the Supreme Court, the requirements of due process is satisfied by the Georgia Hospital by means of the case studies and diagnosis performed on each child who is a subject of an application for commitment.

The Court said that “ due process has never been thought to require that the neutral and detached trier of fact be law trained or a judicial or administrative officer”. The same was said in the case of *Goldberg v. Kelly*, where the Court stated that what is necessary is the presence of the inquiry conducted by “ neutral factfinder” (397 U. S. 254).

This bolsters the Court’s ruling that due process can still be said to not have been violated despite the absence of a trial-type hearing conducting by judges or quasi-judicial officers. The ruling of the Supreme Court in the case at bar simply shows that the law is not stagnant and that it must adapt to structures in the society, one being that of the family. Although the Constitution calls for due process, it should not be strictly enforced by requiring adversarial proceedings if this would mean infringing the parent’s rights to decide in applying for the commitment of their children. So, also, the fact that this may instill fear of publicity and humiliation is a possible threat in making well a child’s mental health. The ruling shows that if a strict enforcement of the due process clause would deprive a child’s right to immediate and prompt treatment, then the interpretation of the law must be revisited and re-evaluated.

It is also important to note that the precedent set by this case has an impact on at-risk students attending Los Angeles High Schools being served by social workers and counselors. The way the court ruled on the decision leads to the conclusion that the findings and observations of the teachers in the high school who are social workers as regards the behavior and mental condition of the students would be considerable in determining whether or not a minor should be committed in a mental institution. This also gives social workers who work in such schools a vital role in matters involving a child's mental health. But more importantly, the area which is affected greatly by the decision would be public policy.

The weight of parents' interests in their children's welfare is now settled. The case at bar made it clear that the right of the State to regulate must yield to the decision of the parents to apply for their child's confinement in a mental institution. This is because, as found by the Supreme Court, "most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment. Parents can and must make those judgments" (442 U. S.

584). Thus, the decision of the parents regarding the confinement of their children to mental institutions must be considered by the State provided that the requirements of due process are followed (i. e. case study reports by psychiatrists, diagnosis made by medical attendants, etc.). In the end, the case of *Parham v.*

J. R. not only instructs as to the value of balancing of State interest and that of the family when it comes to the restriction of the liberty of a minor

through commitment in a mental institution. This also points to the actuality that due process, even if mandated by the Constitution, does not require that parties must always go through adversarial court proceedings if doing so would only lead to the infringement of the interests that are greatly affected by the matter at hand.