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## **APA Says Okla. County D.A. Should Reconsider Approach to Expectant Mothers and Substance Use**

Today, American Psychiatric Association (APA) President Michelle B. Riba, M.D., M.S., sent the following letter to Oklahoma County District Attorney C. Wes Lane II. The letter expresses “serious concerns” about treating substance-using expecting mothers as criminal cases, rather than as “a medical issue requiring medical treatment.” The full text of the letter reads:

The American Psychiatric Association – the national medical specialty society whose more than 36,000 physician members specialize in the diagnosis, treatment and prevention of mental illnesses, including substance use disorders – has serious concerns about the arrest and prosecution of Theresa Lee Hernandez for first degree murder based on the fact that she suffered a stillbirth at 32 weeks of pregnancy. This unprecedented charge is based on the highly questionable medical claim that the pregnancy loss can be attributed to Ms. Hernandez’s drug use during pregnancy.

The APA does not condone a person’s use of substances that may affect pregnancy outcome. At the same time, we have been joined by other leading medical organizations in concluding that the most effective way to prevent harm to both mothers and infants is to make available accessible, culturally appropriate prevention and treatment services designed specifically for adolescent girls and women. Conversely, incarceration – either in jails and prisons or in locked psychiatric units – both deprives the mother of her liberty and seriously disrupts the incipient or nascent maternal-infant bond. Moreover, we believe criminal justice-based approaches are likely to deter pregnant addicts from seeking either prenatal care or addiction treatment, because of fear of prosecution and/or civil commitment.

In our experience, women who are pregnant or are two years postpartum are particularly open to treatment, and treatment can be highly effective. With these facts in hand, we urge you – in the interest of women, children, and their health – to view cases such as Ms. Hernandez’s as a medical issue requiring medical treatment, not a crime requiring threats and prosecution.

**The American Psychiatric Association is a national medical specialty society, founded in 1844, whose more than 36,000 physician members specialize in the diagnosis, treatment and prevention of mental illnesses including substance use disorders. For more information, visit the APA Web site at [www.psych.org](http://www.psych.org).**

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