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**APA Says Texas 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 District Attorney Randall Sims, whose jurisdictions include Potter and Armstrong counties in Texas. The letter expresses “serious concerns” about treating substance-using expectant mothers as criminal cases, rather than as “a medical issue requiring medical treatment,” and urges him to overturn his predecessor’s policy in this regard. 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 your predecessor’s erroneous interpretation of SB 319, on which she based a directive to physicians to report substance-using expectant mothers to local law enforcement officials. It is our understanding that this misinterpretation of Texas law has already resulted in the arrest of over a dozen women.

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 these cases as a medical issue requiring medical treatment, not a crime requiring threats and prosecution. We ask that you rescind your predecessor’s policy, inform physicians in your jurisdiction of the change in policy, and drop pending charges against women prosecuted pursuant to your predecessor’s misinterpretation of the law.

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.

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