

**FILED**

**June 25, 2004**

released at 10:00 a.m.

RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

Starcher, Justice, concurring:

I concur in the Court's opinion and judgment. I write separately to point out that the father in this case, Bobby F., has been diagnosed with schizophrenia and was not taking his prescribed medication.

Schizophrenia, a serious neurological brain disorder, strikes one out of one hundred people worldwide, with the usual onset of symptoms coming between the ages of 13 and 25. Like diabetes, there is no cure – only treatment, which is basically medication to relieve the symptoms of psychosis, disorganized thoughts, etc. The cause of schizophrenia is unknown, although there is some genetic-based component. Some of my best friends have adult children with schizophrenia.

Many people with schizophrenia “do well” if they consistently take prescribed medicine. (However, a substantial percentage, unfortunately, do not do well, despite the best treatment.) But many people with schizophrenia have a substantially diminished or no appreciation of the fact that they have an illness. These people often do not take prescribed medications, through no fault of their own.

The consequences of schizophrenia for patients, families, and our society – particularly untreated schizophrenia – are enormous. Most people with the illness are cared

for by their families; many others are isolated and/or homeless. For many family members and other treatment and care providers, getting a person who has schizophrenia to “voluntarily” take their medicine can be a very difficult – or impossible – task. The result is often a spiral into psychosis and expensive involuntary hospitalization.

Fortunately, new laws like “Kendra’s Law” in New York have drastically reduced episodes of psychosis, violence, and homelessness among non-compliant patients – by using court orders and assertive community treatment as a less-restrictive alternative, to encourage patients with schizophrenia to take prescribed medicine.

In the instant case, the whole sorry series of events might have been avoided if Bobby F. had been required by a court order to take his prescribed medicine.

I pray that we will soon implement better laws in West Virginia to help health care providers and families and patients like Bobby F. and his children.