



## **Memorandum in Support**

S.840/A.6386

*AN ACT to amend the mental hygiene law, in relation to patients  
interred at state mental health hospital cemeteries.*

MHANYS supports S.840(Robach)/A. 6386(Gunther) which would allow the Commissioner of the Office of Mental Health (OMH) and directors of office facilities to release the name, date of birth, or date of death of a person who was a patient at the facility when the person died, unless the person or the person's guardian provided written instructions to the facility not to release the person's name or dates of birth and death. The bill provides that such information shall only be used for the purpose of inscribing a grave marker.

The remains of over 50,000 former patients of 10 current or since closed OMH facilities are buried in graves marked only by a number. Many of these individuals lived their entire adult lives in institutions, isolated from society only to be buried in anonymity, their identities concealed and forgotten. This legislation would allow the identities of these individuals to be revealed so that they can be remembered in death.

The numerical system used to mark these graves correspond to records maintained by the State. The rationale for this system was evidently intended to spare family members and the deceased from the shame of one's surname engraved on the headstones in psychiatric hospital cemeteries. In our present day and age mental health advocates fight daily to overcome the very stigma that causes such needless shame and secrecy. The people buried in these cemeteries had names and many endured the antiquated and in some instances inhuman treatment and isolation of the past. These individuals have a human right to have names in death. Descendants, family history enthusiasts and genealogists should be able to know who is buried in OMH cemeteries. Relatives should be able to mark the graves of their loved ones. Churches and synagogues should be allowed to memorialize the members of their congregation and their communities.

Current OMH policies deny these individuals the right to be acknowledged in death. They are among the last remaining people buried in New York State whose identities remain hidden and still shunned by society. In 2008, legislation was enacted to allow individuals buried in Office of People with Developmental Disabilities (OPWDD) cemeteries to be memorialized. One OMH facility has been replacing numbered grave markers with identified markers since the early 1990s. Other states, including California, Washington, Texas, Oregon, and South Carolina, have undertaken state hospital cemetery restoration includes marking the graves of those buried there. We have a responsibility to honor the deceased in the remaining current and former OMH grounds similarly.

For these reasons MHANYS strongly supports S.840/A.6386 and urges the Legislature to pass it into law.

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*...working to ensure available and accessible mental health services to all New Yorkers*