

Policy Analysis of Illinois Public Act 105-0574: Perinatal Mental Health

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Maternal mental health is a major public health issue. Approximately 14.5 percent, or one in seven, mothers are affected by perinatal depression (perinatal is considered the period from pregnancy up to 12 months after child birth. (Gaynes, B. N., Gavin, N., Meltzer-Brody, S., Lohr, K. N., Swinson, T., Gartlehner, G., & Miller, W. C., 2005). Along with perinatal depression, perinatal anxiety disorders are prevalent among women. The rates and types of perinatal anxiety disorders vary considerably and include, but are not limited to, generalized anxiety, obsessive-compulsive disorders, panic, and social anxiety disorders (O'Hara, M. & Wisner, K., 2014). While not nearly as common, postpartum psychosis is another serious mental illness affecting 1-2 in 1,000 women, and it occurs rapidly after birth (O'Hara et. al, 2014).

Universal health screenings – a public health approach to detect mental health disorders among women – are used to detect the prevalence of perinatal mood disorders. Several states have taken the initiative to mandate screenings for perinatal mood disorders among perinatal women; these states include New Jersey, West Virginia, Massachusetts, and Illinois (Rowan, J.P., Duckett, A.S., & Wang, E.J., 2014). Illinois legislators in particular introduced several pieces of compelling legislation to address perinatal disorders, such as the state's Perinatal Mental Health Disorders Prevention and Treatment Act of 2008 (Rhodes, A., & Segre, L., 2013). A more recent piece of maternal mental health legislation is Illinois Public Act 105-0574, enacted on Jan. 8, 2018 and enforced on June 1, 2018. The law allows postpartum depression or postpartum psychosis to be considered as a mitigating factor in forcible felonies committed by women who were suffering from postpartum depression and psychosis at the time of the offense, and evidence of their postpartum depression or psychosis was not presented at their trials or sentencing. This legislation is significant in that it is the first of its kind to pass in the United States. This policy analysis describes the strengths and limitations of this policy in its current form.



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Background

- Postpartum depression affects 1 in 7 mothers
- Postpartum Psychosis affects 1 in 1000 mothers

Policy

Nationwide

- Screening mandates for postpartum depression in 4 states

Statewide

- Illinois mandates screening and education
- Recent passage of P.A. 100-0574
- Allows untreated or unrecognized postpartum depression or psychosis to be considered a mitigating factor in forcible felonies

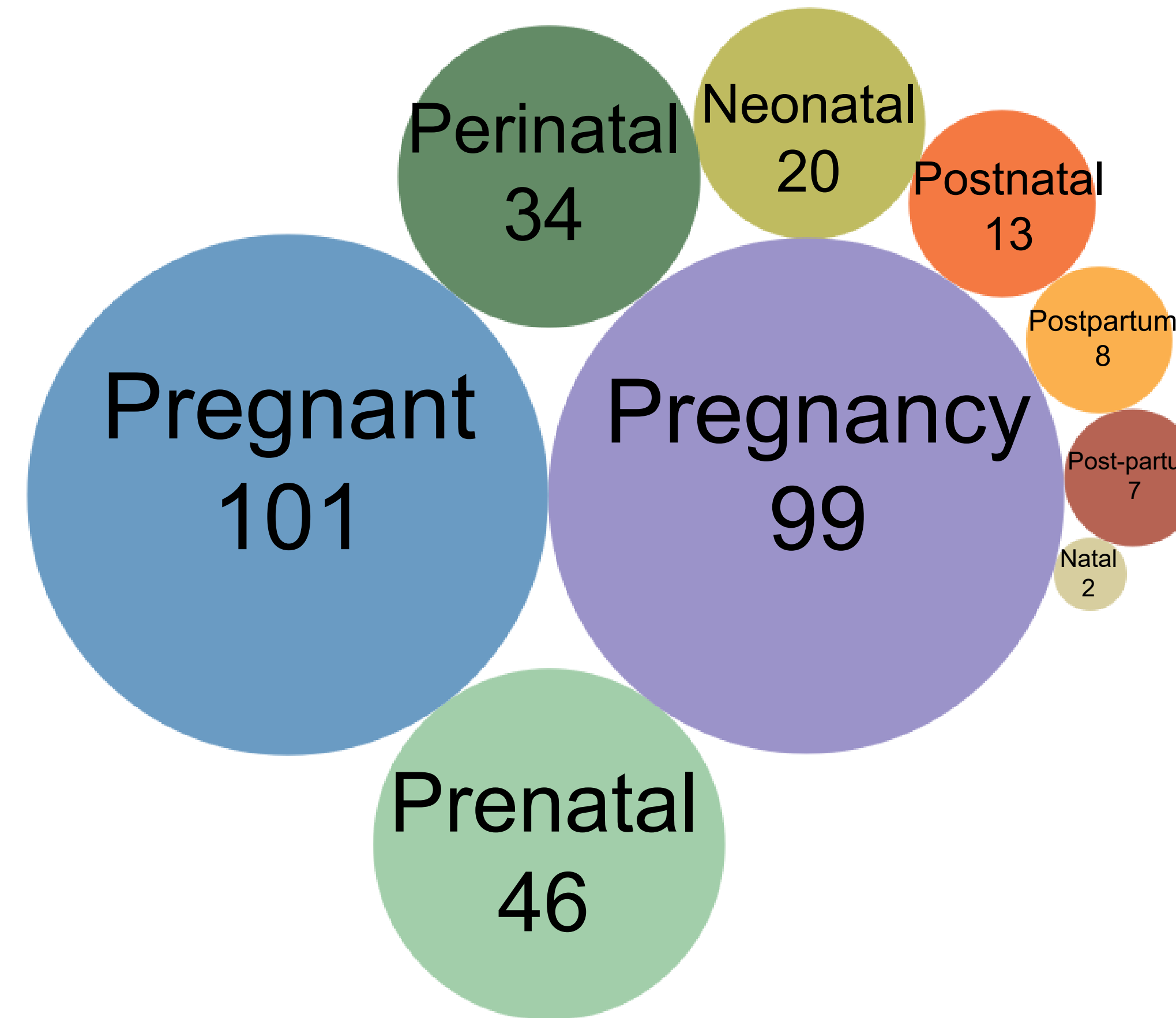
Aim

- Review perinatal mental health legislation in Illinois
- Compare IL P.A. 100-0574 to national and international legislation

Methods

- Search on legislation on the Illinois General Assembly's website for Compiled Statutes
- Conducted a comparison of other policies to IL P.A. 100-0574

Total Search Term Results: 330



Results

- Two most relevant acts to screening and identification of perinatal mood disorders were Perinatal Mental Health Disorders Prevention and Treatment Act and IL P.A.100-0574



Comparison

British Infanticide Act	TX H.B. 3318	IL P.A. 100-0574
Murder or manslaughter of a baby	Infanticide	Forcible felony
12 months or time of lactation	12 months or time of lactation	Pregnancy and 12 months postpartum
Covers "disturbed mind"	Covers postpartum depression or psychosis	Covers postpartum depression or psychosis
Passed in 1938	Did not pass in 2009	Passed in 2018

- Illinois is the only state to consider perinatal mood disorders as a mitigating factor in forcible felonies

Discussion

- IL P.A. 100-0574 comprehensive definition of perinatal mood disorders provides protection to women who commit forcible felonies
- Illinois is a leader in maternal mental health legislation in recent years

References

- Gaynes, B. N., Gavin, N., Meltzer-Brody, S., Lohr, K. N., Swinson, T., Gartlehner, G., & Miller, W. C. (2005). Perinatal depression: prevalence, screening accuracy, and screening outcomes: summary. Agency for Healthcare Research and Quality. Retrieved from: <https://www.ncbi.nlm.nih.gov/books/NBK37740/>
- O'Hara, M. & Wisner, K. (2014). Perinatal mental illness: definition, description, and aetiology. *Best Practice & Research Clinical Obstetrics and Gynaecology*, 28, 3-12. doi: 10.1016/j.bpobgyn.2013.09.002
- Rhodes, A., & Segre, L. (2013). Perinatal depression: a review of U.S. legislation and law. *Archives of Women's Mental Health*, 16(4), 259–270. doi: 10.1007/s00737-013-0359-6
- Rowan, J.P., Duckett, A.S., & Wang, E.J. (2014). State mandates regarding postpartum depression. *Psychiatric Services*, 66(3), 324-238. doi: 10.1176/appi.ps.201300505

Links to Comparison Laws

IL P.A. 100-0574

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0574>

British Infanticide Act

<https://www.legislation.gov.uk/ukpga/Geo6/1-2/36/section/1>

Texas HB 3318

<https://capitol.texas.gov/billlookup/text.aspx?LegSess=81R&Bill=HB3318>

Definitions

Postpartum depression (PPD) – A mood disorder which strikes many women during and after pregnancy; it usually occurs during pregnancy and up to 12 months after delivery. This depression can include anxiety disorders. – Source from Illinois Public Act 100-0574

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0574>

Postpartum psychosis (PPP) - An extreme form of post-partum depression which can occur during pregnancy and up to 12 months after delivery. This can include losing touch with reality, distorted thinking, delusions, auditory and visual hallucinations, paranoia, hyperactivity and rapid speech, or mania - Source from Illinois Public Act 100-0574

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0574>

Mitigating Factor - Any fact or circumstance that lessens the severity or culpability of a criminal act. https://www.law.cornell.edu/wex/mitigating_factor

Forcible Felony - Treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual.

<https://codes.findlaw.com/il/chapter-720-criminal-offenses/il-st-sect-720-5-2-8.html>