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# "Transforming Maternal Mental Health Care: A Therapeutic Jurisprudence Approach to Postpartum Depression"

#### Introduction

Within the context of wellness and public health, maternal mental health is a critical but often unrecognized area of concern. This area alludes to the overall emotional and psychological state of a woman during her pregnancy and the postpartum phase. Postpartum depression (PPD) is a highly prevalent and debilitating condition that affects a substantial proportion of new mothers worldwide. The diverse and intricate manifestations of PPD not only affect the mother but also have far-reaching consequences that affect the newborn, the immediate family, and society at large. The traditional approach to managing PPD has primarily focused on the fields of psychology and medical science. Nevertheless, an increasing number of individuals are acknowledging the significant impact that legal structures and policies have on the availability, standard, and efficacy of mental health services for expectant mothers.

Therapeutic Jurisprudence (TJ), an interdisciplinary legal theory, provides a new and transformative perspective on this matter. According to TJ, the law ought to be utilized as a therapeutic tool, with a particular emphasis on its influence on the psychological well-being of individuals. Through the implementation of TJ principles, it is possible to reconceptualize legal systems and policies in a way that not only prevents damage but also actively promotes the mental health and well-being of individuals.

The primary objective of this study is to explore the intersection of TJ and maternal mental health care, with a specific focus on postpartum depression. It seeks to investigate the potential of legal frameworks, influenced by TJ principles, as tools used to revolutionize the

approach to maternal mental health care. This essay will examine current theories of postpartum depression (PPD), point out gaps in care and legal protections, and propose creative legal and policy reforms tailored to the unique difficulties faced by new mothers who are suffering from PPD. By doing so, it hopes to make a scholarly contribution to the ongoing dialogue surrounding maternal mental health and advocate for a healthcare system that is more compassionate, encouraging, and efficient, in line with the therapeutic goals of TJ. Through the integration of psychological insights and legal scholarship, this study aims to establish a more comprehensive and inclusive framework for addressing a critical yet often neglected facet of maternal health.

#### Maternal Mental Health and Postpartum Depression

Maternal mental health encompasses the overall emotional and psychological state of a woman during both her pregnancy and the period following childbirth. These aspects include her emotional well-being, social interactions, and capacity to manage the responsibilities of motherhood. Maternal mental health disorders include a variety of symptoms and conditions, such as psychosis, depression, anxiety, and many others. These conditions and symptoms may manifest throughout pregnancy and/or in the postpartum phase. If left untreated, these can have catastrophic effects on the mother, her child, her family, and society. <sup>1</sup>

Complex in nature, these mental health concerns frequently arise from a combination of biological changes, like hormonal fluctuations, psychological factors, such as personal history of mental illness, and environmental stressors, including lack of social support or significant life

<sup>&</sup>lt;sup>1</sup> Policy Center for Maternal Mental Health, Maternal Mental Health Disorders, <a href="https://www.2020mom.org/mmh-disorders">https://www.2020mom.org/mmh-disorders</a> (2020).

changes. The stigma surrounding mental health, particularly in the context of motherhood, further complicates the situation by leading to subpar diagnosis and treatment. The perpetuation of this social disapproval and cultural convention frequently depicts mental health challenges encountered during and following pregnancy as indicative of inadequacy, failure, or weakness, as opposed to acknowledging or recognizing them as valid or legitimate health issues.<sup>2</sup>

This paper will concentrate specifically on postpartum depression (PPD) while also recognizing the wide range of mental health issues that mothers may experience during and after pregnancy. Typically manifesting within the first year following childbirth, PPD can progress from moderate depressive symptoms to severe, incapacitating depression. Symptoms include persistent sadness, overwhelming fatigue, difficulty bonding with the baby, and in severe cases, thoughts of self-harm or harm to the child. Despite the potential for effective treatment through a combination of psychotherapy, medication, and support systems, PPD continues to be inadequately identified and managed. This is due to insufficient screening procedures, inadequate awareness, and societal stigma, among other factors.

In addition to postpartum depression (PPD), mothers may experience a variety of other mental health conditions, including maternal dysthymia, a chronic form of depression, obsessive-compulsive disorder (OCD), the "baby blues," a milder form of mood disturbance that typically resolves within a few weeks after delivery, postpartum psychosis, and maternal dysthymia.

Although all of these conditions merit acknowledgment and suitable intervention, they continue to be largely disregarded in healthcare practice and public discourse.

Early intervention and effective screening are crucial for the management of maternal mental health disorders. Nevertheless, the implementation of standardized protocols for

<sup>&</sup>lt;sup>2</sup> J. Fisher et al., Women's Awareness of Perinatal Mental Health Conditions and the Acceptability of Being Asked About Mental Health in Two Regions in India: A Qualitative Study, 20 BMC Psychiatry 146 (2020).

screening is not universal. Although screening methods such as the Edinburgh Postnatal Depression Scale (EPDS) are accessible, their implementation in healthcare settings is not uniform. As a result of this inconsistency, numerous instances of PPD and other associated disorders go undetected and untreated. Early detection is of the utmost importance because it facilitates not only prompt treatment but also the mitigation of long-term negative effects on the mother and child. <sup>3, 4</sup>

Organizations such as Postpartum Support International (PSI) have played a pivotal role in raising awareness about maternal mental health concerns. PSI's mission is to educate professionals and the general public about the emotional transformations that women undergo throughout pregnancy and the postpartum period. The 'Mind the Gap' initiative is designed to tackle the specific issue of inadequate treatment and awareness regarding perinatal mental health disorders. This undertaking aligns closely with the principles of TJ, as it prioritizes universal screening, improves accessibility to healthcare, and raises public awareness. These efforts are critical for the establishment of a healthcare system that aligns with the therapeutic goals of TJ and is more sensitive to the needs of mothers. They seek to provide an illustrative instance of how partnerships among policy, practice, and organizations can cultivate an environment that is more favorable for the psychological welfare of mothers.

A substantial obstacle to obtaining and receiving treatment for PPD and other maternal mental health disorders is the stigma associated with them. A TJ approach would entail the implementation of legal and policy reforms that not only safeguard mothers against

<sup>&</sup>lt;sup>3</sup> Policy Center for Maternal Mental Health, Universal Screening for Maternal Mental Health Disorders (2023).

<sup>&</sup>lt;sup>4</sup> Cox, E. Q., Sowa, N. A., Meltzer-Brody, S. E., & Gaynes, B. N. (2016). The Perinatal Depression Treatment Cascade: Baby Steps Toward Improving Outcomes. The Journal of Clinical Psychiatry, 77(9), 1189–1200. https://doi.org/10.4088/JCP.15r10174

<sup>&</sup>lt;sup>5</sup> Postpartum Support International, <a href="https://www.postpartum.net/">https://www.postpartum.net/</a> (2023).

<sup>&</sup>lt;sup>6</sup> Postpartum Support International, Mind the Gap: A Strategic Roadmap to Address America's Silent Health Crisis: Untreated and Unaddressed Perinatal Mental Health Disorders (2020).

discriminatory practices, but also actively foster societal comprehension and acceptance of these circumstances. This may encompass initiatives such as public awareness campaigns, healthcare professional education programs, and legal safeguards against workplace and healthcare discrimination.<sup>7</sup>

Early intervention is crucial for the effective management and treatment of PPD. Nevertheless, current statistics reveal that the proportion of women who receive the necessary treatment for maternal health disorders is below 15%. Alarmingly, with the rise in anxiety and depression among teen girls by 37%, there is a potential for an increase in PPD cases in the future. In order to address this, a TJ approach would advocate for standardized screening protocols for all pregnant and postpartum women. Legislation could potentially mandate the implementation of such protocols, thereby equipping and obligating healthcare providers to promptly identify and attend to maternal mental health concerns. <sup>3</sup>

Despite the fact that conditions such as PPD affect as many as 1 in 5 women, universal screening and treatment are lacking. A TJ framework would advocate for legal and policy reforms to ensure that all women have access to maternal mental health care, irrespective of socioeconomic status or geographic location. This includes ensuring that mental health evaluations and treatments are covered by health plans and implementing programs that provide underserved mothers with support and resources.<sup>7</sup>

Therapeutic Jurisprudence (TJ) presents an innovative framework for policy and law that centers on the influence of the law on psychological and emotional health. This viewpoint holds

<sup>&</sup>lt;sup>7</sup> Mind the Gap Collective Impact Initiative, Landscape Analysis of Perinatal Mental Health in the United States: Supplemental Information (2019).

significant relevance within the domain of maternal mental health, as it underscores the critical interplay between healthcare, legal policy, and social support systems. By adopting a TJ framework, one can examine new approaches to addressing critical concerns in maternal mental health care, including but not limited to stigma reduction, early intervention assurance, and equitable access to care.

By applying a Therapeutic Jurisprudence framework to maternal mental health concerns, specifically PPD, a comprehensive and compassionate strategy is presented that surpasses the limitations of conventional medical interventions. By integrating societal attitudes, healthcare policy, and legal reform, TJ offers the potential to establish a system that is more comprehensive, encouraging, and efficient in its approach to addressing the mental health requirements of mothers. This segment establishes the foundation for following analyses regarding particular TJ strategies and their application within the healthcare system of Puerto Rico.

Maternal mental health disorders are a substantial public health issue on a global scale, although the level of acknowledgment and reaction to them differs by region. In many countries, including Puerto Rico, maternal mental health has only recently begun to receive the attention it deserves. Cultural beliefs, healthcare infrastructure, and resource allocation play significant roles in how these issues are addressed.

#### Postpartum Depression in Puerto Rico

Regarding postpartum depression (PPD) in Puerto Rico, the Perinatal Mental Health

Center shows itself as a progressive and optimistic institution. Beyond being a mere research

institution, this interdisciplinary center serves as an indispensable source for the distribution of

vital information about perinatal mental health. In addition to raising awareness, its objective is to have a positive influence on public policy by placing maternal mental health at the forefront of the national agenda. Demonstrating a dedication to providing accessible and timely evidence-based treatments, the Center takes a substantial stride in tackling the intricate needs of mothers, infants, and families impacted by perinatal mental health disorders. At the core of its principle lies the incorporation of emotional support into the perinatal phase, acknowledging the equal significance of mental well-being and physical health throughout this critical phase.

The Center's vision entails a comprehensive approach to perinatal care that emphasizes all-encompassing emotional support as an essential component of maternal health services. This vision is based on the principle that all individuals of reproductive age have the right to clear and accessible information regarding perinatal mental health. In order to achieve this objective, the Center places emphasis on two primary approaches: firstly, the promotion of scientific inquiry and the dissemination of knowledge regarding perinatal mental health disorders; and secondly, the provision of training for healthcare practitioners to tackle these concerns in a tactful yet grounded in the most recent scientific findings possible.

A noteworthy advancement in the approach of Puerto Rico towards maternal mental health is the recent adoption of Ley 101 of 2023<sup>8</sup>. Developed with the intention of preventing, identifying, and efficiently treating postpartum depression, this legislation is in complete accordance with the fundamental principles of therapeutic jurisprudence. It tackles several of the previously mentioned obstacles, with a specific focus on the deficiencies in the detection and management of PPD. Despite the advice from organizations like the U.S. Preventive Services

<sup>&</sup>lt;sup>8</sup> Ley Núm. 101 de 30 de agosto de 2023.

Task Force, which suggests that primary care settings should routinely screen for postpartum depression in mothers, this condition has historically not been screened for in Puerto Rico, as it has not been in the United States. Due to the absence of a universal and systematic screening protocol, a significant number of women are deprived of the essential resources and assistance required to address their depression in an effective manner. Ley 101-2023 marks a turning point in Puerto Rico's approach to addressing PPD.

The legislation corrects historical care deficiencies that led to numerous women receiving insufficient support during the postpartum period. In addition to addressing the clinical aspects of PPD, its provisions address the broader policy and societal factors that influence maternal mental health outcomes.

One of the notable provisions of Ley 101-2023 is the requirement that the Department of Health establish a comprehensive preventive protocol for PPD. This encompasses the regular assessment of symptoms throughout and following pregnancy, which is an essential component in the timely identification and management of the condition. In addition, health plans are required by law to provide coverage for psychological treatments and therapies associated with PPD. For many women who were previously unable to access care due to financial limitations, this provision improves accessibility. An additional pioneering element of this legislation is the designation of May as Postpartum Depression Awareness Month, an initiative that seeks to raise public consciousness and eliminate the stigma associated with the condition.

Ley 101-2023, as conceptualized by its author, Maria de Lourdes Santiago, transcends its status as a mere health policy and signifies a societal recognition of the intricate nature of maternity in present-day Puerto Rico. By approving this legislation, Puerto Rico takes a significant step toward acknowledging and resolving the frequently hidden ordeal that many

women who deal with PPD go through. The legislator's viewpoint emphasizes the necessity of a societal transformation in the way maternal mental health is acknowledged and tackled, thereby spotlighting the state's responsibility to provide support for mothers via legislative measures and policy.

The execution of Ley 101-2023 takes place in the context of a more extensive domain in which maternal mental health has traditionally received inadequate attention in Puerto Rico. The island encounters obstacles including societal censure surrounding mental health, inadequate integration of mental health services into primary healthcare, and a lack of standardized screening protocols. This legislation signifies a critical stride in addressing these disparities, providing an exemplary framework for other areas facing similar obstacles.

The efforts of the perinatal Mental Health Center of Puerto Rico, in conjunction with Ley 101-2023, bring about a paradigm shift regarding the management and understanding of postpartum depression in Puerto Rico. By integrating therapeutic jurisprudence into this all-encompassing strategy, it establishes a model for how legal frameworks and healthcare policies can mutually contribute to improved outcomes in maternal mental health. Puerto Rico's ongoing progress in managing postpartum depression (PPD) provides significant lessons and perspectives for an international audience regarding how to approach maternal mental health issues with compassion, efficiency, and legislative support.<sup>8</sup>

# Therapeutic Jurisprudence Approach

Therapeutic Jurisprudence (TJ) presents an innovative and holistic approach to addressing postpartum depression (PPD), advocating for a legal framework that proactively contributes to the psychological well-being of individuals. This type of approach surpasses the

conventional limitations of legal structures by incorporating perspectives from the fields of psychology and behavioral sciences in order to reconceptualize and reformulate policies and procedures pertaining to PPD. The crucial aspects of TJ's multifaceted implementation in this particular context are: stigma reduction, awareness-raising, early intervention, and equitable access to maternal mental health care.9

Within the domain of stigma reduction and awareness promotion, TJ faces the formidable obstacle of stigmatization, which poses a substantial impediment to the efficacy of treatment for PPD. Particularly in the context of motherhood, stigma surrounding mental health frequently results in a lack of empathy and support for affected women. TJ seeks to eliminate these obstacles by promoting comprehensive legal and social reforms, with the specific aim of establishing PPD as a recognized medical condition. This entails not solely the establishment of legal structures that afford protection and reasonable accommodations for women afflicted with PPD, but also the fostering of empathy and comprehension within society.

At the core of this approach are innovative public awareness initiatives that employ a wide range of media channels to distribute information and normalize dialogues regarding PPD. To enhance public awareness and comprehension of PPD, these campaigns may incorporate narratives from women occupying prominent positions, as well as those from diverse backgrounds. In addition, it is crucial to incorporate maternal mental health education into academic curricula across multiple levels, ranging from secondary schools to high school institutions. The objective of this educational incorporation is to cultivate early consciousness, comprehension, and compassion regarding postpartum depression (PPD) among young adults.

<sup>&</sup>lt;sup>9</sup> Wexler, D., TM Cooley L. Rev., 17, 125, Therapeutic jurisprudence: An overview (2000).

By doing so, it will empower subsequent generations to navigate maternal mental health concerns with insight and sensitivity. <sup>10</sup>

Regarding early intervention programs and strategies, TJ stresses the significance of proactive and expeditious approaches to managing PPD. Acknowledging the critical nature of early detection and intervention in effectively managing PPD, TJ advocates for a legally mandated healthcare system that performs routine and comprehensive screening. Implementing legislation mandating regular screening for postpartum depression (PPD) during pregnancy and postpartum visits, utilizing standardized instruments like the Edinburgh Postnatal Depression Scale (EPDS), would be the necessary course of action. In addition to the implementation of compulsory screening, TJ suggests the establishment of a resilient network comprising mental health experts who possess specialized training in the field of maternal mental health. It is imperative that these experts are easily reachable to facilitate prompt referrals and possess the necessary resources to offer a variety of support services; such as psychoeducation, counseling, and coping mechanisms. It is also essential to provide incentives for healthcare providers and mothers to participate in screening and treatment programs. Potential incentives may consist of monetary compensation, official acknowledgement, or legal advantages, all of which serve to promote greater engagement and adherence. 11

Equal access to maternal mental health care is an additional critical component of the TJ approach that must be addressed. In recognition of the fact that socioeconomic and geographical factors frequently impact access to mental health services, TJ advocates for the establishment of

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<sup>&</sup>lt;sup>10</sup> Ginger Lerner-Wren, Mental health Reform Form a Therapeutic Jurisprudence Perspective, Huffpost, <a href="https://www.huffpost.com/entry/mental-health-reform-from-a-therapeutic-jurisprudence-perspective\_b\_8604592">https://www.huffpost.com/entry/mental-health-reform-from-a-therapeutic-jurisprudence-perspective\_b\_8604592</a> (2016).

<sup>&</sup>lt;sup>11</sup> Campbell, A. T., International Journal of Law and Psychiatry, 33(5-6), 281-292, Therapeutic jurisprudence: A framework for evidence-informed health care policymaking (2010).

a more equitable healthcare system. Support for women of all socioeconomic backgrounds can be made accessible through the implementation of a multi-tiered system of care, which consists of sliding scale payments and government assistance. Moreover, by collaborating with local health institutions and deploying mobile health units in underserved areas, consistent, high-quality mental health support can be maintained across regions. In addition, for equitable access to care, it is crucial to advocate for legal reforms mandating that insurance providers provide comprehensive coverage for maternal mental health services, including treatment for postpartum depression (PPD).<sup>11</sup>

In addition to these fundamental domains, the implementation of TJ in PPD fosters the investigation of novel and progressive concepts. This involves the establishment of specialized legal clinics dedicated to maternal health that can provide vital assistance and direction regarding the rights and safeguards that are unique to childbearing and postpartum. In addition, the establishment of policy centers in academic or governmental institutions can foster the ongoing assessment and development of policies pertaining to maternal mental health. This would guarantee that such policies continue to adequately address the changing needs of women.

Overall, the Therapeutic Jurisprudence approach to postpartum depression (PPD) aims to establish a social and legal framework that strives to foster an environment that is equitable, informative, and supportive for all mothers, while also attending to the medical dimensions of PPD. By formulating legislation and policies that recognize and give precedence to the psychological welfare of mothers, this approach aims to promote the overall health of communities and households. By adopting this strategy, it is possible to revolutionize the concept of maternal mental health care, by cultivating a society in which the welfare of the mind is of utmost importance and is supported by an all-encompassing legal structure. This approach not

only acknowledges the pressing issues presented by postpartum depression (PPD), but also endeavors to enhance the collective consciousness and preventative measures regarding maternal mental health concerns. By doing so, it establishes a foundation for a future in which PPD and other maternal mental health disorders are efficiently managed, proactively avoided, and universally comprehended.

## Legal and Policy Changes for Maternal Mental Health Care

In order to examine postpartum depression (PPD) in Puerto Rico from the perspective of Therapeutic Jurisprudence (TJ), legal and policy approaches must undergo a fundamental transformation. These changes must be based on TJ's combination of psychology and law and should recognize the role of emotions on policymaking aspects. In the realm of maternal mental health, where legal policies can influence the care and support offered to mothers afflicted with PPD, a TJ strategy is especially relevant. <sup>12</sup>

Establishing a comprehensive legal framework that requires universal screening for PPD throughout prenatal and postpartum care is a fundamental component of this transformative approach. Such a policy would ensure the early detection and intervention that are essential for the efficient management of PPD. This endeavor is consistent with the standards set for other assessments of maternal health and entails the education of medical professionals on how to incorporate detection and treatment for PPD into standard maternal healthcare services. The implementation of legal requirements for PPD screening is an essential measure in recognizing the gravity of this disorder and the imperative for methodical intervention. The implementation of universal screening for PPD recognizes the emotional journey of expectant and new mothers,

<sup>&</sup>lt;sup>12</sup> Campbell, A. T., *Phoenix L. Rev.*, 5, 675, Using therapeutic jurisprudence to frame the role of emotion in health policymaking (2011).

as it ensures timely detection and intervention, crucial for managing PPD effectively. Also, it aligns with maternal health assessments and encourages a medical professional training in PPD detection based on empathetic care.

It is crucial to establish legislative safeguards for women experiencing PPD in the workplace, extending beyond healthcare environments. It is necessary to amend the law to include protections and accommodations for PPD-affected women. Such provisions should encompass policies that are sensitive to the emotional and psychological needs of new mothers, such as extended maternity leave, flexible work arrangements, and protection against job termination based on PPD-related difficulties. These laws function as an educational instrument for employers as well as a support system for women, emphasizing the significance of emotional well-being in the postpartum period. <sup>13</sup>

Additionally, a reallocation of resources is crucial, as we emphasize a need for emotionally supportive environments. Legislative amendments are imperative in order to secure financial resources for maternal mental health programs, thereby safeguarding the long-term viability of support systems for mothers. This encompasses assistance for specialized mental health clinics, professional development, and academic resource creation. In addition, the implementation of a governmental entity specifically charged with the coordination of policies pertaining to maternal mental health would augment the efficacy and scope of these initiatives. By collaborating with established organizations such as the Perinatal Mental Health Center of Puerto Rico, policies will be implemented in a unified fashion.

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<sup>&</sup>lt;sup>13</sup> David B. Wexler & Bruce J. Winick, Therapeutic Jurisprudence as a New Approach to Mental Health Law Policy Analysis and Research, 45 U. Miami L. Rev. 979 (1991).

Critical to this strategy is the incorporation of mental health services into standard maternal care. Healthcare facilities and hospitals must make necessary adjustments in order to incorporate mental health support into standard maternal care and adapt to provide both emotional and medical support. This integration necessitates the development of guidelines pertaining to the necessary training and competencies that healthcare providers must possess in order to provide mothers with PPD with the necessary care and support. Among other training, healthcare providers should be trained in emotional intelligence and empathetic communication as a way to ensure an effective TJ approach to this specific topic.

Additionally, public-private partnerships are of considerable importance in improving the accessibility and efficacy of maternal mental health services. These collaborations have the potential to integrate private sector innovation with government resources, thereby fostering the growth of community-based initiatives, awareness campaigns, and specialized care services. Furthermore, it is critical to establish partnerships with healthcare providers and local communities in order to guarantee that the services rendered are culturally attuned and effectively cater to the unique requirements of Puerto Rican mothers. These partnerships should focus on creating emotionally supportive communities and raising awareness about the emotional aspects of PPD.

Improving public awareness and advocacy is an essential element of the TJ methodology. By engaging in partnerships with organizations that advocate for patients' rights, mental health, and women's interests, one can establish a formidable coalition in support of the suggested policy and legal reforms. To help foster a deeper public understanding and endorsement of

comprehensive maternal mental health care, it is advisable to coordinate educational forums, public relations campaigns, and partnerships with academic institutions. <sup>14</sup>

As a result of this TJ approach, there will most likely be a decrease in untreated PPD cases, women are anticipated to seek assistance considering the stigma reduction and enhanced access to care, and earlier intervention will likely lead to better long-term mental health outcomes.

The implementation of Therapeutic Jurisprudence within the context of maternal mental health care in Puerto Rico, emphasizing on emotional considerations in health policy, signifies a groundbreaking and imperative transition. The concept aims to establish a healthcare setting in which legal and policy structures are meticulously crafted to promote the mental health of expectant mothers. By adopting this methodology, not only do we confront the pressing obstacles presented by postpartum depression (PPD), but we also strive to enhance knowledge regarding maternal mental health concerns. This will pave the way for a future in which these matters are efficiently addressed within a nurturing social structure.

#### **Conclusion**

The journey towards addressing postpartum depression (PPD) through the lens of Therapeutic Jurisprudence (TJ) marks a significant paradigm shift in how we approach maternal mental health care. This paper has illuminated the profound challenges surrounding PPD, shedding light on the pervasive gaps in screening, treatment, and prevention that have long marred the healthcare landscape, both in Puerto Rico and globally. Through a TJ framework, we

<sup>14</sup> David B. Wexler, Mental Health Law and the Seeds of Therapeutic Jurisprudence, Univ. of Ariz. Legal Studies Discussion Paper No. 18-05 (2018).

have unveiled a visionary path that promises not only to bridge these gaps but also to revolutionize the way we perceive and address maternal mental health.

At the heart of this transformation lies the necessity to eradicate the stigma surrounding PPD. A TJ approach, with its interdisciplinary foundation, underscores the importance of treating PPD with the same urgency and visibility as any other medical condition. It calls for a concerted effort to shift societal perceptions, fostering an environment where mental health issues are met with empathy and understanding rather than judgment and neglect. By elevating the status of PPD from a shadowed affliction to a recognized and openly discussed health issue, we can begin to dismantle the barriers that have historically impeded women from seeking and receiving the help they so critically need.

Furthermore, this journey transcends the traditional boundaries of healthcare, advocating for a more inclusive and supportive system that aligns with TJ's principles. It is a journey that moves beyond merely treating a condition; it is about holistically embracing the emotional and psychological well-being of mothers. It envisions a healthcare system that is not only responsive and effective but also deeply empathetic and empowering. This transformation requires a systemic change that integrates legal, medical, and social interventions, ensuring that every mother's mental health needs are not just recognized but also comprehensively addressed.

In doing so, we embark on a path that promotes a healthier and happier society. The application of TJ principles provides a robust framework to guide this transformation, ensuring that the justice system plays an instrumental role in enhancing the lives of mothers and their families. This approach advocates for policies and laws that are not just reactive but proactive, aiming to prevent the onset of PPD and mitigate its impact when it does occur. It encourages the development of innovative solutions, such as leveraging technology for better access to mental

health resources and fostering public-private partnerships to enhance the reach and quality of maternal mental health services.

Moreover, this transformative approach has broader implications for societal well-being. By prioritizing maternal mental health, we acknowledge the vital role that mothers play in the fabric of our society. Their well-being directly influences the health and happiness of families and communities, shaping future generations. Therefore, investing in maternal mental health care is not just a healthcare initiative; it is an investment in the future of our society.

In essence, the application of Therapeutic Jurisprudence in addressing PPD is a call to action for a more compassionate, empathetic, and holistic approach to healthcare. It challenges us to reimagine our systems and policies, inspiring us to build a world where the mental health of mothers is not an afterthought, but a fundamental pillar of our healthcare system. As we move forward, it is our collective responsibility to ensure that this vision is not just an aspiration but a reality, creating a legacy of improved health and well-being for mothers and their families for generations to come.

## References

- Campbell, A. T., International Journal of Law and Psychiatry, 33(5-6), 281-292,
   Therapeutic jurisprudence: A framework for evidence-informed health care policymaking (2010).
- 2. Campbell, A. T., *Phoenix L. Rev.*, *5*, 675, Using therapeutic jurisprudence to frame the role of emotion in health policymaking (2011).
- 3. Cox, E. Q., Sowa, N. A., Meltzer-Brody, S. E., & Gaynes, B. N. (2016). The Perinatal Depression Treatment Cascade: Baby Steps Toward Improving Outcomes. The Journal of Clinical Psychiatry, 77(9), 1189–1200. https://doi.org/10.4088/JCP.15r10174
- 4. David B. Wexler & Bruce J. Winick, Therapeutic Jurisprudence as a New Approach to Mental Health Law Policy Analysis and Research, 45 U. Miami L. Rev. 979 (1991).
- 5. David B. Wexler, Mental Health Law and the Seeds of Therapeutic Jurisprudence, Univ. of Ariz. Legal Studies Discussion Paper No. 18-05 (2018).
- 6. David B. Wexler, TM Cooley L. Rev., 17, 125, Therapeutic jurisprudence: An overview (2000).
- Ginger Lerner-Wren, Mental health Reform Form a Therapeutic Jurisprudence
   Perspective, Huffpost, <a href="https://www.huffpost.com/entry/mental-health-reform-from-a-therapeutic-jurisprudence-perspective\_b\_8604592">https://www.huffpost.com/entry/mental-health-reform-from-a-therapeutic-jurisprudence-perspective\_b\_8604592</a> (2016).
- J. Fisher et al., Women's Awareness of Perinatal Mental Health Conditions and the Acceptability of Being Asked About Mental Health in Two Regions in India: A Qualitative Study, 20 BMC Psychiatry 146 (2020).

- Kathy L. Cerminara, Therapeutic jurisprudence's future in health law: Bringing the
  patient back into the picture, International Journal of Law and Psychiatry, Volume 63,
  <a href="https://doi.org/10.1016/j.ijlp.2018.06.008">https://doi.org/10.1016/j.ijlp.2018.06.008</a>. (2019)
- 10. Ley Núm. 101 de 30 de agosto de 2023.
- 11. Mind the Gap Collective Impact Initiative, Landscape Analysis of Perinatal Mental Health in the United States: Supplemental Information (2019).
- 12. Policy Center for Maternal Mental Health, Maternal Mental Health Disorders, <a href="https://www.2020mom.org/mmh-disorders">https://www.2020mom.org/mmh-disorders</a> (2020).
- 13. Policy Center for Maternal Mental Health, Universal Screening for Maternal Mental Health Disorders (2023).
- 14. Postpartum Support International, Mind the Gap: A Strategic Roadmap to Address America's Silent Health Crisis: Untreated and Unaddressed Perinatal Mental Health Disorders (2020).
- 15. Postpartum Support International, <a href="https://www.postpartum.net/">https://www.postpartum.net/</a> (2023).
- 16. Pregnancy Risk Assessment Monitoring System, Prevalence of Selected maternal and Child Health Indicators for Puerto Rico, 2016-2020.
- 17. Rachel Bowers, Cambios en la Salud Mental Durante el Periodo Perinatal, Foundation for Female Health Awareness, <a href="https://femalehealthawareness.org/es/cambios-en-la-salud-mental-durante-el-periodo-perinatal/?fbclid=IwAR3-wWY76zhMwzCZB3fJBYm2QtRgbz3">https://femalehealthawareness.org/es/cambios-en-la-salud-mental-durante-el-periodo-perinatal/?fbclid=IwAR3-wWY76zhMwzCZB3fJBYm2QtRgbz3" trX68zS-AlaOYpT20ZV jRXp8U8</a> (2020).
- 18. Selda Yörük et al., The Prevalence of Postpartum Depression and the Correlation of Perceived Social Support and Quality of Life with Postpartum Depression: A Longitudinal Study, 39 P.R. Health Sci. J. 327 (2020).