



State of New Hampshire

Office of the Child Advocate

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Director

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Child Advocate on juvenile defense assessment: Children need access to specialized juvenile representation, but prevention is key

Concord, NH- The State Child Advocate, Moira O'Neill, responded to an assessment released by the National Juvenile Defender Center (NJDC) on access to and the quality of representation of children in New Hampshire juvenile courts this morning by echoing the theme of undervaluing children's defense. "When the legal representation of children is undervalued, children are undervalued, and that has lifelong effect," the Child Advocate said.

O'Neill stated that the Office of the Child Advocate has worked with a number of public defenders. She noted how impressive their dedication has been despite significant obstacles in terms of resources and time. "We have encountered talented, dedicated attorneys fighting for children in the juvenile courts," O'Neill said, "but when a juvenile defense attorney also carries a caseload of prioritized adult cases, their time is limited and the frustration is palpable." The inadequate focus on meeting children's needs in juvenile matters is not lost on the children either. O'Neill met with detained and incarcerated youth at the Sununu Youth Services Center recently. They recognized the time limitations placed on their attorneys and called for valued, prioritized legal representation services. "Children are astutely aware of the pressures under which people are attempting to serve them," O'Neill said, "They receive that 'undervalued' message. That has a profound effect on their resiliency, which is really the whole point of a separate juvenile justice system."

O'Neill advocates for specialized juvenile defense attorneys with dedicated caseloads. She applauded the NH Public Defender for instituting training in child development and brain science, but recommends increased and ongoing training. Ultimately, O'Neill noted the NJDC findings reflected the need for broader system reform, such as eliminating parental reimbursement requirements for court-ordered services. "Those costs have financially devastated families," O'Neill stated. Recent legislation eliminated those reimbursements. But O'Neill did acknowledge the OCA is seeing a high number of cases of children being drawn into the juvenile courts solely to access services for mental and behavioral health conditions. "Adjudicating children to access services in a system that is not equipped to provide them is constitutionally and practically ineffective and inefficient," O'Neill said. Warning that any contact with the juvenile justice system increases the odds of recidivism and poor outcomes, she urged the expedited roll-out of the preventative system of care expansions and community-based services for which legislation was passed in 2019.

The Child Advocate is optimistic, however, "New Hampshire is uniquely situated to lead in juvenile justice reform. The COVID-19 pandemic underscores the urgency with which we must expand community-based services. We just need to keep the promises we have made to children and prove to them their value."

Pursuant to NH RSA 170-G:18, the Office of the Child Advocate provides independent oversight of DCYF to assure that the best interests of children are being protected.

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