



State of New Hampshire

Office of the Child Advocate

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Child Advocate disappointed in agency confrontation. Worries children are forgotten.

Concord: The Child Advocate is saddened by the Department of Health and Human Services' (DHHS) response to a recent investigative report of the state's juvenile detention facility published by the Disability Rights Center (DRC), a federally funded protection and advocacy agency for persons with disabilities. The report, released May 8th, alleged the use of abusive and illegal restraints at the Sununu Youth Services Center (SYSC). Although the report focused on a 14-year-old boy with disabilities who sustained a broken scapula in an incident that the DRC claims involved the use of unlawful physical restraint, it also noted other incidents involving the use of restraint on residents at SYSC.

"There may be flaws with the DRC report," stated Moira O'Neill, Director of the Office of the Child Advocate, "but the defensive tone of the DHHS response distracts from the importance of the work of both agencies: the care and protection of children."

O'Neill noted the variation in perspectives among stakeholders examining this incident as well as the others at the SYSC. The DRC focused on the experience of children with disabilities who are a specially protected class. The DHHS looked at whether agency staff acted in accordance with the law and agency policy. Adding to these perspectives, the New Hampshire Attorney General's Office examined whether abuse occurred, as defined by law; and the New Hampshire State Police focused on criminal intent to harm. "Varying perspectives are what strengthens our ability to improve systems," O'Neill said, "All perspectives are informing. The physical and mental health of children requires extraordinary cooperation among those who are responsible for their care and protection."

"We have no reason to believe that anyone employed by the SYSC goes to work with the intent to harm children," O'Neill said, "and we certainly acknowledge the difficulty of caring for children with profound mental health conditions that can manifest in aggressive behaviors." But O'Neill pointed out the futility and distraction of agency finger pointing. "What is important now is what to do going forward. This is not a matter of seeking blame. This is a matter of identifying the best way to care for children." She cited several system flaws that contribute to the use of restraints, but warned the lack of appropriate mental health services for children is likely the primary culprit of juvenile justice problems in general.

O'Neill confirmed that the Office of the Child Advocate will be reviewing services at the SYSC and the DHHS progress towards developing appropriate, alternative options for children in need of mental health services. She committed to working with the DHHS and the DRC to see the development and implementation of alternative options and to continue to examine ways in which the State can better its child welfare system.

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