

Children's Rights

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<https://www.childrensrights.org/a-childs-mental-health-is-a-right-new-hampshire-must-guarantee/>

Public Facing Advocacy Writing

Nationally, 31.2% of children ages 14 to 17 in the foster care system are forced to live in an institution or group facility (also known as congregate care) instead of with a family, putting children at severe risk of dangerous and tragic outcomes. **In New Hampshire, the number of institutionalized children is staggering: over 70% of youth in foster care systems live in a group facility. Older youth with a mental health diagnosis are even more likely to be placed in congregate care, with over 90% of New Hampshire's youth institutionalized compared to the national average of 39.8%.** These children have already experienced the trauma of being separated from their families and removed from their homes. New Hampshire is unlawfully depriving them access to the community-based services and family home they need to grow into successful adults.

The institutionalization of youth is ineffective, inefficient, and inhumane. That's why Children's Rights joined the Disability Rights Center New Hampshire, New Hampshire Legal Assistance, ACLU of New Hampshire, and Weil, Gotshal & Manges LLP in [filing a class action lawsuit](#).

This lawsuit requires structural changes and measurable outcomes to dramatically improve outcomes for youth, including:

Children with mental health illnesses are being unnecessarily housed in group facilities and churned through the state's foster care system at an alarming rate. In 2018, New Hampshire older youth were moved more than three times the national standard.

The social, emotional and physical impact on children who are continually moved and placed in unstable environments is profound. Those who age out of the system without a home or adult support face tragic outcomes including, homelessness, unemployment, incarceration, and are less likely to graduate from high school or earn a GED, vocational, or college degree.

One of the children named in the lawsuit is 14-year old R.K. They entered foster care in 2018 due to allegations of neglect. R.K. has been diagnosed with ADHD, and also has experienced significant trauma after being separated from their family. **In their first group facility, R.K. was not permitted to visit friends at their homes, or even talk to them on the phone. They were not allowed to participate in team sports, including their favorite sport, football.**

After R.K. acted out they were transferred to a facility an hour away from the school R.K. loved and where they experienced success. R.K. was isolated at the on-grounds school they attended. They saw their mother only once. They did not see their siblings at all during that time.

Despite the fact that they had no delinquency convictions, R.K. was moved to a punitive institution where they experienced harsh treatment and ridicule. They were frequently physically restrained for minor verbal outbursts. In one instance they sustained a head injury that required stitches following physical restraint by staff members.

Nearly eighteen months into R.K.'s placement, they were charged with, and convicted of, their first delinquency charges.

R.K. has always wanted to live with their grandmother or an aunt, who has expressed a willingness and desire to care for them. To date, R.K. does not understand why they never had the opportunity to live with a family member.

As of today, more than 3,220 youth in juvenile facilities across the U.S. are known to have tested positive for COVID-19. According to Josh Rovner from the Sentencing Project, 599 of them were in December alone. In New Hampshire, hundreds of older youth are being held in institutions during the pandemic. With social distancing virtually impossible, they are at greater risk of infection.

Plain and simple: New Hampshire discriminates against youth with mental health illnesses by unnecessarily institutionalizing them.

Children should be with families and in environments where they are safe and can receive mental health support and the love they deserve.

[Read more about the case](#)

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First Name	Last Name
Email Address	

