



State of New Hampshire

Office of the Child Advocate

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Director

SYSTEM REVIEW BRIEFING BRIEFING EXTENSION

System Review 2019-01

Restraint and Seclusion: Practice and Reporting

November 14, 2019

2. OCA Restraint and Seclusion

Mission

The mission of the Office of the Child Advocate (OCA) is to provide independent and impartial oversight of the New Hampshire Division for Children, Youth and Families (DCYF), the state agency responsible for child welfare and juvenile justice services, and to promote effective reforms to assure that the best interests of children are being protected. The OCA has independent access to all DCYF records that are not otherwise available to the public. This allows the office to objectively review and investigate concerns, and use the information learned to make informed recommendations for system reform.

Jurisdiction

RSA 170-G:18 is the OCA's guiding statute. Under RSA 170-G:18, III(i), the OCA shall "[u]pon its own initiative or upon receipt of a complaint, review and if deemed necessary, investigate actions of the division for children, youth and families, or any entity that provides services to children under contract with and at the direction of the division, and make appropriate referrals. Findings of all investigations and responses to all complaints received shall be summarized in the annual report of the office of the child advocate." In addition, pursuant to RSA 170-G:18, IV(a), the Department of Health and Human Services (DHHS) must report to the OCA all incidents affecting children involved with DCYF who experience physical injury or significant risk of harm, as well as other incidents that may affect their safety and wellbeing, including deaths.

The OCA does not have the authority to:

- Investigate allegations of abuse or neglect
- Review or investigate complaints unrelated to DCYF
- Overturn any court order or DCYF decision
- Offer legal advice

System Review Summary

The Office of the Child Advocate (OCA) will periodically conduct system-wide reviews to identify opportunities for system strengthening. As such, these reviews are systems focused, not individual case-focused.

The OCA is currently reviewing the use of restraint and seclusion of children placed by DCYF in residential treatment facilities and the Sununu Youth Services Center (SYSC). This review includes:

- Interviews with DCYF staff and relevant stakeholders,
- Reviewing DCYF policies and relevant state and federal laws,
- Examining other state laws and practices regarding restraint and seclusion of children
- Examining a sample of cases of children exposed to restraint and seclusion
- Analyzing restraint and census data for indication of practice changes
- Reviewing communications between DCYF, DHHS, providers, legislators and other stakeholders

The purpose of this review is to identify possible trends in risk and opportunities for improvement in agency and provider response.

3. OCA Restraint and Seclusion

Reason for Extension of System Review

It is the goal of the OCA to provide timely system reviews. The length of time for a system review will vary depending upon internal OCA resources, the complexity of the issues and the nature of the review, and the length of time needed to obtain accurate, up-to-date reports and relevant information.

The OCA requires additional time to complete this system review. The OCA opened this system review in May 2019, and issued a System Reviewing Briefing on this review on September 24, 2019 with an anticipated completion date of October 30, 2019. The OCA has nearly completed its interviews, research, and a preliminary draft of the review report. The OCA is now finalizing the review and conducting final validation interviews with certain stakeholders.

The OCA expects to complete the System Review 2019-01 Report and submit it to DCYF, the Oversight Commission on Children's Services and any other related agencies or providers involved in the review no later than December 30, 2019. Should the OCA fail to adhere to this timeline, an updated briefing explaining the need for additional time will be posted.

V. Conclusion

This System Review Briefing Extension, and the subsequent System Review Report, will be posted on the OCA's website. The OCA is appreciative of the patience, cooperation and commitment to system improvement of DCYF, agencies, providers, and any other persons involved in this system review.

With Regards,

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Director