



State of New Hampshire

Office of the Child Advocate

Moira O'Neill

Director

SYSTEM REVIEW BRIEFING

System Review 2020-01

Care of Children in Residence: Nashua Children's Home

September 15, 2020

2. OCA Care of Children in Residence

Introduction

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 to make informed recommendations.

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.”

Public Disclosure

To ensure transparency of government and build trust with citizens, the OCA will periodically release system reviews to inform the public on the activities, findings, and recommendations of the OCA. The OCA will not release the names, addresses or any other identifying information of individuals subject to any confidential proceeding or statutory confidential provision. See RSA 170-G:18, III-a(d)(1). Nor shall the OCA release system review findings publicly if there is a pending law enforcement investigation or prosecution. See RSA 170-G:18, III-a(d)(2).

Purpose of System Review Briefing

Periodically, the OCA will conduct system-wide reviews to identify opportunities for system strengthening. The System Review Briefing is designed to hold the OCA accountable to the public and to ensure transparency of the OCA's work within the confines of mandated confidentiality. If the OCA determines that a system review requires additional resources and/or time beyond a standard of 60 business days, the OCA will release a System Review Briefing. The System Review Briefing will identify the areas of additional research necessary for the review to proceed, and an estimation of time to completion.

The opening of a system review does not indicate any confirmed violations or practice concerns regarding DCYF or DCYF-sponsored service. After a system review is commenced, the OCA will conduct a comprehensive, independent study of relevant facts, records, and witness statements. If necessary, the OCA will also conduct independent research on evidence-based practice to offer informed, educated analysis. Only after the OCA has completed its system review and research will it make a determination about whether to issue key learning points or considerations for system improvements. If the OCA identifies needed improvements, or there are key points learned from the system review, the Office will issue a full report on the system review and/or include its findings in the OCA Annual Report.

For each OCA system review, the OCA will identify the area of concern and/or service area involved in the complaint or inquiry. The OCA will also identify any relevant DCYF policies or practices.

System Review Number: (2020-01)

I. Service Area and Summary of Identified Concern

Area of Concern: Concerns for Children in Residence at Nashua Children's Home

The OCA is currently reviewing operations and care of children placed by DCYF at the Nashua Children's Home. The OCA received concerns about incidents and practices that occurred at Nashua Children's Home over the period from May 2019 to May 2020. In addition to citizen complaints, the OCA has noted trends in incident reports at the facility, specifically around the use of restraints and seclusion.

Nashua Children's Home is an intensive residential program licensed by the New Hampshire Department of Health and Human Services (DHHS) Child Care Licensing Unit (CCLU) for 55 beds and certified by the Division for Children, Youth and Families (DCYF) for 46 beds.

There are themes among concerns in six categories, including:

- Social media use as affects child privacy and dignity
- Health care practices as affects child privacy and dignity
- Compliance with Court orders
- Use and reporting of restraint and seclusion
- Staff morale as impacted on resident children
- Staff knowledge of mandated reporting

II. Summary of Preliminary and Ongoing Research

Methods employed in this review include: review of NCH, DCYF and DHHS records, medical records, treatment plans, policies, websites, copies of personal communications, staff notes, communications with complainants and DCYF administrators, and video. Literature review included standards and models of behavioral and physical care, child development, childhood trauma and adverse childhood experiences, and impact of restraint and seclusion on children. To date, representatives from NCH and DCYF cooperated with all OCA requests for information and contributed thoughtful analysis of DCYF/DHHS processes.

III. Next Steps

The OCA is in the process of summarizing and synthesizing data collected during the review. Outstanding data collection includes:

- Interviews with NCH staff / administration
- Interview with child affected by concerning practice
- Review of completed CCLU investigation of an incident

IV. Estimated Length of Investigation

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, as well as the length of time needed to obtain accurate and up-to-date records and relevant information. Any delay outside of that timeframe will be documented in the OCA's internal database and approved by the Child Advocate.

The OCA expects to complete the System Review Report for System Review 2020-01 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 October 15, 2020. Should the OCA fail to adhere to this timeline, an updated briefing, which explains the need for additional time, will be posted on the OCA website.

V. Conclusion

This System Review Briefing, and the subsequent System Review Report or a summary there-of, will be posted on the OCA's website. The OCA is appreciative of the 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