



# Alaska State Legislature

## Senator Matt Claman

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### Senate Bill 44 Version N

#### Sponsor Statement

*"An Act relating to the rights of minors undergoing evaluation or inpatient treatment at psychiatric hospitals; relating to the use of seclusion or restraint of minors at psychiatric hospitals; relating to a report published by the Department of Health; relating to inspections by the Department of Health of certain psychiatric hospitals; and providing for an effective date."*

Senate Bill 44 would increase transparency and parental oversight of Alaskan children who are placed in psychiatric hospitals. In 2022, the United States Department of Justice (DOJ) released a report after conducting an extensive investigation into the institutionalization of Alaskan children with behavioral health challenges at psychiatric hospitals. In 2020, the State institutionalized over 800 children at such facilities, more than one third of whom were Alaska Native.

The State often places children hundreds of miles from their families and communities. As a result, many parents, unable to regularly visit treatment facilities, worry that their children may be vulnerable to abuse while away from home. Indeed, local, and national reporting has raised concerns about the extensive use of seclusion and restraints on children inside Alaska's facilities, including forced injection of sedatives. While the medical community agrees that treatment providers should only use these tactics as a last resort, in 2004, the Disability Law Center of Alaska uncovered an unreasonably high rate of seclusion and restraint: 261 incidents in a three-month period.

The institutionalization of children with behavioral health challenges can last weeks, months, or even years. Such long-term placement is devastating for all families and is especially traumatic for Alaska Native families who experienced the harm of family separation when the government forcibly removed their loved ones and sent them to boarding schools.

Senate Bill 44 brings three reforms to reduce the risk of abuse, strengthen family connections, and improve the transparency of Alaska's psychiatric hospitals. First, the bill ensures that children can maintain communication with their parents or legal guardians while institutionalized. Second, the bill requires unannounced, thorough inspections by state public health officials twice annually. Third, the bill ensures that facilities are transparent about the use of seclusion and restraint. The bill also requires Alaska Department of Health to write and release a report to the Legislature with data from these psychiatric hospitals where minors are held.

In response to the DOJ report in 2022, Alaska's behavioral health care providers are working to increase the capacity of in-State, in-patient behavioral healthcare services for minors. It is essential that children, parents, and the public know that the rights of our youth are protected and that the facilities treating young people are safe.