



# Representative Maxine Dibert

Alaska State Legislature, District 31

## Sponsor Statement

### HB 366

**"An Act relating to residential psychiatric treatment centers; and providing for an effective date."**

House Bill 366 would increase transparency and parental oversight over Alaskan children who the State institutionalizes due to behavioral health challenges. In 2022, the United States Department of Justice released a report after conducting an extensive investigation into the institutionalization of Alaskan children with behavioral health challenges at psychiatric hospitals and psychiatric residential treatment facilities. In 2020, the State institutionalized over 800 children at such facilities, more than one third of whom were Alaska Native.

The Department found that life in such facilities can be "isolating, frightening, and chaotic."<sup>1</sup> 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.<sup>2</sup> Indeed, local and national reporting has raised alarms about the extensive use of seclusion and restraints on children inside Alaska's facilities, including forced injection of sedatives.<sup>3</sup> And 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 alarmingly high rate of seclusion and restraint: 261 incidents in a three-month period. This high rate suggests the "potentially inappropriate uses of seclusion and restraint, e.g., for punitive purposes or due to inadequate staffing."<sup>4</sup>

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. Many parents interviewed by the Department "expressed concern about their children losing touch with their culture while in an institution."<sup>5</sup>

House Bill 366 would bring three reforms to reduce the risk of abuse, strengthen family connections, and improve the transparency of Alaska's psychiatric hospitals and psychiatric residential treatment facilities. First, the bill would ensure that children can maintain communication with their parents or legal guardians while institutionalized. Second, the bill would require unannounced and thorough inspections by state public health officials twice annually. Third, the bill would ensure that facilities are transparent about the use of seclusion and restraint.

Montana, Utah, Missouri, and Oregon recently enacted similar bipartisan legislation. Montana's HB 218 provided weekly confidential video communication between children and their parents or guardians; ensured regular, unannounced inspections of facilities; and required reporting on the use of restraint or seclusion. Utah's SB 127 ensured announced and unannounced state inspections of the facility and required treatment centers to report any instance in which staff used physical restraints and seclusion. Missouri's HB 557 required residential care facilities to ensure

Distributed by the Office of Senator Matt Claman 3.1.24 that children are able to contact their parents and guardians without interference. And Oregon’s SB 710 enacted reporting requirements concerning the use of seclusion and restraint.

Following 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’s 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.

1 U.S. DEPT JUST., C.R. DIV., INVESTIGATION OF THE STATE OF ALASKA’S BEHAVIORAL HEALTH SYSTEM FOR CHILDREN 8 (2022) [hereinafter DOJ Report] The report notes that “hundreds [of Alaska youth] are sent to segregated facilities in states as distant as Texas and Missouri”).

2 Id.

3 Michelle Theriault Boots, Federal Inspectors fault Assaults, Escapes, Improper Use of Locked Seclusion at North Star Youth Psychiatric Hospital, ANCHORAGE DAILY NEWS (Sep. 30, 2022); Julia Lurie, Inside the Psychiatric Hospitals Where Foster Kids Are a “Gold Mine,” MOTHER JONES (Sept./Oct. 2023).

4 Disability Law Center of Alaska, Summary of Findings Regarding North Star Behavioral Health System at 5 (Oct. 4, 2004).

5 DOJ Report at 17.