

April 25, 2023

Honorable Chair Sharon Carson
Senate Judiciary Committee
State House Room 100
107 N Main St., Concord, NH 03301

RE: NAMI NH Support for HB 491

Dear Chair and Committee Members:

Thank you for the opportunity to testify today. My name is Sam Hawkins, and I am the Public Policy Assistant at NAMI NH, the National Alliance on Mental Illness. NAMI NH is a non-profit, grassroots organization whose mission is to improve the lives of all people impacted by mental illness and suicide through support, education and advocacy. On behalf of NAMI NH, I am here today to speak in support of HB 491, relative to prohibiting the use of the prone restraint for minors.

As stated in the findings of the bill as amended by the House, prone restraint, a serious and dangerous restraint technique, is already illegal in New Hampshire through the prohibition of dangerous restraint techniques as described in RSA 126-U:4, I. Despite this, as heard in testimony from this bill's hearing in the House, prone restraints are still employed in facilities within New Hampshire.

Research shows that there is a significant increase in the risk of death when restraints are performed with the child in the prone position. The Child & Youth Care Forum conducted a 26-year study on the use of restraints on children in facilities from 1993-2018. The objective of the study was to explore the conditions and circumstances of restraint-related fatalities in the US by asking "(1) Who are the children that died due to physical restraint? and (2) How did they die?" The study discovered that there were 79 restraint-related fatalities during the timeframe of the research, and 63 were related to physical restraint. The leading cause of death was asphyxia, or lack of oxygen. Of the 63 fatalities related to physical restraint, 38 occurred while the child was in the prone position (the article notes that for 19 of the deaths the child's position was "unknown or could not be accurately determined.")

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Of particular concern to NAMI NH is that physical restraint is regularly used with children and adolescents in mental health care. The Child & Youth Care Forum study revealed that many of the deaths occurred with children and adolescents who have mental health issues, including children and adolescents in psychiatric centers, residential treatment facilities, group homes, foster homes, and juvenile corrections facilities.

Even beyond the increased risk of fatality, physical restraints, including prone restraint, can be traumatizing for children. As found by the Child and Youth Care Forum study, “under even the best circumstances, these experiences can undermine children’s sense of safety and trigger ‘shame, humiliation, rage, and fear.’ Although staff’s intention may be to ensure safety, for many children, restraints create a sense of terror.”

The evidence is clear that prone restraints are dangerous and should not be used on children and adolescents. HB 491 makes NH law crystal clear regarding the use of prone restraints and in doing so supports and protects both the children and those responsible for them. For these reasons, NAMI NH urges the committee to recommend Ought to Pass for HB 491.

Sincerely,

A handwritten signature in black ink that reads "Samuel C. Hawkins". The signature is written in a cursive style with a large, sweeping initial 'S'.

Samuel C. Hawkins