



## DISABILITIES RIGHTS CENTER, Inc.

18 Low Avenue, Concord, NH 03301-4971 • [advocacy@drcnh.org](mailto:advocacy@drcnh.org) • [drcnh.org](http://drcnh.org)  
(603) 228-0432 • (800) 834-1721 voice or TTY • FAX: (603) 225-2077

**FOR IMMEDIATE RELEASE**

7/27/10

**Contact:** Michael Skibbie  
603-228-0432

### **New Hampshire Enacts Legislation Restricting Restraint of Children in Schools and Treatment Facilities**

On July 26, 2010, Governor Lynch signed Senate Bill 396, which establishes new restrictions on the use of physical restraint of children in New Hampshire. The bill was sponsored by Senator Kathleen Sgambati, and co-sponsored by Senators Molly Kelly, and Maggie Hassan and Representatives Emma Rous, Judith Reeve, Nancy Stiles, and Elizabeth Merry.

Key provisions of the bill include:

- The elimination of certain restraint techniques which are known to cause injury and death;
- The restriction of restraint usage to emergency situations where it is necessary to ensure immediate physical safety;
- Restriction of the use of handcuffs and similar devices for children being transported outside a facility or appearing in court;
- Notification to parents or guardians whenever a child is subjected to restraint, and notice to the Attorney General's Office and the Disabilities Rights Center whenever a child dies or is seriously injured due to an incident of restraint;
- Annual reporting on the use of restraint in the state by the Departments of Education and Health and Human Services;

The Disabilities Rights Center (DRC), New Hampshire's federally-designated protection and advocacy agency, provided technical information and assistance during the legislative process. Upon hearing of final approval of the bill, Michael Skibbie, DRC's Policy Director, praised Governor Lynch and the New Hampshire Legislature, noting that "this legislation helps to fulfill one of our basic obligations as a state – keeping children safe when they are in the care and custody of schools and treatment centers. The new law eliminates methods that are not only unnecessary and often counterproductive for the control of behavior, but also dangerous.

---

Although we have had a number of cases involving significant injury to children during restraint incidents, we have been fortunate not to have any of the deadly incidents which have triggered reforms elsewhere in the country. Most of the cases our office has handled involve circumstances where properly trained and supported personnel would have been able to deal with the situation more effectively without resorting to force.”

The restraint legislation was a legislative priority of New Hampshire’s Child Advocacy Network (NH-CAN), a statewide coalition of over 100 partner organizations improving the health and well being of NH’s children and families. During the legislative process, lawmakers heard testimony from parents of injured children, representatives of the Disabilities Rights Center, the state’s Chief Medical Examiner, Child and Family Services, and New Hampshire Partners in Service, the state’s association of child treatment providers.

The legislation applies to a wide range of public and private schools and treatment facilities, as well as the Sununu Youth Services Center. It goes into effect on September 1.