



THE ACCOUNTABILITY FOR CONGREGATE CARE ACT 2021

THE ISSUE

There are an estimated 120,000 - 200,000 minors placed in congregate care facilities across the U.S. annually. Most enter these residential settings through the child welfare and juvenile justice systems, school district's individualized education programs, by refugee resettlement agencies, mental health providers, and through private parental placement.

Many of these youth have prior trauma histories before placement, which are compounded by separating them from their communities in addition to experiencing abuse and neglect within the congregate care placement. Due to a lack of regulatory infrastructure and government oversight, a culture of abuse has been allowed to thrive leading to preventable deaths of children and trauma.

OUR PHILOSOPHY

Breaking Code Silence believes that every youth has a right to liberty, family, community and the necessary tools and opportunity to enjoy their adolescence. Should a child be placed in a congregate care setting it is their right to be afforded a safe, humane environment and to be free of unnecessary restriction.

While every child should remain in their community, we must focus on making these settings safer while our state systems shift into directing funding and resources to prioritize family unity.

WHAT IS CONGREGATE CARE?

A public or private entity that provides housing, treatment, or modify behaviors in a residential environment, such as:

- Wilderness program
- Boot camp
- Residential treatment center
- Therapeutic boarding school
- Behavioral modification program
- Foster care facility
- Youth justice facility

WHAT WE'RE SEEING

Investigations conducted by Breaking Code Silence and state officials have collectively shown trends in congregate care facilities. Here are a few of the many abuses seen consistently across congregate settings:

- Inhumane and degrading discipline
- Usage of seclusion and physical, mechanical, and chemical restraint
- Physical, medical, and nutritional neglect
- Sexual assault, harassment, and grooming
- Conversion and aversion therapy
- Forced medication and overmedication
- Lack of individualized treatment
- Prohibition of communication with parents, lawyers, and advocates
- Restricted access to education

THE BILL...

The Accountability for Congregate Care Act of 2021 will address systemic weaknesses across multiple agencies and systems that increase reliance on congregate care and subject youth to abuse and neglect.

The passage of this Act will create a uniform Youth in Congregate Care Bill of Rights for all youth in congregate care regardless of which public or private pipeline they entered the facility.

This Bill of Rights will create a standard for the ACCA Joint Commission to lead an interdisciplinary program of research, in consultation with other Federal agencies, recognized experts in the field, and advocates. Through this research, the Joint Commission will advise on best practices to reduce congregate care placement, understand the nature and scope of institutional abuse, and consult with States on the closure of facilities that are unable to meet standards within the Youth in Congregate Care Bill of Rights.

By supporting the passage of ACCA, funds will be created to mend systemic issues that have led to our current failures in youth and family services. The main goal being to not only establish understood rights, but to lift the walls of our largest systems and work together to provide youth with the tools and opportunities to have the brilliant futures they deserve.

TO LEARN MORE, SUPPORT OUR CAUSE, OR GET INVOLVED...GO HERE

OR CONTACT...

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THE YOUTH IN CONGREGATE CARE BILL OF RIGHTS

EVERY YOUTH IN CONGREGATE CARE SHOULD HAVE THE RIGHT...

- **to physical well-being, including**
 - to be free from abuse and neglect; including all forms of physical, psychological, and sexual abuse, neglect, exploitation, financial exploitation, and excessive medication; the right to be free from institutional abuse and neglect;
 - to be free from aversive behavioral interventions
 - to freedom from physical, mechanical, and chemical restraint or seclusion
 - to protection against unreasonable search and seizure; including the use of strip searches or cavity searches as a means of punishment
- **to social and emotional well-being, including**
 - prohibition of long periods of forced silence, restriction of communication with staff, caregivers, child protective services, law enforcement, or advocates;
 - to have sufficient educational and life skills imparted onto them
 - to reasonable daily access to the outdoors
- **to have essential needs met**
- **to individualized and appropriate treatment that is culturally competent, trauma-informed, and most supportive of such each youth's personal liberty and development**
- **to be free from abusive, humiliating, degrading, or traumatizing treatment by staff or other youth; including**
 - the ability to report mistreatment anonymously without fear of reprisal
 - to access a protection and advocacy agency