

DISABILITY RIGHTS CENTER - NH

64 North Main Street, Suite 2, Concord, NH 03301-4913 • mail@drcnh.org • drcnh.org
(603) 228-0432 • (800) 834-1721 voice or TTY • FAX: (603) 225-2077

April 17, 2026

Via e-mail Return Receipt Requested

The Honorable Kelly A. Ayotte
Governor of New Hampshire
State House
107 North Main Street
Concord, NH 03301
GOVERNORAYOTTE@GOVERNOR.NH.GOV

Lori A. Weaver, Commissioner
Department of Health and Human Services
129 Pleasant Street
Concord, NH 03301
LORI.A.WEAVER@DHHS.NH.GOV

Marie E. Noonan, Director
Department of Health and Human Services
129 Pleasant Street
Concord, NH 03301
MARIE.E.NOONAN@DHHS.NH.GOV

Her Excellency, Governor Ayotte and Commissioner Weaver,

Disability Rights Center-NH (DRC-NH) met with staff and children at the Sununu Youth Services Center (SYSC) in Manchester, New Hampshire on April 9, 2026, and April 12, 2026. DRC-NH is in the process of working with the New Hampshire Department of Health and Human Services to gather records, continue to monitor SYSC, and upon further investigation will document all concerns regarding SYSC. This letter, however, addresses a “policy” that came to the attention of DRC-NH on April 12, 2026. Upon information and belief, SYSC staff represented to the children that a “policy” was instituted recently regarding how staff will lead children to different locations, including to their rooms at bedtime. Such “policy” appears to authorize the use of illegal restraint practices and SYSC staff allegedly indicated to the children that the “policy” was approved by DRC-NH, as well as the Office of Child Advocate. DRC-NH has not endorsed any “policy” at SYSC, let alone a policy that allows for improper use of restraints.

Under New Hampshire law, the use of restraints is limited to emergencies and “shall only be used in a ... facility to ensure the immediate physical safety of persons when there is a

substantial and imminent risk of serious bodily harm to the child or others." RSA 126-U:5, I. The use of restraint is only permitted "... when all other interventions have failed...." *Id.* Restraint as a form of punishment is explicitly prohibited. RSA 126-U:5, II.

Upon information and belief, the "policy" (Policy), as described by SYSC staff to children, allows for the staff to use physical contact by hand to guide the child to a location (physical guidance) and for additional restraint if the child does not comply with the staff's physical guidance. Physical guidance that allows a child to move in only one direction limits a child's freedom of movement. SYSC's use of physical guidance that limits a child's freedom of movement, such as physically directing a child to only one specific location, meets the definition of a physical restraint, that is, a "manual method ... used to restrict a child's freedom of movement...." RSA 126-U:1, IV(c). The legal use of physical restraint is limited to emergencies and "shall only be used in a ... facility to ensure the immediate physical safety of persons when there is a substantial and imminent risk of serious bodily harm to the child or others." *See* RSA 126-U:5, I. However, SYSC staff are using this form of physical restraint to force the routine movements of children from one safe area to another preferred safe area.

SYSC's use of physical guidance does not meet the three applicable exceptions to the definition of a restraint. *See* RSA 126-U:1, IV(e)(1)-(2), (5). First, "brief touching or holding to ... guide a child," is not a restraint "so long as limitation of freedom of movement of the child does not occur." RSA 126-U:1, IV(e)(1). At SYSC, any child being physically guided is only allowed to move in the direction guided by the staff and is not allowed to perform any other movement or lack thereof. SYSC's use of physical guidance to limit a child's freedom of movement does not meet the exception to restraint. *See id.*

Second, "[t]he temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to ... walk to a safe location, so long as the child is ... moving toward a safe location," is not a restraint. *Id.* at IV(e)(2). This exception contemplates moving a willing child to a safe location or moving a child from an unsafe location to a safe location. *See id.* Any other interpretations would circumvent the intent of the statute and make meaningless both the limitation of restraint to emergency contexts and the definition of physical restraint. *See* RSA 126-U:1, IV; RSA 126-U:5. SYSC staff are impermissibly using physical guidance to move unwilling children from a safe location to a preferred safe location, such as moving children from the safe, locked common area to their bedrooms at bedtime. This use of physical guidance does not meet the exception to restraint. *See* RSA 126-U:1, IV(e)(2).

Third, "[t]he use of force by a person to defend himself or herself or a third person from ... the imminent use of unlawful force by a child...." is not a restraint. *See* RSA 126-U:1, IV(e)(5). Here, the Policy, as well as its implementation by SYSC staff, does not require "imminent use of unlawful force by a child" and is implemented when no such imminent use of unlawful force exists. *See id.* The use of physical guidance in the absence of imminent unlawful force does not meet the exception to restraint. *See id.*

The Policy and its implementation by SYSC staff result in physical guidance, a form of physical restraint, to limit the freedom of movement of children who are already in a safe location when

The Honorable Kelly A. Ayotte
Lori A. Weaver, Commissioner
April 17, 2026, Page 3 of 3

no emergency or threat of imminent unlawful force exists. The use of physical restraint in this context is prohibited and without statutory exceptions. *See* RSA 126-U:1, IV(e)(1)-(2), (5); RSA 126-U:5.

The Policy is being implemented to justify staff use of continued and more severe restraint practices, including the use of prone restraint, if the child does not comply with the staff's physical guidance. The current use of physical guidance by SYSC staff is not trauma informed. It appears to be a purposeful effort to agitate the child through unnecessary and unwanted physical contact. This contact, in turn, leads to a predictable escalation of a previously nonemergent situation to justify restraining the child. This is a clear use of restraint for the explicitly prohibited purpose of punishing a non-compliant child. *See* RSA 126-U:5, II.

It is DRC-NH's understanding that the use of restraint at SYSC has resulted in serious physical and emotional trauma to the children. Its continued implementation puts both the children and staff at risk of additional serious physical and emotional trauma. DRC-NH has significant concern that if action is not immediately taken by the Division for Children, Youth and Families and SYSC to cease these illegal practices, there is the potential for additional serious incidents to occur.

Due to the seriousness of our concerns, DRC-NH will continue its investigation, both with a records request and review, and continued visits to SYSC.

Sincerely,



Michael Todd, Esq.
Attorney



Francesca Broderick, Esq.
Senior Staff Attorney, Director – Monitoring and Investigations

cc: Jennifer Dougherty, Esq. (jennifer.dougherty@dhhs.nh.gov)
Susan Larrabee, Esq. (susan.n.larrabee@dhhs.nh.gov)
Samuel Garland, Esq. (samuel.rv.garland@doj.nh.gov)
Cassandra Sanchez, OCA Director (cassandra.l.sanchez@childadvocate.nh.gov)