



**FOR IMMEDIATE RELEASE**  
**Wednesday, November 13, 2024**

**Media Contacts:**

Zoe Chakoian, ACLU of Rhode Island, [zchakoian@riaclu.org](mailto:zchakoian@riaclu.org)

Kristine Sullivan, Disability Rights Rhode Island, [ksullivan@drri.org](mailto:ksullivan@drri.org)

Camilla Jenkins, Children's Rights [cjenkins@childrensrights.org](mailto:cjenkins@childrensrights.org)

**Advocates Sue the State of Rhode Island Over Failure to Provide  
Mental Health Care for Medicaid-Eligible Children**

**Providence, RI** – Following years of glaring failures in Rhode Island's behavioral health system for children and youth, Disability Rights Rhode Island, the American Civil Liberties Union of Rhode Island, and Children's Rights today filed a class action lawsuit against the State for denying Medicaid-eligible children and youth their right to appropriate mental health care.

The lawsuit, filed in U.S. District Court, is brought on behalf of Medicaid-eligible children under the age of 21 whose behavioral health needs require intensive home and community-based services to allow them to live successfully at home with their families or caregivers. Without such services, these children routinely have been, and are at high risk of being, segregated from their communities while being unnecessarily placed in institutions. Plaintiffs are seeking to compel the Defendants to provide the children with medically necessary behavioral health services in a community-based setting as required under the law.

The state's youth are facing a severe mental health crisis. [In May 2022, Rhode Island pediatricians and psychiatrists declared](#) "a state of emergency in child and adolescent mental health," highlighting the "dramatic increases" in emergency department visits for mental health emergencies, including suicide attempts.

As detailed in the complaint, because of a lack of intensive home and community-based mental and behavioral health services, Medicaid-eligible children across Rhode Island are left to suffer as their mental health deteriorates. Without intensive services in their homes and communities, children with mental health disabilities are often unnecessarily placed in psychiatric hospitals, psychiatric residential treatment facilities, and other similar restrictive institutions for extended periods, where they are separated from their families and communities and fail to thrive.

The complaint alleges that the state's failure to build an adequate behavioral health system for children and youth violates provisions of the Medicaid Act designed to provide children with

appropriate mental health services, as well as two other key federal laws, the Americans with Disabilities Act and the Rehabilitation Act.

One of the named plaintiffs, 12-year-old J.L.A., is a triplet along with named plaintiffs J.S.A. and K.A., who loves basketball and watching football. Their mother repeatedly sought community-based behavioral health services in order to keep J.L.A. and his siblings at home safely. Despite these efforts, J.L.A. has cycled in and out of hospitals. In just over two and a half years, J.L.A. spent 403 days out of 594 – or 68 percent of that time – in out-of-home placement. In June, J.L.A. was once again admitted to the hospital for another six months.

The lawsuit notes that over [20,000 children on Medicaid in Rhode Island](#) have a behavioral health disability. As far back as 2010, the National Coalition for Child Protection Reform called Rhode Island’s institutionalization rate for children among the “worst in the nation and vastly above the national average.” As of 2022, the state’s [institutionalization rate was 50% above the national average](#). As of August 2024, around [80 Rhode Island children](#) were placed in out-of-state residential psychiatric facilities – with some as far away as Idaho. Several of these facilities have been linked to abuse, understaffing, and even deaths. The number of children placed in out-of-state facilities has [grown by 30% between 2022 and 2024](#). In that same period, the amount that the Rhode Island Department of Children, Youth, and Families has spent on such facilities ballooned by over 2000%, [from \\$71,380 to \\$1.98 million](#).

A copy of the complaint and related material can be found here <https://drri.org/class-action-litigation/>. Quotes from some of the participants in the lawsuit follow below.

### **COMMENTS FROM PARTICIPANTS IN J.“E.”L. V. CHAREST**

“Despite the urgency and gravity of the mental health crisis our children are facing, the State’s response has been woefully and consistently inadequate. As a result, hundreds of young people continue to be denied access to the mental and behavioral health services they desperately need and are entitled to under federal law. We brought this lawsuit because the children of Rhode Island can’t wait any longer.” - **Morna Murray, Executive Director, Disability Rights Rhode Island**

“For years, the state of Rhode Island has badly needed to build capacity for children in need of behavioral health services. Both in terms of mental health services and temporary placements capable of meeting the needs of children with disabilities in the community, the state has for far too long been falling short. That must change with urgency.” - **Samantha Bartosz, Deputy Litigation Director, Children’s Rights**

“Instead of getting the care they needed when and where they needed it, my children’s lives became a treadmill of cycling in and out of hospitals and locked institutions. They lost time with their family, their schools, and their friends. With all the time they spent inpatient, they could no

longer participate in Special Olympics, something all four of them enjoyed tremendously. They lost their sense of who they are and where they belong in this world. In addition to their challenges, they should not have to suffer such preventable losses at such young ages. My children deserve to be able to stay at home, to enjoy all the many things children should enjoy, and still get the help they need.” – **Rebecca Almeida, mother of four children participating in the lawsuit**

“Despite their tireless efforts to advocate for their children, parents are too often being left to navigate a fragmented, uncoordinated, and often unresponsive mental health care system that relies on unnecessary and harmful institutionalized care. We have filed this lawsuit because years of public recognition of the severity of this problem – including recognition from DCYF itself – have failed to move the needle. The time has come to end this violation of the rights of vulnerable children.” - **Steven Brown, Executive Director, ACLU of Rhode Island**

---

### **About Disability Rights Rhode Island**

Disability Rights Rhode Island is the federally mandated Protection and Advocacy agency for the state of Rhode Island. There are a total of 57 P&As in each of the United States, U.S. territories, and District of Columbia. The first P&A program was created by Congress in the mid-1970s in response to deplorable conditions in institutions for people with intellectual and other developmental disabilities. In creating the P&A System, Congress gave it unique authorities and responsibilities, including the power to investigate reports of abuse and neglect of persons with disabilities. P&As are also authorized to pursue appropriate legal remedies on behalf of persons with disabilities including enforcement of their civil rights.

### **About Children’s Rights**

Children’s Rights is a national advocacy organization dedicated to improving the lives of children living in or impacted by America’s child welfare, juvenile legal, immigration, education, and healthcare systems. We use civil rights impact litigation, advocacy, and policy expertise, and public education to hold governments accountable for keeping kids safe and healthy. Our work centers on creating lasting systemic change that will advance the rights of children for generations. For more information, please visit [www.childrensrights.org](http://www.childrensrights.org).

### **About the ACLU of Rhode Island**

The ACLU of Rhode Island is a nonpartisan, nonprofit organization dedicated to vindicating the principles of liberty embodied in the Bill of Rights to the U.S. Constitution and state and federal law, including those designed to ensure fundamental procedural fairness and protections for vulnerable populations such as the plaintiffs in this case. In furtherance of this goal, ACLU-RI cooperating attorneys have participated in numerous cases challenging state and local government policies and practices that violate the rights of children.