

Congress of the United States
Washington, DC 20515

Testimony of Rep. Henry A. Waxman
“Juvenile Detention Centers: Are They Warehousing Children with Mental Illness?”
Governmental Affairs Committee
U.S. Senate
July 7, 2004

Thank you, Chairman Collins. I commend you for holding this hearing on the unnecessary incarceration of youth who are waiting for community mental health services. And I want to acknowledge your leadership.

Too often, there is little connection between the issues Congress addresses and the real problems facing our nation. When “foreign sales corporations” seek a change in the tax laws — as they are currently doing — hundreds of lobbyists come out of the woodwork, campaign contributions flow like water, and the attention of legislators becomes riveted on arcane provisions that have little relevance for most Americans.

But when there is a crisis in access to children’s mental health services, that same sense of urgency is lacking. The problem is real and affects millions of families, yet without corporate lobbyists in the hallways or the prospect of sizeable campaign contributions, the needs of children with mental illness have received little attention.

That’s why your long-term commitment to children’s mental health is so rare and so extraordinary.

And that is why today’s hearing — and the report we are jointly releasing — are so important. I hope we can finally jolt Congress and the Administration into action.

Two years ago, at the request of Senator Jeff Bingaman and Representative Tom Udall, my staff investigated the fate of youth with mental illness in New Mexico who could not obtain care in their communities. What we found was deeply disturbing: One in seven youth in juvenile detention in New Mexico were there solely to wait for mental health services — over 700 youth jailed simply because treatment was not available.

It was apparent to you, Chairman Collins, and to me that these inexcusable conditions were likely to extend beyond New Mexico. So at our joint request, my staff expanded its investigation. We surveyed every juvenile detention facility in the United States. We heard back from more than 500 administrators in 49 states, a response rate of over 75%.

The resulting report is the first ever national study of unnecessary incarceration of children suffering from mental illness.

Here are some of the key findings:

- **Two-thirds of juvenile detention facilities in the United States lock up mentally ill youth because there is no place else for them to go.**

- **Every day, about 2,000 youth are incarcerated simply because community mental health services are unavailable. This represents about 7% of all youth in juvenile detention.**
- **In 33 states, juvenile detention centers hold youth with mental illness who have no charges against them of any kind.**
- **Over 160 detention centers report that youth held unnecessarily have attempted suicide.**
- **Children as young as seven years of age are incarcerated because they do not have access to care.**

Many of the detention centers we surveyed responded with written pleas. A detention center administrator in Louisiana wrote, “We appear to be warehousing youths with mental illnesses due to lack of mental health services.” A Washington State administrator said, “We have had a number of juveniles who should no more be in our institution than I should be able to fly.”

A Tennessee administrator implored, “The last place some of these kids need to be is in detention. . . . Those with depression are locked up alone to contemplate suicide. I guess you get the picture.”

We get the picture – and it is deplorable.

The findings of this report indict how our society treats children suffering from mental illness, in the United States of America, in the 21st century.

The report recalls the 19th century, when reformer Dorothea Dix traveled from jail to jail gathering stories of individuals suffering from mental illness who were abandoned and ignored. Her work led to the creation of the nation’s first asylums.

Since the mid-1800s, psychiatry and associated professions have learned to diagnose and treat complicated mental illnesses. Hospitalization is now recognized as a treatment of last resort. It is well understood that many children with mental illness can recover and lead productive lives.

Yet even as scientific knowledge has advanced, our social policy has faltered. We have seen the emptying of psychiatric institutions without the establishment of adequate community services. We have seen the starvation of public budgets that support the basic needs of millions of Americans with mental illness.

Today, the backbone of financing for children's mental health services, the Medicaid program, is in grave danger. Proposals to turn a guarantee of care into block grants for states could seriously compromise what little is left of the safety net.

The findings of this report call on us to reverse course.

Congress must ensure that adequate mental health services are available to all who need them. We must reform a confusing and bewildering mental health care system so that it works for the benefit of children and their families.

And we must insist upon accountability, so that someone is held responsible each and every time a child is jailed to wait for mental health services.

We must work together — not as Democrats or as Republicans, but as Americans who care about children and their families — to end this warehousing of youth who are in need of treatment.

In closing, let me again thank you, Chairman Collins, for your leadership. I look forward to the distinguished witnesses who will testify about these serious problems later this morning.