

“Legal Blind Spots:” Attorney and Champion for RTF Victims Comments on Congressional Report

Report on abuses in youth residential treatment facilities highlights lawsuits in which Attorney Caleb Cunningham represents victims of abuse & discrimination.

PENSACOLA, FL, U.S.A., June 17, 2024 /EINPresswire.com/ -- On Wednesday, the Senate Committee on Finance published its report “[Warehouses of Neglect: How Taxpayers Are Funding Systemic Abuse in Youth Residential Treatment Facilities.](#)”

The report references two lawsuits against residential treatment facilities (RTF) in which Attorney Caleb Cunningham, of Levin Papantonio Rafferty, represents plaintiffs who have suffered at the hands of such facilities across the country.

For years, Cunningham and others at his firm have been fighting for clients victimized at youth RTFs and working alongside such advocates as Paris Hilton to raise awareness of this national nightmare.

“

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CALEB CUNNINGHAM,
ATTORNEY, LEVIN
PAPANTONIO RAFFERTY



LPR Attorney Caleb Cunningham represents multiple plaintiffs who have suffered abuse and discrimination at youth residential treatment facilities and refers to abusive facilities as “private child prisons.”

“We are happy to see that Congress has issued this report and helped raise awareness of these abuses,” Cunningham said. “We have been fighting and will continue to fight, to hold these private child prisons accountable. As the report indicates, the problems are systemic, not isolated.”

“I hope people read the report and learn these facts,” Cunningham added. “We have been

fighting for clients who have suffered in these facilities for years. We are proud to see some of our efforts and our success in the courtroom recognized by the Congressional Committee report.”

A Magnifying Glass on a Broken System

In July 2022, the Senate Committee on Finance and the Senate Committee on Health, Education, Labor, and Pensions started looking into claims of abuse and neglect at RTFs run by four companies:

- * Universal Health Services (UHS)
- * Acadia Healthcare
- * Devereux Advanced Behavioral Health
- * Vivant Behavioral Healthcare

Since then, the Senate Committee on Finance has been investigating thoroughly, checking over 25,000 pages of documents from these companies, talking to many people involved in behavioral health, and visiting the RTFs in person.

How the RTF System Works

The report begins by explaining that kids are sent to RTFs by various people and groups, including parents, psychiatrists, child welfare agencies, the juvenile justice system, and schools. The Committee oversees many of these placements funded by Medicaid and child welfare programs under the Social Security Act, through which RTF providers get daily payments for each child they care for.

These providers try to make as much money as possible by filling their facilities to the limit and cutting back on staff numbers and quality, the report states.

The Committee's investigation found that children in RTFs face serious problems, including:

- Physical, sexual, and emotional abuse by staff and other residents
- Misuse of restraints and isolation
- Poor treatment and supervision
- Environments that feel more like institutions than homes

These issues pose immediate safety risks and have long-term effects, such as trauma, suffering, and even death.

Sexual Abuse at Residential Treatment Facilities

In its report, the Committee includes an exhaustive account of various types of RTF concerns,

with examples of each.

Several pages speak to the prevalence of youth-on-youth sexual abuse. The Committee outlined multiple examples that have led to lawsuits against the facilities, including a case filed by Cunningham, along with Birmingham attorneys Tommy James of Tommy James Law and Jeremy Knowles of Morris Haynes.

In February 2024, the attorneys filed a [lawsuit against Laurel Oaks Behavioral Center](#) in Dothan, Alabama, and its parent company, Universal Health Services (UHS) (CV-2022-900168). The suit followed the sexual assault of a young resident at the facility.

UHS, a Fortune 500 company, owns Laurel Oaks and operates many such facilities nationwide. The organization claims to have treated 3.2 million people last year, earning over \$12 billion.

The lawsuit, filed in Houston County, Alabama, Circuit Court, involves an 8-year-old resident who was sexually assaulted by another resident, who had also physically assaulted the victim the day before. The facility took over 12 hours to notify the boy's parents.

This incident is part of a troubling pattern at Laurel Oaks, which has a history of sexual abuse. In 2014, a 17-year-old patient was charged with first-degree sodomy, and in 2011, a 40-year-old employee was convicted of sexually assaulting a teenage patient.

"You have a clear pattern of failure to protect the children in this facility," Cunningham said in a press release about the filing. "One sexual assault is a tragedy, but having three known incidents shows this is not a responsible company."

Americans With Disabilities Act Violations

The Committee presented a string of recommendations for addressing the problems of abuse, restraints, understaffing, inadequate training, inappropriate restraint/seclusion, safety/sanitation, and failures of oversight agencies.

Recommendations also included the suggestion that the Department of Justice (DOJ) assess RTF placements for potential Olmstead violations. These violations happen when people with disabilities are unfairly separated from others. Under the Americans with Disabilities Act (ADA), such segregation qualifies as illegal discrimination.

The report discusses a 2022 DOJ investigation, which found that Alabama's Department of Human Resources and Department of Education violated the ADA. They did this by illegally discriminating against foster care children with disabilities, placing them in separate educational programs.

The DOJ discovered that the on-site schools at these RTFs did not provide proper grade-level

instruction, facilities like libraries, gyms, or science labs, or extracurricular activities such as sports, which are important for child development.

In its report, the Committee specifically reports how in 2023, [several federal lawsuits were filed against Alabama](#) for this illegal discrimination.

Cunningham, James, and Knowles represent the plaintiffs in the Alabama lawsuits.

“These lawsuits are long overdue,” Cunningham stated in a press release issued in December 2023, when plaintiffs’ attorneys broadened the series of lawsuits filed in September 2023 to hold several state agencies accountable (Case 2:23-cv-00558-KFP; Case 2:23-cv-00554-ECM-CWB; Case 2:23-cv-00555-KFP; Case 2:23-cv-00556-SMD; Case 2:23-cv-00553-SMD; Case 2:23-cv-00557-SMD).

Much Work to Be Done in the RTF Industry

Cunningham expressed qualified optimism with the Senate Committee’s focus on the widespread problems that plague the RTF industry.

“We are happy and hopeful to see Congress taking some action on what we have been litigating for years. These facilities have operated in the shadows and legal blind-spots for too long,” Cunningham said.

“We are proud that our efforts at the forefront of holding these facilities accountable were recognized by the U.S. Congress, but we are not stopping until our clients get justice,” Cunningham said.

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