



For Immediate Release

January 6, 2023

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TW/CW: suicidal ideation and thoughts, self-harm, and mentions of mental health disorders. If you or a loved one are experiencing a non-life threatening mental health crisis please call the Suicide Prevention Hotline at 988 for English; 1-888-628-9454 prestamos Servicios en Español; 1-800-273-8255 for Deaf and hard of hearing individuals, or individuals living with hearing loss.

Advocates Sue the State of Iowa over Failure to Provide Mental Health Care for Medicaid-Eligible Children

Des Moines, IA -- Iowa is denying Medicaid-eligible children their legal right to mental health care, according to a class action lawsuit filed today by Disability Rights Iowa, Children's Rights, National Health Law Program, and Ropes & Gray, LLP. The filing comes as children in the U.S. face unprecedented mental health challenges, and the need for mental health services among Iowa's children has reached [crisis levels](#). Iowa is [ranked 41st worst](#) in the nation for number of children suffering from at least one major depressive episode in the last year.

The [lawsuit](#) is brought on behalf of Medicaid-eligible children under the age of 21 whose serious mental health conditions require intensive home and community-based services to meet their needs and allow them to live successfully at home with their families or caregivers. Without them, these children are at high risk of being segregated from their communities and unnecessarily placed in institutions.

The lawsuit asserts that Iowa administers an inadequate, inaccessible, and dysfunctional mental health system for these children and youth, despite receiving substantial federal Medicaid funding for that very purpose. The State is required to provide services including intensive care coordination, intensive in-home therapeutic services, and crisis response services, but fails to do so. In addition, the state has not established policies and practices to address the need for these services and ensure they are provided as necessary to these children.

One of the named plaintiffs in the case, 15-year-old C.B., loves sports, building Legos, listening to music and learning about how people live differently around the world. Since the age of four, he has been diagnosed with multiple mental health disorders. Despite his mother's repeated efforts, C.B. waited for more than four years to receive the mental health services recommended by a physician. Without these services, C.B.'s health significantly deteriorated, resulting in a five month stay at a psychiatric medical institution for children, away from his family.

When children do not receive treatment for their mental health conditions, they are at substantially greater risk of self-harm, suicide, suicidal ideation, dropping out of school, developing substance disorders, and involvement with the juvenile justice system.

In addition, research has demonstrated that poor outcomes for these children early on correlate with poor outcomes later in their adulthood. The harmful impacts of this lack of mental health care fall disproportionately on LGBTQIA+ youth, youth from low-income families and children of color.

"Children with mental health conditions have been neglected for far too long in Iowa. They are unnecessarily put at great risk of institutionalization without access to the intensive home and community-based services they require, where their mental health frequently deteriorates and they face very real hazards to their safety and wellbeing," said Catherine Johnson, executive director at Disability Rights Iowa. "Children under the care of the state of Iowa through Medicaid services are being unfairly treated and unnecessarily isolated from their families and other children."

"Too many children in Iowa in need of mental health care have been neglected by the state, which is failing to meet its obligations under the Medicaid Act and the Americans with Disabilities Act. Although parents and family members have valiantly fought for their children, they have repeatedly been forced to navigate a failing child mental health system, where the needed intensive home and community-based programs are not available," said Harry Frischer, chief counsel at Children's Rights.

"Intensive home and community-based services have been provided by numerous states as part of the Medicaid obligation to provide necessary covered behavioral health services to children under age 21 on Medicaid. Iowa has not and instead has been failing Iowan children and families for decades," said Elizabeth Edwards, senior attorney at the National Health Law Program.

"In recent years, we have seen the mental health crisis impacting more children than ever before, particularly children from low income families, communities of color, and children who identify as LGBTQIA+. With this lawsuit, we aim to improve the long-term outlook for kids with mental health care needs by ensuring that Medicaid recipients in Iowa have access to these vital services," said Timothy Farrell, a litigation partner at Ropes & Gray, LLP.

For more information on the lawsuit, [visit this link](#).

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About Disability Rights Iowa

Disability Rights Iowa is part of a nationwide network of protection and advocacy systems established in the 1970s by the U.S. Congress to respond to abuse and neglect of Iowans with disabilities. DRI defends and promotes the human and legal rights of Iowans who have disabilities. We promote safety, opportunity, access, and self-determination for all Iowans. For more information, please visit www.disabilityrights.org

About Children's Rights

Every day, children are harmed in America's child welfare, juvenile justice, education, and healthcare systems. Through relentless strategic advocacy and legal action, we hold governments accountable for keeping kids safe and healthy. Children's Rights, a national non-profit organization, has made a lasting impact for hundreds of thousands of vulnerable children. For more information, please visit www.childrensrights.org.

About National Health Law Program

National Health Law Program (NHeLP) protects and advances the health rights of low-income and underserved individuals and families. NHeLP advocates, educates and litigates at the federal and state levels. Our lawyers and policy analysts stand up for the rights of the millions of people who struggle to access affordable, quality health care. We are guided by the belief – a challenge – that each generation should live better than the last. For more information, please visit www.healthlaw.org.

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