



SENATE FINANCE COMMITTEE

April 12, 2018

Good Afternoon,

We want to thank you Chairman Conley and each of the committee members for the opportunity to provide testimony today. We would also like to take the opportunity to thank our Senate Fiscal Analyst, Emily Tumber for her guidance and support. Ms. Tumber has been available to our office to answer our many questions as we navigate this process and work to move this agency forward. We also want to acknowledge the hard work and dedication of the OCA staff over the past year which includes, Child Advocate, Jennifer Griffith; Assistant Child Advocate, Katelyn Medeiros; Special Projects Coordinator, Kathryn Cortes; Staff Attorney III, Diana Robbins; Confidential Secretary, Amy Lynch; Senior Planning and Program Development Specialists, Jacqueline Sanchez and Alycia Zagaglia; and Case Management Coordinator, Jonette Lopes.

The Office of the Child Advocate (OCA) is an independent and autonomous state agency responsible for protecting the legal rights and interests of children in state care. In addition, the OCA functions as the oversight agency for the Department of Children, Youth and Families. As you are aware, DCYF is the sole child welfare agency for the state of Rhode Island. They consist of numerous departments including but not limited to, Child Protective Services, Licensing, the Family Service Unit, Developmental Disability Unit, Child Support Unit, Juvenile Corrections, Juvenile Probation, Legal Department, Intake Unit, Monitoring Unit, Central Referral Unit, Children's Behavioral Health Unit and the Contract Compliance Unit. The Office of the Child Advocate is responsible for monitoring the operation of each unit within the Department and must ensure their compliance with internal policies and protocols, state law and federal law. In addition, the OCA must continue to monitor overall issues and trends to ensure that each of these units are operating within the best practices of child welfare and to inform whether any systemic change is needed and necessary. This

responsibility includes providing oversight to all 620+ DCYF employees, outside service providers sub-contracted through DCYF, and the cases of thousands of children open in some capacity to DCYF.

The OCA is afforded the opportunity to fulfill this vital role through a broad statutory mandate and is tasked with numerous responsibilities. I have attached a copy of our statute for your convenience. The OCA is responsible for monitoring placement facilities licensed by DCYF including congregate care placements both in and out of state, foster homes, day cares and the Rhode Island Training School. During the course of these reviews, the OCA confirms whether a facility is in compliance with DCYF licensing regulations, which may include health, safety and fire codes. The Office also assesses the quality of the programs and interviews children. After each review, my office produces a comprehensive report citing violations and recommending corrective action to be taken. The most recent example is the report the OCA released on the Blackstone Valley Youth and Family Collaborative, citing numerous infractions and inadequacies within the program, which presented a risk to children in the State's care. Ultimately, this report led to the closure of this program and the relocation of each child in to a more appropriate setting. The OCA has reviewed almost every placement in Rhode Island and is in the process of reviewing the last few out of state programs to ensure compliance. Over the past year, the OCA has completed a total of **fifty-six (56) comprehensive site reviews**. With this task accomplished, the OCA will be shifting its focus to children placed in foster homes. We have set the goal to visit each child and ensure that their needs are being met and inform them of our office's role to support them should they encounter any issues. Additionally, will continue to collaborate with the Department on its efforts to expand and improve the current service array for children and families in Rhode Island.

Furthermore, the OCA has the right to independently investigate any claims of institutional abuse, issuing our own report, findings and recommendations to ensure the safety and well-being of children in care. This past year, the OCA completed **fourteen (14) independent investigations**. Also, the OCA staff closely monitors the cases called in to Child Protective Services taking action to the best of our ability, on individual cases where we believe that policy has not been properly adhered to. Also, the Office of the Child Advocate serves as Guardian *ad litem* to fifty-one (51) children who are open to DCYF

through a voluntary agreement. These are youth with significant developmental disabilities and mental health issues. In this capacity the OCA attend treatment meetings, IEP meetings, court hearings and take additional legal action when necessary to ensure they are each receiving the appropriate services and level of care.

Additionally, the OCA is responsible for responding to calls and inquiries concerning children who are in the care and custody of DCYF or who have been recently closed to the Department. Each day the OCA receives calls from a variety of individuals including but not limited to: providers, police departments, school departments, teachers, social workers, nurses, medical providers, outside attorneys, Judges, parents and even DCYF staff. The response required is varied; it could be as simple as providing contact information or taking legal intervention. Additionally, the OCA receives inquiries regarding youth in need of services who is not yet involved with the Department. The OCA makes appropriate referrals to other agencies with regards to those inquiries. In some instances, the OCA can act as an intermediary on behalf of children in need of DCYF services, when the families have been unsuccessful at negotiating their way through the system. In appropriate instances, the OCA staff members can intervene on behalf of young children in need of DCYF services, either through direct interaction with Department staff at all levels or through Family Court intervention. From April 7, 2016-December 31, 2017, the Office of the Child Advocate has seen a drastic increase in the number of inquiries the Office is receiving. We attribute this to the public education regarding the role of our Office provided to various agencies, police departments, school social workers, attorneys and school departments. Furthermore, the OCA experienced an increase in calls to the OCA following the release of public reports and testimony. In 2015, the OCA was in receipt of 148 inquiries. In 2016, the OCA completed 356 inquiries and ***in 2017 the OCA was in receipt of 609 inquiries.*** Presently, the Office is on track to surpass the number of inquiries completed in 2017.

Furthermore, the OCA is the administrator for the Victim Compensation Program for children under the age of 21. The office assists children who have been the victim of abuse secure financial assistance to access necessary services, for their recovery. Katelyn Medeiros took over as the administrator in May 2014. Since that time she has kept the program current and has expanded the program to provide access to victims who were not

previously accounted for. This has resulted in expanded federal funding, which we have utilized to continue to fund a portion of the Staff Attorney III position and the addition of the Case Management Coordinator position. Last fall, the Governor signed proposed changes into law, which expanded the population of youth, which could qualify for financial assistance through the Victim Compensation Program. Any child who has been a witness to domestic violence or has been identified as a victim of sex trafficking qualifies for assistance to access necessary services. These changes were crucial, however, have resulted in a significant increase in the number of children we advocate for to receive these necessary funds. Additionally, our staff has played a more active role in assisting victims and their families with accessing the necessary services and have developed a service array guide to help families identify service providers in their community. Since April 7, 2016-December 31, 2017, the OCA has contacted families and social workers regarding the VOCA program on behalf **1,433 children**. Furthermore, the OCA has played a more active role in the cases of the youth who have been identified as victims of sex trafficking. The OCA staff have collaborated with local and federal law enforcement, the Family Court, CASA, DCYF and providers in advocating for the needs and protection of these youth. For the federal fiscal year 2018 and 2019, we are in receipt of \$430,210, which includes matched funds. This increase in funding is the result of a grant proposal seeking to utilize federal funds to hire additional staff necessary to assist with increased workload and a backlog of tasks. Unfortunately, the OCA's request to use the awarded funding to increase staffing has been denied by the Department of Administration.

Over the past year, my office has worked on public education and awareness of the OCA's function. We have participated in speaking engagements with police departments, school departments and community service providers. In addition, we have also spread awareness in the community on how individuals can help and get involved. We facilitated connections such as a team at Coventry Feinstein Middle School who wanted to complete a community service project for children in state care. These youth constructed about fifty blankets, which were wrapped and we delivered for Christmas to the Children's Shelter and children in foster care. In addition, the OCA staff have participated in speaking engagements at The Village, Foster Forward, Children's Friend and Family Services, just to name a few.

The staff of the OCA actively advises on a number of committees included but not limited to, the Children's Cabinet, the Multi-Disciplinary Team for the Hasbro Aubin Center; the Critical Death Review for the Department of Health; JDAI; Kid's Count Policy Workgroups; Human Trafficking Task Force; Child Care Commission; American Foundation for Suicide Prevention and the Juvenile Justice Advisory Committee. Additionally, the OCA is empowered to initiate litigation on behalf of children in state care or promote necessary systemic change through legislative advocacy. Also, the OCA is the Office has the ability to convene public hearings and conduct studies, which are released as public reports. The OCA is also tasked with the responsibility to conduct trainings and offer seminars for providers and guardians *ad litem*.

Furthermore, the OCA has started to engage in more philanthropy work to better the quality of life and enhance the experiences children receive. In August 2016 and 2017, the OCA in partnership with Adoption Rhode Island and Attorney Lise Iwon, organized the Annual Duffle Bag Bash. This event was to raise awareness to the degrading process of moving the minimal belongings of children in state care in trash bags when transitioning the child to a new placement. At this event, we were able to collect hundreds of bags, countless gift cards and cash donations, which were provided to children in state care. The OCA plans to organize additional events such as these to better the lives of children in state care.

In July 2016, the statutory mandate of the OCA was expanded upon when we were tasked with the responsibility of reviewing any child fatality or near fatality where a child was in the care and custody of the Department of Children, Youth and Families or the child's family had recent contact with the Department of Children, Youth and Families. The OCA must also complete a review of a fatality or near fatality when "[a] sibling, household member, or day care provider has been the subject of a child abuse and neglect investigation within the previous twelve (12) months..." Furthermore, any child fatality or near fatality resulting from abuse or neglect, regardless of the of the family's involvement with the Department, must also be reviewed. The expectations of this office subsequent to notification of a child fatality or near fatality were delineated and expanded upon in the 2016 legislative session. I convened the Child Fatality Review Panel for the first time in October, 2016, which actively reviewed the deaths of four children and the near fatalities of

two children. The panel reviewed thousands of pages of documents and analyzed each case in great detail. The comprehensive report released on March 23, 2017, was the result of countless hours of investigation, research, review and discussion of the cases, policies, statutes and other relevant materials. Upon completing this extensive review, the Child Fatality Review Panel composed the recommendations included in the report with the intent of effectuating systemic change necessary to ensure the safety and well-being of all children involved with the Department. On April 5, 2017, shortly after completing this review, the Child Fatality Review Panel re-convened to review two child fatalities and four near fatalities, releasing the report and recommendations in December 2017. Throughout the pendency of these reviews my staff worked around the clock to collect reports, data and prepare the reports for release. This function and process is necessary to evaluate and effectuate large-scale, systemic change. However, it became evident during the process how complex and time-consuming the completion of this process was for my staff. Starting next week, the Child Fatality Review Panel will be convening for a third time to review the seven (7) child fatalities and eleven (11) near fatalities with several recent cases still under preliminary review to determine whether they meet the criteria for in-depth review by the Child Fatality Review Panel. Following the release of these reports, the amount of public awareness and outreach to my office has increased significantly; we have been inundated with calls requesting intervention by the OCA.

In addition to the recent expansion of the Victim Compensation Program and the ever-expanding responsibility for the child fatality and near fatality reviews, the Office of the Child Advocate was recently named as part of the Monitoring Team following the settlement to the Children's Rights Lawsuit. The OCA will be responsible for reviewing all data collected by the Department and submitted to the Data Validator to ensure that the Department is meeting the benchmarks outlined in the settlement with ongoing reports to the Federal Court. However, should the Department fail to meet the required benchmarks the OCA will need to oversee a strategy and actively work with Department to formulate a plan to achieve the benchmarks with continued reports to Federal Court. We also anticipate a drastic increase in the number of individual cases the OCA will intervene on based on the data provided.

Over the past two years, the Office of the Child Advocate has had the opportunity to add two (2) full-time employees to our cap, through the support of the General Assembly. After facing many challenges through the process of filling these positions, we were finally fully staffed as of November 2017. Through the hard work and dedication of my office, we have effectuated sweeping changes within child welfare. We have provided a copy of our Annual Report to each of you, which will outline the work performed since I took the role of Child Advocate in April 2016. However, our work is far from over. Although I am grateful for the hard work of my staff, at this point and with my current staffing level we only have the ability to be reactive not proactive to the issues plaguing our child welfare system. Children in the state of Rhode Island deserve better than that. As previously mentioned, the OCA is presently staffed with eight (8) full-time employees, which includes the Child Advocate, Assistant Child Advocate, Staff Attorney III, Confidential Secretary, Special Projects Coordinator, two (2) Senior Planning and Program Development Specialists and a Case Management Coordinator.

In comparison, in Massachusetts there are presently three separate state agencies, carrying out the responsibilities of my office including the Massachusetts Office of the Child Advocate, the Massachusetts Ombudsman Office and the Department of Early Education Care. In Connecticut, the Child Advocate's office is staffed with nine (9) full-time people and one part-time person. The responsibilities and function of the Connecticut Office of the Child Advocate is not equivalent to our office. They are tasked with very limited legal intervention, review of child fatalities (which they have one staff member devoted solely to this task) and policy work. There is an additional office, the Ombudsman's office, which is staffed with four additional people. This office reviews policies and procedures, as well as, conducts investigations. Together, these two offices are staffed with 13.5 people and still do not share the same responsibilities as the RI Office of the Child Advocate.

The Delaware Office of the Child Advocate was initially modeled after the OCA in Rhode Island. The Office of the Child Advocate is a non-judicial state agency charged with safeguarding the welfare of Delaware's children. The Delaware OCA fulfills this charge by providing legal representation for dependent, neglected, and abused children in civil Family Court proceedings; engaging in legislative advocacy; collaborating with child welfare system partners to evaluate the effectiveness of the child protection system and to

make recommendations for changes to policies and procedures; developing and providing quality training to OCA's volunteer attorneys and the child protection system as a whole; and participating in the community to increase public awareness of OCA. They also review child fatalities and near fatalities. The Office of the Child Advocate in Delaware does not serve as the oversight agency to DCYF as a whole. Also, they do not have the power to sue the state or engage in large scale litigation on behalf of children in DCYF care. In addition, they are not involved with the Juvenile Justice system; they do not oversee their juvenile detention center or the cases of those children. Also, they do not monitor facilities licensed by the Department (daycares, foster homes, group homes), do not perform site reviews, do not oversee contract compliance or engage in legal matters regarding licensing issues/matters. Lastly, they are not an administrator of the Victim Compensation Program. Also, after speaking with the Delaware Child Advocate, we were informed that they have only 800 children in foster care. To fulfill their responsibilities, the Delaware OCA is staffed with thirty-three (33) staff members and has access to two-hundred and fifty (250) volunteer attorneys.

To provide our office with the staffing and support to fulfill our statutory mandate effectively, including the recent expansions to our role and responsibilities, we are asking today for an increase to our FTE cap by two (2) employees. This will increase the OCA's staffing level to ten (10) FTEs. When the OCA initially submitted our budget request, we had requested the addition of five (5) staff members, however, due to the current financial hardship of the State, we amended our request to two (2) staff members.

In the Governor's recommended budget for FY 2019, the Office of the Child Advocate was provided with 0.6 FTEs in response to the OCA assuming the role as the Federal Monitor for the Children's Rights Lawsuit. The OCA would respectfully request that this be increased by 1.4 FTEs with ***no additional funding necessary*** to fund these positions. Pursuant to statutory authority, the OCA has the authority to apply for and accept grant funding to assist in fulfilling the Office's lawful responsibilities. The OCA applied for and was awarded substantial funding through the Federal Victims of Crime Act. We have been awarded funding through September 30, 2019 and this funding has already been matched. Additionally, the OCA still has the ability to request an increase in grant funding for Federal FY 2019.

The grant proposal submitted by the OCA requested an increase in federal funding to hire additional staff to assist with the increased workload and resulting backlog. When requesting to utilize this funding to hire a ninth staff member on an emergency basis in FY 2018, our request was denied by the Department of Administration. At this time we are asking to utilize this federal funding to supplement the \$50,651 in recommended funding for the 0.6 FTE to make this position full-time and fund 1.0 FTE in its entirety through federal funds. This will provide the OCA with the opportunity to fulfill the grant proposal the OCA submitted. We have provided each of you with an outline of the details of our federal funding and how we anticipate utilizing those funds for FY 2019. We thank you for the opportunity to provide this request and for taking it into consideration.

Respectfully Submitted By,



Jennifer Griffith
Child Advocate



Katelyn Medeiros
Assistant Child Advocate

