

**Office of the Child Advocate
Annual Report
2019**



**State of Rhode Island
Office of the Child Advocate
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Introduction

The Office of the Child Advocate (OCA) is issuing this Annual Report in compliance with R.I.G.L. § 42-73-6 and R.I.G.L. § 42-73-2.1. This report constitutes a public record under Rhode Island General Laws 30-2-(d)(16). This report is in conformity with the Office's confidentiality obligation mandated by Rhode Island General Laws 42-73-1 et seq.

The OCA is an independent, autonomous state agency charged with the responsibility to provide oversight to the Department of Children, Youth and Families (DCYF or the Department). DCYF is the sole child welfare agency for the state of Rhode Island. The OCA 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 monitors systemic issues and trends to ensure that the Department is operating within the best practices of child welfare and to inform whether systemic change is necessary. The OCA provides oversight to all 630+ DCYF employees and service providers, sub-contracted through DCYF.

Furthermore, the OCA monitors each child open to DCYF, to protect the legal rights of children in State care and to promote policies and practices which ensure that children are safe, that children have permanent and stable families, and that children in out of home placements have their physical, mental, medical, educational, emotional, and behavioral needs met. The OCA is responsible for providing oversight to each child's case. The OCA has the right to meet with and speak to any child open to the Department. The OCA also has the right to intervene in any case to ensure that proper steps are being taken to secure the child's health and safety. Fulfilling this important role is accomplished through numerous mechanisms including but not limited to site reviews of facilities licensed by the Department, legal intervention, independent investigations, monitoring the Child Protective Services (CPS) call log, inquiries, legislative advocacy, policy review and reform, the review of child fatalities and near fatalities, and more. The OCA was also named the Federal Monitor to the Children's Rights Lawsuit.

The OCA staff is dedicated to ensuring the best interests of children in state care and will continue to do all that is necessary to ensure that children are receiving quality care, appropriate services, necessary supports and access to a quality and consistent education.


Jennifer Griffith, Esquire

Mission Statement

The mission of the OCA is to protect the legal rights of children in State care. To promote policies and practices, which ensure that children are safe and to make certain that children have permanent and stable families. To ensure that children placed out of their home have their physical, mental health, medical, educational, emotional, and behavioral needs met.

Statutory Authority

The chief purpose of this Office is to provide oversight to the operations of DCYF. Children are placed in the care of the Department for a variety of reasons, but most often because their parents are unable or unwilling to care for them. Many are victims of abuse and neglect. Others have severe disabilities or behavioral health problems that are beyond the parents' ability to cope within the community. It is the Office's mission to ensure that DCYF offers all children in its care adequate protection and quality services, while maintaining respect for their individual rights and dignity.

The OCA is established by statute to protect the civil, legal and special rights of all children involved with the DCYF. The mandates of the Office are contained primarily in Rhode Island General Laws §§ 42-73-2.3; 42-73-7 and 42-73-9. By statute, the OCA has been provided with the authority to perform a number of important duties, which include but are not limited to:

- (1) To ensure that each child in protective care, custody or in treatment; and in proper cases, others interested in the child's welfare, is apprised of the child's rights;
- (2) Review periodically the procedures established by DCYF;
- (3) Investigate, in accordance with the established Rules and Regulations adopted by the Child Advocate, the circumstances relating to the death of any child who has received services from DCYF;
- (4) Review complaints of persons and investigate those where it appears that a child may be in need of assistance from the Child Advocate;
- (5) Periodically review the facilities and procedures of any and all institutions and/or residences, public and private, where a juvenile has been placed by the Family Court or DCYF;
- (6) Recommend changes in the procedures for dealing with juvenile problems and in the systems for providing childcare and treatment;

(7) Take all possible action including, but not limited to, programs of public education, legislative advocacy and formal legal action, to secure and ensure the legal, civil and special rights of children involved with DCYF;

(8) Provide training and technical assistance to guardian ad litem and special advocates appointed by the Family Court to represent children in proceedings before that Court;

(9) Review orders of the Family Court relating to juveniles with power to request reviews as required by the best interests of the child;

(10) Investigate institutional abuse complaints;

(11) Commence claims on behalf of child victims of crime in the care of DCYF, in accordance with Chapter 12-25 entitled "Criminal Injuries Compensation" of the General Laws.

(12) Initiate, with the assistance of a confidential and voluntary panel, reviews of any child fatality or near fatality (a) The fatality or near fatality occurs while in the custody of, or involved with, the department, or if the child's family previously received services from the department; (b) The fatality or near fatality is alleged to be from abuse or neglect of the child; or (c) 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, including, without limitation, cases in which the report was unsubstantiated or the investigation is currently pending.

(13) To apply for and accepts grants.

Staff

The staff at the Office of the Child Advocate are committed to providing for the best interest of children in the care of DCYF. The OCA staff genuinely believe that the best outcomes for children and family will occur through collaboration. However, legal, legislative, and other interventions will be used when it is appropriate to do so on behalf of children and families.

The hard work and dedication of the OCA staff over the past year should be acknowledged. The OCA experienced some staff shortages during 2019. However, the OCA staff worked diligently to ensure that the statutory mandate of the office was fulfilled and to advocate for children in state care during a time when it was most needed.

Additionally, the OCA has maintained positive relationships with the Rhode Island Government Internship Program, the Rhode Island College School of Social Work, Roger Williams School of

Law, Providence College, and other colleges and universities. Through these programs, the OCA has accepted many student interns each semester. The OCA works hard to provide each student with a glimpse into all the activities of the office, while providing them with an opportunity to work on meaningful projects. We look forward to continued collaboration with these programs.

The OCA is grateful for the continued support of the Rhode Island General Assembly. We are thankful for the many opportunities to brief members of both the House and the Senate regarding issues plaguing the child welfare system and their support of our efforts to effectuate change.

Our staff remains committed to promoting the safety, well-being, and best interests of children in state care. The current staff of the Office of the Child Advocate include the following employees:

The Child Advocate

Jennifer Griffith, Esquire

Jennifer Griffith was appointed by Governor Gina Raimondo on March 17, 2016 and received the advice and consent of the Rhode Island State Senate on April 7, 2016 for a five-year term as the Child Advocate for the State of Rhode Island. She is a graduate of the College of the Holy Cross and Roger Williams School of Law. She is admitted to practice law in Rhode Island, Massachusetts, and the United States Federal District Court of Rhode Island. Previously, she was a staff attorney at Rhode Island Legal Services for ten years handling all family law matters. She is a member of the Rhode Island Women's Bar Association, the Executive Board of the Rhode Island Family Inn of Court, the Rhode Island Family Court Bench Bar Committee, the Rhode Island Children's Cabinet, the Rhode Island Child Care Commission, the Rhode Island Child Support Advisory Committee, the Human Trafficking Task Force, the Rhode Island Juvenile Justice Advisory Committee, and the East Providence Waterfront Commission.

Assistant Child Advocate

Katelyn Medeiros, Esquire

Katelyn has worked as the Staff Attorney III for the Office of the Child Advocate since May 2014. In February 2017, Ms. Medeiros was promoted to serve as the Assistant Child Advocate. Ms. Medeiros graduated *summa cum laude* from Rhode Island College in 2010 with a Bachelor's Degree in Justice Studies and Sociology. She then pursued her Juris Doctorate at Roger Williams School of Law, graduating *magna cum laude* in 2013. In addition, she was a member of the Roger Williams School of the Law Honors Program. She was admitted to the Rhode Island Bar and the Massachusetts Bar in November 2013 and the U.S. District Court of Rhode Island in 2014. Ms. Medeiros first worked for the OCA from 2012-2013 as a Rule 9 Intern. She worked in private practice prior to her career with the OCA. Katelyn currently serves as a member of the OCA Advisory Committee and the OCA Child Fatality Review Panel. Also, Ms. Medeiros serves as the program director for Project Victim Services for the Office of the Child Advocate, providing assistance to children who have been victims of abuse, trafficking or witnesses to domestic

violence. The OCA was named as the monitor to the Children's Rights Federal Lawsuit. Ms. Medeiros serves as one of the attorneys overseeing this lawsuit, ensuring DCYF's compliance.

Staff Attorney III

Diana Robbins, Esquire

Ms. Robbins joined the OCA Staff in May 2017 as the Staff Attorney and the Case Manager of the child victim compensation cases. She received her Bachelor of Arts & Sciences Degree in Political Science from the University of Massachusetts at Dartmouth. Ms. Robbins graduated *cum laude* from Roger Williams School of Law with her Juris Doctor in 2014. While working on her Bachelor's and Law Degrees, Ms. Robbins worked for and managed the phone-a-thon for the respective Annual Giving Offices. Ms. Robbins received certificates in Mediation Training and Family and Divorce Mediation Training and mediated in Rhode Island Family Court and Small Claims Court. In addition, she worked for Rhode Island Legal Services for their Family Preservation Project as a Rule 9 Intern and then as a volunteer Staff Attorney. She was admitted to the Rhode Island Bar and the Massachusetts Bar in 2014. Prior to joining the OCA, Ms. Robbins was a Staff Attorney for the Committee for Public Counsel Services in their Children and Family Law Division.

Special Projects Coordinator

Kathryn R. Cortes

Kathryn Cortes has been with the OCA since 2007. Kathryn is currently the Special Projects Coordinator and is a certified Child Forensic Interviewer. Kathryn also holds certifications in Conducting Child Abuse Investigations and Child Death Investigations. Kathryn previously served as a Senior Monitoring & Evaluation Specialist for the OCA from 2013-2017 and as the Chief Field Investigator for the OCA from 2007 to 2013, until her promotions in 2013 and 2017 respectively. Kathryn has a Bachelor of Arts in Criminal Justice/Juvenile Justice from Salve Regina University located in Newport, RI. Prior to joining the OCA staff in 2007, Kathryn began working as a Senior Residential Counselor in 1997 at Child & Family Services of Newport County in Newport RI. There, Kathryn worked to maintain a safe and therapeutic living environment for boys ages 6 through 12, which provided a structured program that promoted daily life skills, mental health services, and educational skills for the boys. Following her six (6) years at Child & Family Services, Kathryn moved onto Civigenics, Inc. in Marlborough, MA where she spent four (4) years as the Program Director of a therapeutic milieu program located in the Rhode Island Training School for Youth (RITS).

Kathryn remains an involved member of both the professional and personal community in RI. Her activities and volunteer positions include: serving as a Member of the Rhode Island Child Death Review Team, Member of the LGBTQ Youth Committee, Executive Board Member of the RI Chapter of the American Foundation for Suicide Prevention, Member of the JDAI Girls Work Group, Member of the Youth Suicide Prevention Subcommittee, Member of the Multi-Disciplinary Team at Hasbro Children's Hospital/Aubin Child Protection Center and acts as the Legislative Field Advocate for AFSP.

Senior Planning and Program Development Specialist

Jacqueline Sanchez

Jacqueline Sanchez is currently one of our Senior Planning & Program Development Specialists at the OCA. Jacqueline has a Bachelor's Degree in Social Work from Rhode Island College. Prior to joining the OCA staff in 2017, Jacqueline worked as Juvenile Program Worker (JPW) for the Rhode Island Training School for Youth (RITS) from 2007 to 2017. There, Jacqueline worked to provide the custody, supervision and security of detained youths, including assisting in the rehabilitation, education, treatment, care, and control of the residents. Jacqueline is serving as a Member of the Rhode Island Child Death Review Team, a Member of the Human Trafficking Task Force, and a Member of the Multi-Disciplinary Team at Hasbro Children's Hospital/Aubin Child Protection Center. Jacqueline is certified in Forensic Interviewing of Children and has completed several trainings and certifications related to Commercially Sexually Exploited Children.

Senior Planning and Program Development Specialist

Jimmy Vilayvanh

Jimmy Vilayvanh is currently one of our Senior Planning and Program Development Specialists at the OCA. Prior to joining the OCA Staff in October of 2018, he worked for the Department of Children Youth & Families (DCYF) in Juvenile Probation. There, Jimmy worked closely with pre-adjudicated youth involved in the family court system providing supervision for young men and women on home confinement with electronic monitoring. Prior to working for DCYF, Jimmy was also a Program Director for Outreach and Tracking at Tides Family Services for 7 years. His primary responsibility was to oversee the relationship with Tides Family Services and the Rhode Island Training School (RITS). There, he assisted with transition planning for youth to re-enter back into the community. The focus of the program was to assist youth to meet their conditions of Juvenile Probation while focusing on their educational needs, mental health services and daily life skills. Jimmy remains an involved member of the Rhode Island Child Death Review Team, Multidisciplinary Team at Hasbro Children's Hospital/Aubin Child Protection Center, The Continuity of Care group and the Coalition to support Rhode Island Youth. Jimmy is certified in Youth Mental Health First Aid and has completed training on Implementing an Effective Multidisciplinary Team Response to Commercial Sexual Exploitation of Children.

Case Management Coordinator

Narda Gomez

Narda Gomez is currently the Case Management Coordinator at the Office of The Child Advocate. Narda has a Bachelor's Degree in Justice Studies from Rhode Island College. Narda previously worked at Central Falls High School as part of the Restorative Team as a Restorative Conference Facilitator. Through her Restorative work, Narda assisted Administrators and the Restorative Team (Behavior Team) with student issues, coordinating with school-based and external resources for implementation of the restitution plan. Narda also has several years of social service experience working with youth and families. Narda has also served on the Commercial Sexual Exploitation of Children Multi- Disciplinary Team. In her current role, Narda assists the OCA with identifying children who may be eligible for funding pursuant to the

Victims of Crime Act (VOCA) and assists the OCA’s Staff Attorney with the Guardian *ad litem* cases.

Public Education and Information Coordinator

Kara A. Foley, MSW

Kara Foley is the Public Education and Information Coordinator at the OCA. Ms. Foley has a Master of Social Work Degree with a Macro Concentration from Rhode Island College and a Bachelor of Arts Degree in Sociology with a minor in Psychology from Simmons University. She also completed a policy fellowship through The Women’s Fund of Rhode Island’s Women’s Policy Institute in 2012. Prior to joining the OCA staff in 2019, Ms. Foley served as a Policy Analyst at Rhode Island KIDS COUNT where she was responsible for policy analysis, research, and writing on issues related to child welfare, child abuse and neglect, children in care of DYCF, adoption and permanency, youth involved in the juvenile justice system, youth referred to Rhode Island Family Court, youth at the Rhode Island Training School, alternatives to incarceration, and others. Prior to her role with Rhode Island KIDS COUNT, Ms. Foley was the Community Program Consultant for Adoption Rhode Island where she worked on foster care and adoption programming, research, development, and community outreach, and worked for the Providence VA Medical Center as a Research Health Science Specialist. Ms. Foley was instrumental in the passage of legislation to grant adult adoptees born in Rhode Island access to non-certified copies of original birth certificates at the age of 25. Ms. Foley serves as a member of the OCA Advisory Committee, a member of the Juvenile Detention Alternatives Initiative (JDAI) Steering Committee, a member of the Community Engagement and Education and Employment subcommittees of the Coalition to Support Rhode Island Youth, a member of the American Adoption Congress, and for more than nine years has volunteered as a guest speaker at foster/adoptive parent licensing trainings.

The Office of the Child Advocate is in the process of filling two (2) vacancies.

Office Activities

A. Child Fatality and Near Fatality Reviews

The OCA is tasked with the responsibility of reviewing any child fatality or near fatality where the child was “...in the custody of, or involved with, the [Department of Children, Youth and Families], or if the child's family previously received services from the [Department of Children, Youth and Families].” *See R.I.G.L. § 42-73-2.3*. The OCA may 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...” *See R.I.G.L. § 42-73-2.3*. Furthermore, the OCA shall review any child fatality or near fatality, “...alleged to be from abuse or neglect of the child”. *See R.I.G.L. § 42-73-2.3*. 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. This was codified in *Rhode Island General Laws § 42-73-2.3* and *Rhode Island*

General Laws § 42-73-6. This legislation was signed into effect by Governor Gina Raimondo on July 6, 2016.

The OCA staff also attended critical event reviews pertaining to child fatalities and near fatalities. During these meetings, staff members involved with the case, DCYF Administrators and OCA staff would meet to review the facts of the case and other pertinent information. At the conclusion of the review, a final report is generated by the Department outlining their findings and recommendations regarding the case, policies, gaps in resources and other recommendations determined to be necessary after reviewing the case. Each critical event is also reviewed internally at the OCA to determine whether the case meets the statutory requirement for review by the Child Fatality Review Panel.

Pursuant to *R.I.G.L. § 42-73-2.3 (e)*, “[t]he child advocate ... [is to] publicly announce the convening of a child-fatality-review panel, including the age of the child involved”. Panel members are chosen based on areas of expertise necessary to assess the problem areas identified in the preliminary investigation and their ability to exercise independent judgment. The team is tasked with reviewing the circumstances surrounding the death of the child, addressing current trends, developing prevention strategies to improve the overall coordination of services to children and families involved in State care, identifying gaps in services and assessments and to make recommendations for systemic change.

Pursuant to *R.I.G.L. § 42-73-6*, the annual report is to include “...non-identifying child-fatality and near-fatality information and recommendations.” In 2019, Child Advocate, Jennifer Griffith, announced the convening of one (1) Child Fatality Review Panel. The convening of the Child Fatality Review Panel was announced by Press Release on January 4, 2019. The review consisted of one (1) fatality of a nine (9) year old girl. The final report was issued on June 11, 2019. This report is located on the Office of the Child Advocate’s website. The OCA Child Fatality Review Panel reviewed the facts of the case, thousands of pages of records and conducted depositions of DCYF staff members. Upon the conclusion of their review, the Panel provided the following recommendations:

1. The Department should improve the verification information that is self-reported by case participants. This information should be verified with the service provider or other relevant entities prior to closing a CPS investigation, termination of DCYF involvement, while a case is open or prior to approving relative or other foster care licenses.
2. That the Department increase both pre-adoption and post-adoption supports and services to ensure a comprehensive and realistic plan is in place for the family. Post-adoption services should be provided for a length of time deemed appropriate based on the needs of the child. That the Department provide consistent and clear oversight in the adoption process.
3. That the Department develop an in-depth home study process and ensure there is clear policy for the initial home study and all updates to address family functioning including,

income, health, mental health, transportation and other personal characteristics that are important to ensure the safety and well-being of a child.

4. That the Department develop and mandate specialized training for any prospective foster parent prior to taking in a child with special needs. Medical professionals with expertise in this field should be consulted.
5. That the Department develop a policy and process to ensure that children in state care are receiving the benefits of community integration and social contacts. Seclusion and deprivation from this can result in a negative influence on the potential for normal growth and development of children, especially children with disabilities.
6. The Department develop a strict policy requiring that prior to placing a child in a foster home, a written, in-depth assessment of the ability of the provider be completed. This should include the assessment of each individual in the home, including children, and their individual needs. This assessment should occur during the re-licensing process and prior to placing additional children in the home.
7. The Department develop a strict policy that no variance is to be granted without a team meeting comprised of administrators, assigned social workers, assigned caseworker supervisors, and relevant staff from the Licensing Unit. This review should incorporate the written assessment of the provider's ability discussed in the previous recommendation.
8. That the Department develop clear policies and protocols in response to a Hotline call about a foster child and/or a foster home. The responsibilities of each Unit should be outlined to appropriately respond to the allegations. The policies and procedures should outline the expectation of communication internally to all necessary parties including supervisors and senior administration. The policies and procedures should outline the steps to be taken upon receipt of information to ensure the safety and well-being of the child.
 - a. Any Indicated investigation of a foster home should immediately prompt a visit to the home by the FSU Unit and the Licensing Unit to complete an in-depth assessment of the home. Upon completion of this assessment, Licensing and FSU shall consult with administration to determine appropriate next steps.
 - b. The Department develop clear expectations of the Licensing Unit when completing a regulatory review, instituting strict timelines for the completion and ensuring subsequent action is reviewed and approved by the Chief of Licensing.
9. That the Department require an evaluation by the Aubin Center when there is suspected abuse and/or neglect of a foster child.
10. That DCYF staff participate in training facilitated by a pediatric child abuse specialist to recognize the early signs/symptoms of child abuse and neglect.

11. Pursue legislative and policy change providing strict regulation of the homeschooling of children with an IEP and heightened oversight by the Department of Education.
12. Pursuant to statutory authority, the Office of the Child Advocate is to develop a training for attorneys serving as a Guardian *ad litem* to children involved with the Department. The Office of the Child Advocate will collaborate with the RI Family Court.
13. That the Department provide a completed home study packet to the Court and all relevant parties at least fifteen (15) days prior to any adoption to provide time for review, independent verification of information and the opportunity for clarification on the information being provided.
14. The Department improve and increase public education regarding mandatory reporting with a focus first on the public-school system.
15. The Department re-evaluate the process they use for updating the Court to ensure comprehensive and accurate information is relayed to the Court and all parties.
16. The Department develop a structured staff supervision model and corresponding policies to ensure that all supervisors and administrators are thoroughly reviewing cases.
17. The Department prohibit foster families from switching service providers for foster children unless the decision is made by the FSU worker and approved by the FSU Supervisor after careful review of documentation and recommendations of the service provider.
18. The Department develop a strict policy regulating respite placements and provide heightened oversight to their approval. Respite placements with foster families who are already at the maximum number of children shall not be permitted.
19. The Department should develop a supervisor training curriculum, mandatory for any staff member promoted or hired in a supervisory role. This training should be provided on an on-going basis to all supervisors and administrators.
20. The Department review and enhance their training curriculum for all front-line staff.
21. The Department should hire additional front-line staff in all divisions.

Additionally, the OCA is a member of the Rhode Island Child Death Review Team (CDRT). This multi-disciplinary team was established in 1997 and under the direction of the Rhode Island Medical Examiner's Office and the Rhode Island Department of Health. The CDRT reviews the deaths of all Rhode Island children and youth, ages 0 to 17 years old in order to identify ways in which similar deaths may be prevented. Examples of child deaths reviewed by the CDRT include

those due to sudden unexplained death (SUID), injuries, homicides, suicides, abuse / neglect and deaths of natural causes that are potentially preventable.

B. Daily Review of the Child Protective Services Call Log

I. Screen Outs:

The OCA has the authority to access DCYF's database, RICHIST, which contains the file for every family involved with the Department, records, data and reports. With this access, the OCA reviews the Child Protective Services (CPS) call log daily. The OCA staff provides heightened oversight to the calls that have been screened out by CPS to ensure that the call does not warrant further intervention.

The OCA reviews the report from the call to CPS and any additional case information. Following this independent review, if the OCA determines that further action is warranted, they will notify CPS Administration of the call and request additional follow up. The OCA continues to monitor the case to ensure that appropriate action is taken. In 2019, the OCA provided follow-up and monitoring to ***fifty-four (54) cases*** that were initially screened out. The OCA has and will continue to work collaboratively with CPS to ensure the safety and well-being of children.

II. Investigations & Institutional Abuse

Pursuant to the OCA's statutory mandate, the OCA has the right to investigate any claim of institutional abuse. The OCA utilizes a combination of the CPS logs and notifications from DCYF to monitor all claims of institutional abuse.

The OCA continues to provide heightened oversight to institutional abuse allegations. Upon receiving notification, our Special Projects Coordinator and our two Senior Planning and Program Development Specialists retrieve and review the reports. Allegations of institutional abuse, which are categorized as an I/R are immediately reviewed to determine whether the allegations warrant any further investigation. If so, the OCA staff will follow up with the Department to provide them with an opportunity to complete their own investigation. However, should the Department deny the opportunity to review, the OCA staff completes their own independent investigation of the allegations.

For allegations of institutional abuse, which the Department is investigating, the OCA staff will track the investigation for timely completion. Upon completion, the investigation will be reviewed for quality, outcome and corrective action to ensure the proper steps are taken. If the OCA determines that additional intervention is required, an independent investigation is completed, and a report is generated outlining the findings of the office and recommendations to ensure the safety and well-being of the children placed at the facility. These reports are subsequently provided to DCYF Administration, DCYF Licensing, the DCYF Placement Unit, the program that was investigated and the Family Court.

C. Complaints and Inquiries

In accordance with State statute, 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 various sources 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 calls received by the OCA involve a variety of topics and each call is processed or handled differently. The response can range from providing information, initiating independent investigations, site reviews, authoring of reports, referrals to other agencies or legal intervention. Additionally, the OCA receives inquiries regarding a 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 cases, the OCA can act as an intermediary on behalf of children in need of DCYF services when the families have been unsuccessful at navigating 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 January 1, 2019-December 31, 2019, the OCA resolved ***a total of 606 inquiries***. The OCA continues to receive an influx of calls. We attribute this to the ongoing public education effectuated by our staff regarding the role of the OCA. This has been provided to various agencies, police departments, school social workers, attorneys and school departments. Furthermore, the OCA experienced an increase in calls following the release of public reports and testimony.

Each OCA staff member is assigned inquiries/complaints based upon their area of expertise. For instance, if the matter is a legal issue, it may be assigned to one of the attorneys in the office. Often an inquiry can lead to necessary legal intervention on behalf of a child in state care. A portion of these inquiries are made by the Rhode Island Family Court. The Judges frequently assign our Office to cases that require immediate attention and closer scrutiny. When assigned, the OCA connects with DCYF, CASA, attorneys for parents, the child's school, and all providers working with the child. Our attorneys then report back to the Court with recommendations that are in the child's best interest. Our attorneys continue involvement until the issue that prompted the initial referral has been resolved. If the inquiry requiring legal intervention is from a parent, attorney, provider, or someone other than the Rhode Island Family Court, our attorneys will follow the same process, and appear in Court alerting the presiding Judge that our Office is intervening pursuant to our statutory authority.

In analyzing the calls received by the OCA, we recognized several trends in the issues relayed. First, the OCA continues to receive calls from local hospitals regarding children who have been languishing in a hospital setting far longer than is recommended, oftentimes with no education. Doctors, social workers, and staff of the hospital will contact the OCA when they have exhausted all other avenues of discharging this youth appropriately. The continued cause for this issue is our lack of appropriate service array to meet the needs of the youth in state care, untimely

referrals and inappropriate referrals. Youth awaiting placement in a hospital setting is a clear violation of the Children's Bill of Rights. Children have the right to be in the least restrictive placement that meets their needs. When receiving these calls, the OCA will reach out to all parties on the case including CASA, DCYF and other relevant service providers to determine the needs of the child and advocate for expedited and appropriate referrals to ensure the child is moved to an appropriate placement. At times, this has required legal intervention.

The OCA has also received an influx of calls regarding a variety of educational issues. The most common call the OCA receives is that a child in care is not receiving an education. This could be due to a number of issues including languishing in a hospital setting, untimely registration, disagreement about scheduling an ESSA call, a school indicating that they are unable to meet the needs of the child or conflict between districts on who is responsible for a child's education. When receiving these calls, the sole focus of the OCA is to ensure that the child begins to receive an education as quickly as possible to prevent any further disruption in their academics.

D. Voluntary Placements

Rhode Island General Law (hereinafter "RIGL") 42-72-14 states that "the Director may, in his or her discretion, admit to the department on a voluntary basis any child who, in his or her opinion, could benefit from any of the services offered in foster care or residential facilities administered by or under contract, or otherwise available to, the department." This statute enables parents, under certain circumstances, to place their child in the care of DCYF without surrendering custody. Generally, under RIGL 14-1-11.1, DCYF shall petition Family Court for care, custody, and control of a child when said child has been voluntarily placed with the department for the purpose of foster care by a parent or caretaker and who remains out of the home for a period of twelve (12) months. However, DCYF is not required to do this for a child with an emotional, behavioral, or mental disorder, or developmental or physical disability if the child is voluntarily placed for the purpose of accessing an out-of-home program specializing in the care the child requires.

The Adoption and Safe Families Act requires that any child subject to voluntary placement be monitored by administrative reviews, permanency hearings, and strict time frames for permanency. RIGL 14-42-72(c) states that within one hundred and twenty (120) days of admitting a child on a voluntary basis, DCYF shall petition the Court for a determination as to whether continuation in care is in the child's best interest and, if so, whether there is an appropriate case plan. Once the petition is filed, the Family Court assumes jurisdiction over the child in voluntary placement. At this point, the OCA is appointed to represent the child as their Guardian *ad litem* on the Miscellaneous Petition. When a Miscellaneous Petition is filed, parents still have custody of their child and retain the right to make any decisions on behalf of their child. It is expected that the child's parents are to be fully involved in the treatment planning for their child. Parents are to remain in communication with the child's service providers, school, DCYF and the OCA.

In our role as Guardian *ad litem*, an OCA attorney appears on behalf of, or alongside the child in court hearings and monitors DCYF's compliance with case planning and permanency goals. The

OCA tracks the child's progress in placement, visits the child, attends treatment team meetings, educational meetings and discharge planning meetings. For each court date, an OCA attorney provides an updated letter to the Family Court detailing any pertinent information regarding the child's treatment, education and any additional information that would be vital for the Family Court to be advised of. The OCA proposes recommendations to promote the best interests of the child and ensures that progress is made in a child's identified treatment and permanency goals. Should an issue arise, the OCA advocates on behalf of the child and if necessary, files a motion in Family Court. As of December 31, 2019, the OCA represents **thirty-nine (39)** youth and young adults between the ages of **eleven (11) and twenty (20)**. **Six (6)** of our clients are placed in an out of state residential facility. In 2019, there were only **four (4)** petitions filed in response to a voluntary placement agreement.

Pursuant to R.I.G.L. §42-72-5(b)(24)(v), these youth have been found by the Family Court to be a child who is "seriously emotionally disturbed" or has a "functional developmental disability." In accordance with R.I.G.L. §14-1-6, if this determination is made, the Family Court retains jurisdiction over their cases until they reach the age of twenty-one (21). Once the Family Court makes this determination, the OCA works collaboratively with DCYF and the Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals (hereinafter "BHDDH") to ensure a successful transition into adult services. Once our youth turn sixteen (16), DCYF begins the process of filling out the application for BHDDH services. These services can range from adult group homes, day programs, or outpatient services and case management. R.I.G.L. §14-1-6(c) requires DCYF to collaborate with BHDDH to provide the Family Court with a transition plan for individuals under the purview of the Family Court pursuant to R.I.G.L. §42-72-5(b)(24)(v). This transition plan shall outline clearly the level of service that this individual requires, health insurance options, an education plan, available mentors, continuing support services, workforce supports, and employment services. BHDDH and DCYF are required to provide this plan to the Family Court twelve (12) months prior to the youth's discharge from the Family Court, typically when the individual turns twenty-one (21). Within three (3) months of discharge, BHDDH and DCYF are to identify a residential placement, if the individual requires this level of care.

The OCA communicates with BHDDH through eligibility, planning, and finalization of transition plans for individuals as they approach the age of twenty-one (21). The OCA often requests that the Family Court order BHDDH to not just provide a transition plan but to be present in Family Court to address any outstanding issues. The OCA seeks consistent and frequent updates regarding transition planning to ensure the case advances as it should. A major obstacle our clients face as they reach the age of twenty-one (21) is the shortage of placements and day programs available. The OCA continues to discuss this issue internally, with DCYF and BHDDH to come up with solutions to this problem.

During 2019, **twelve (12)** youth or young adults closed to our office. A dependency was filed regarding **one (1)** youth as the family needed to be included in service planning. **Three (3)** youth successfully reunified with their families and with continued stability were able to close to DCYF. **One (1)** of our young adults moved out-of-state and determined they would no longer like the assistance of DCYF. This young adult's team met with the youth and the Family Court to

determine how best to assist. While closing to a young adult early is not ideal, this young adult was adamant that they were not planning on returning to Rhode Island. The OCA ensured that they were aware of their right to receive services through the Voluntary Extension of Care until their twenty-first (21st) birthday. **One (1)** of our young adults presented before the Family Court and requested their case to close. They were living with family and refused to enter residential placement. The Family Court closed their petition. The OCA ensured they had access to all of their documents and is working to get them into the Voluntary Extension of Care program. **One (1)** of our young adults closed on their twenty-first (21st) birthday while they were living with their legal guardians. **Three (3)** of our young adults who were found by the Family Court to be seriously emotionally disturbed transitioned to a BHDDH adult group home. **One (1)** of our young adults successfully transitioned to a shared living provider through BHDDH. **One (1)** of our young adults was placed out-of-state. BHDDH was unable to identify an appropriate adult group home prior to their twenty-first (21st) birthday, even with the oversight of the Family Court. When their case closed, they were still at their DCYF licensed placement awaiting transition.

As previously mentioned, there were only four (4) petitions filed in response to voluntary placement agreements. The decline in petitions is due to the development of a new program, "Funding Source Only", initiated by the former DCYF Director. DCYF now provides parents with the option to open to DCYF for the purpose of placement through their Children's Behavioral Health ("CBH") unit. The CBH Unit places children in residential facilities licensed by DCYF without oversight by their Family Services Unit ("FSU") and the Rhode Island Family Court. With no petition being filed on behalf of these children, the OCA is not appointed as the Guardian *ad litem* in these cases. Parents are responsible for ensuring that the needs of their child are being met. As of December 1, 2019, there were **eleven (11)** children in residential placement, **six (6)** children with an intellectual developmental disability and **five (5)** with a serious emotional disturbance. In addition, there were **twelve (12)** children awaiting residential placement, **eight (8)** with an intellectual developmental disability and **four (4)** with a serious emotional disturbance. The OCA continues to monitor the Funding Source Only cases and advocate on behalf of the best interests of these youth.

E. Voluntary Extension of Care

In July 2018, the Voluntary Extension of Care (VEC) program was passed by the General Assembly, which allows DCYF to provide services and supports to young adults from age eighteen (18) to twenty-one (21). This legislation took effect July 1, 2018. DCYF established the Youth Development Services (YDS) Unit which included three (3) social caseworkers and one (1) supervisor. During 2019, an additional social caseworker was added to the unit.

Following the enactment of this legislation, there was concern regarding the development and promotion of this resource to youth in our state. The OCA participated in many meetings with the General Assembly regarding this issue. The OCA also participated in the VEC Interagency Meetings to discuss ongoing opportunities, resources, and engage in case conferencing. These meetings included DCYF, the OCA, the Department of Labor and Training (DLT), the Department

of Human Services (DHS), the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH), the Office of Health and Human Services (OHHS), the Office of the Postsecondary Commissioner (RIOPC), Rhode Island Housing, the Department of Administration (DOA), and community providers assisting the VEC population.

The OCA initiated a public education campaign about the VEC program to inform the community about this vital resource. We focused on individuals who were most likely to work with this vulnerable population of youth. This included schools, community agencies, police departments, and service providers. This has helped increase referrals to this program. In 2019, the OCA continued with this public education initiative to ensure that information regarding the VEC program is being provided to the community on an ongoing basis.

To enter the VEC program, a youth must first meet with the YDS Unit to receive information about the program. The young adult then meets with the YDS Unit and their Court Appointed Special Advocate (CASA) to sign into the VEC program. Their CASA attorney is present to protect the best interests of the young adult and provide clarification as to anything in their legal document. This document is the Voluntary Placement Agreement (VPA) which outlines the responsibilities of the young adult and DCYF. Once it is signed, DCYF files a petition in RI Family Court. DCYF filed the first VEC petition on December 19, 2018. The RI Family Court heard the first petition on January 8, 2019. During 2019, the Rhode Island Family Court approved **eighty-six (86)** young adults for the VEC program. At the initial VEC hearing, the RI Family Court makes a series of findings establishing that the young adult executed their VPA, they meet the eligibility requirements and that entering this program will be in their best interest. Additionally, the RI Family Court appoints CASA to represent the young adult. Once appointed, the CASA attorney will attend all court hearings, communicate with the YDS worker about their clients' progress, and advocate for what is in their client's best interest.

For clarification, CASA attorneys work for the Family Court and are appointed to represent children on a dependency, abuse, neglect petition and young adults in the VEC Program. At times, there is a conflict of interest, which prohibits CASA from representing the young adult on their VEC petition. In these cases, the OCA is appointed to represent the young adult on their VEC petition. In 2019, the OCA was appointed to represent **nine (9)** young adults as their guardian *ad litem*. Two (2) of these young adults moved to a different state during 2019 and their VEC petitions closed.

The Rhode Island Family Court hears VEC petitions two (2) times per week. The OCA attended **fifty-two (52)** court hearings to observe the progress of each case, identify systemic issues and provide additional assistance, when appropriate. Additionally, the OCA staff would bring resources to provide to VEC participants such as information regarding employment opportunities and free courses.

For most of these young adults, the VEC program presents their first opportunity to live independently. VEC participants reported they were struggling with procuring the basic supplies needed to maintain and live comfortably in their apartments such as cleaning supplies, dishes

and cooking utensils. The Rhode Island Public Safety Grant Administration Office (RIPSGAO) awarded a grant to the OCA and due to an unforeseen surplus in funds, the OCA submitted our “Recipe for Success” proposal to the RIPSGAO. This proposal outlined the needs of these young adults and requested the use of grant funds to provide starter kits to **sixty-five (65)** VEC participants moving into their first apartment. The OCA finished developing the kits at the end of September 2019, which includes various household items such as a laundry basket, dishes, silverware, pots and pans, cooking utensils, dish towels, dustpan and broom, toilet paper and paper towels. The OCA delivered **fourteen (14)** kits between October 2, 2019 and December 31, 2019. When delivering the starter kits, our office takes time to speak with the young adult to determine if they need assistance with finding a job, training program, GED program, or any additional items for their apartment. Additionally, the OCA has utilized gift cards procured from our annual fundraiser, the Duffle Bag Bash, to assist with clothing, groceries, or to cover the cost to obtain a copy of essential documents such as a birth certificate or social security card. Lastly, the OCA staff monitors various employment and vocational opportunities from local agencies, private non-profits, and state agencies. This information is provided directly to VEC participants, CASA attorneys, group home staff, DCYF social caseworkers, and the Rhode Island Training School to ensure this information is disseminated to as many young people as possible.

The OCA is fortunate enough to have the assistance of two (2) tremendous interns for the 2019-2020 school year. They have been assisting our staff perform vital work pertaining to the VEC program. One intern has been contacting each VEC participant by phone to identify any needs they may have, to inquire whether they would benefit from the “Recipe for Success” kit or if they are interested in receiving ongoing information regarding employment and vocational opportunities. Our Masters of Social Work intern has been working on her needs assessment project by meeting with VEC participants. She developed an independent living skills assessment tool, which has been provided to VEC participants to determine their ability to perform basic independent living skills. The OCA is hopeful that the information collected through this project will provide insight on areas of need within the VEC program.

F. Court Appointed Cases

Pursuant to the statutory authority of the OCA, the Rhode Island Family Court can appoint the OCA as a child’s attorney. The OCA will enter into the case to represent the best interests of the child who is in the care and custody of the Department of Children, Youth and Families. In 2019, the Office of the Child Advocate was appointed by the Rhode Island Family Court for **two (2)** cases. Both cases presented complex legal issues; the OCA welcomed the opportunity to be involved in the matters and provide zealous legal advocacy.

G. Unlicensed Foster Homes

Pursuant to statutory authority, the OCA provides oversight to placements licensed by DCYF. The OCA fulfills this oversight role in a variety of ways including the participation in court hearings regarding unlicensed placements. To obtain a foster care license, a prospective foster parent must complete all requirements including, completion of an application, providing

references, physician's reference, background check, a thorough home study requiring multiple visits, completion of foster parent training, fire inspection and lead inspection. Oftentimes, a child requires immediate removal and placement into a foster home. Facilitating placement with an appropriate family member or an adult know to the child is always a paramount goal. However, completing the licensing process takes time. In order to facilitate such placements, R.I.G.L § 14-1-34(c), enables DCYF to "... authorize the placement of a child in a prospective foster home pending licensure for a period not to exceed six (6) months only after the department has conducted a DCYF background check..." This allows the child to be placed while providing time to complete all licensing requirements.

At times, it can take longer than six (6) months to complete the licensing process. If this occurs, R.I.G.L. § 14-1-34(c) provides that

"in the event the department is unable to complete the licensing process within six (6) months of the child's placement in the foster home, and if the department determines that continues placement for the child in said foster home is in the child's best interest, the department shall file a petition with the family court to seek authorization to allow the child(ren) to remain in the foster home pending the completion of the licensing process."

Each year, the OCA is notified when the Motions for Authorization are filed by DCYF with the RI Family Court pursuant to R.I.G.L. § 14-1-34(c). In past years, the Motions for Authorization were primarily for foster homes who were experiencing trouble with passing the lead or fire inspection due to the age of their home or living in a rental property that was not in compliance. Therefore, the Motions for Authorization were filed to request that the foster child remain in their current placement and discuss what mitigation steps had been taken to ensure the safety of the children. For example, the installation of smoke detectors or routine lead testing.

However, in January 2019, DCYF field **seventy-seven (77)** Motions for Authorization. Upon review of the cases, the motions were not only for failure to pass lead or fire inspections. Many of these homes were missing all of the vital licensing components including home studies, no foster parent training, unsubmitted physician's references and in some cases fingerprinting had not been completed. It became evident that there was a back log of unlicensed foster homes. Many of the foster homes had been unlicensed for longer than 6 months; some had been unlicensed for well over a year. This presented serious concerns to the OCA regarding children being placed in foster homes that we knew so little about. Following the initial filing, DCYF continued to file a series of Motions for Authorization throughout 2019.

In 2019, the OCA participated in approximately **nine-hundred seventy- five (975)** Motions for Authorization and subsequent reviews regarding unlicensed foster homes. Prior to the hearings, the OCA researched the current status of the foster home, what remained outstanding, and ensured that background checks and fingerprinting were completed for all household members over the age of eighteen (18). The OCA also investigated whether any concerns had been reported to the Department regarding the placement or any household

members. The OCA would report their findings to the RI Family Court, request updates and/or recommend action be taken to ensure the safety and well-being of the child if there were concerns regarding the placement. The OCA continued to monitor each case until the home had been properly licensed, the child was reunified or there was a change in placement.

For the cases filed in 2019, there were final hearings on January 2, 2020 and January 3, 2020. At this time, nearly all foster homes had completed home studies, trainings, and physician's references. There were a few that required continued monitoring and our office will continue to do so.

H. Monitor to the Children's Rights Lawsuit

The OCA was named the Federal Monitor for the Children's Rights Lawsuit. In fulfillment of this responsibility, the OCA monitors DCYF's compliance with the settlement and reports on their progress with each benchmark to the RI Federal Court. The OCA and the Data Validator work together as the Monitoring Team. Every six (6) months, the Monitoring Team receives data on thousands of cases for review and analysis. After analyzing the data, the Monitoring Team drafts a report on the findings and this information is shared with all parties and the public.

I. Facilities Review

The OCA is tasked with providing oversight to all facilities licensed by DCYF. This includes but is not limited to group homes, out of state residential placements utilized by the Department for children with high-end or specialized needs and the Rhode Island Training School. The OCA staff work to monitor and advocate on behalf of children in state care by performing routine visits or "drop-ins" to placements. During the OCA's visits the staff performs a visual inspection, can request documentation and assess the overall quality of the facility. During these visits, the OCA staff meet with youth placed in the residential facilities to inform them about the role of our office, the work we do and how they can contact us. Our staff has worked to build a rapport with youth; this has provided youth with the comfort to contact our office when they are encountering an issue or concern. Throughout 2019, the OCA staff completed **one hundred fifteen (115) drop-ins** to various residential facilities. The OCA met with over **450 youth** at various locations including group homes, the RI Training School Court and meetings to follow up on specific issues and to advocate for their best interests.

If warranted, the OCA has the statutory authority to perform a more in-depth review to ensure the facility is in compliance with the RI Licensing Regulations. Upon completion, the OCA provides a comprehensive report and recommendations for corrective action. If a report is drafted, the OCA provides a copy of the report along with any recommendations for corrective action to the Program Director, the DCYF Administration, DCYF Licensing, DCYF Contracts and Compliance, the DCYF Placement Unit and the RI Family Court.

J. Advocacy for Youth through the Multi-Disciplinary Team (MDT) Process

In Rhode Island, the commercial exploitation of youth, specifically DCYF involved youth has continued to be a pervasive issue. The OCA, in collaboration with DCYF, federal and local law enforcement, the Rhode Island Family Court and community service providers have worked to address this issue. Through the work of the RI Human Trafficking Task Force and various sub-committees, we have worked to implement policies and procedures to prevent youth from becoming involved and to develop a coordinated approach once a youth is identified as a victim.

The OCA continues to advocate for a high-end residential program in state for girls who have been identified as a victim of sex trafficking. This vulnerable population of youth have been repeatedly sent to programs out of state or have been held at the Rhode Island Training School for their safety. Keeping these youth in their community, close to family and support systems while receiving treatment, is vital for the youth's success. In an effort to make progress with this goal, the OCA has worked to locate and tour numerous buildings that may work as a location for this high-end residential facility. The OCA remains focused and committed to making this treatment facility a reality in Rhode Island.

Furthermore, the OCA has two staff members who work collaboratively to advocate for each youth referred to the MDT. In 2019, the OCA advocated for thirty-eight (**38**) youth throughout the MDT process. OCA staff attended MDT meetings where they would meet with the youth and their team to discuss services and develop a plan to maintain the child's safety and help them progress in their treatment.

K. Public Education

In 2019, the OCA has continued with our efforts to educate the public on the role and responsibilities of our office. The OCA has continued to provide presentations regarding the statutory authority of the OCA. Furthermore, the OCA continues to educate others on our role with the Victim Compensation Program to assist children and families access these funds and necessary services. Throughout the year, the OCA has given presentations at a variety of schools, police departments and provider agencies including but not limited to:

- Community Care Alliance
- YMCA of Woonsocket
- TIDES Family Services
- Woonsocket Library
- Central Falls High School
- Calcutt Middle School
- Central Falls Library
- Tolman High School
- Pawtucket School Department
- Blackstone Valley Community Action Program
- Department of Human Services – Pawtucket Office
- Comprehensive Community Action Program Youth Center

- Pawtucket Library
- Rhode Island State Victim Assistance Academy
- Level Up Conference
- RI Training School
- The Village
- Foster Forward
- Keynote Speaker at the Special Education Conference
- Providence College

Following these presentations, the OCA received an increase in calls to the office from people who were in attendance. These calls pertained to children who were involved with DCYF and the OCA was able to assist these children, which may have not been the case without these callers bringing the cases to our attention. The OCA is committed to continuing public presentations for 2020 as this has proven to be effective. Additionally, the OCA will be seeking grant funding to print updated informational resources about the office or a child's rights while in care to distribute to the community. In 2019, the OCA developed an updated brochure and power point presentation which we have distributed during public education presentations.

In FY 2019, through the support of the General Assembly, the OCA was awarded three (3) new full-time employees. The OCA utilized one of these new positions to hire a Public Education and Information Coordinator in December 2019. The Public Education and Information Coordinator will support the mission of the OCA through continued expansion of public education in the community about the role of the OCA. This staff member will not only focus on community presentations but will also work to develop informational resources to distribute to the community and has increased the OCA's presence on social media in an effort to share vital resources and information.

L. Legislative Advocacy

It is the OCA's statutory responsibility to "take all possible action including but not limited to, programs of public education, legislative advocacy, and formal legal action to secure and ensure the legal, civil, and special rights of children" in DCYF care. The Child Advocate has testified before various committees in both the House and Senate regarding the safety, permanency and well-being of children in state care.

In 2019, the OCA testified twice before the House Committee on Oversight regarding the Child Fatality Review Panel Report released on June 11, 2019. The OCA testified in June and August 2019. During the OCA's testimony, the Child Advocate covered the details of the investigation and depositions, the findings, and the recommendation for ways to improve DCYF policies and procedures.

Furthermore, during the 2019 legislative session, the OCA proposed a change to our statute, Rhode Island General Laws Section 42-73-2.3. The proposed change limited the review of the

OCA Child Fatality Review Panel to cases where there was prior involvement with DCYF. Prior to this change, the OCA was mandated to review any fatality or near fatality where there was suspected abuse or neglect, even if there had been no prior DCYF involvement. This caused an over reporting of cases and a duplication of efforts. In our role as the oversight agency we need to ensure that we are thorough but fair in our reporting when analyzing the issues and challenges with DCYF. To review and report on cases that DCYF had no involvement with or prior knowledge of provided a report with an inflated number of cases. We were also limited in our ability to make recommendations regarding these cases as our statutory authority is over DCYF only. Additionally, the OCA felt including cases that had no prior involvement with DCYF was a duplication of efforts and could reflect on DCYF in a negative and unfair manner. The OCA participates as part of Department of Health (DOH) Child Death Review Team (CDRT), which meets monthly to discuss and analyze child deaths that have occurred by cause of death, including but not limited to drowning, car accidents or overdoses. Participation in this meeting still provides the OCA with the opportunity to propose change and bring any trends or concerns to the attention of DCYF, the Governor, the General Assembly or other relevant entities. This change was passed and went into effect July 2019.

M. Advisory Committee

In 2014, the OCA's statute was expanded upon and a *Child Advocate Advisory Committee* was added to the OCA's statute. Collaboration between the community and other agencies involved in the issues confronting children is critical in the continuation of successful advocacy. The purpose of the advisory committee is to provide support and advice to the Office of the Child Advocate. The advisory committee is comprised of nine (9) highly qualified experts in their field. Each of the members serve a five (5) year term on the committee. The members collaborate to review and assess patterns of treatment and services to children and families in the state, discuss policy implications, necessary systemic improvement and advise the Child Advocate on all aspects of child welfare with specific attention to the legal, medical and civil rights of children in state care. The five (5) year term for most advisory committee members concluded in 2019. The OCA is now exploring new appointments to ensure the advisory committee is complete with the nine (9) intended members. The OCA is retaining two (2) advisory committee members who were appointed in 2017. Once the OCA appoints the remaining seven (7) members, we will work with the committee to set an agenda and goals for 2020.

N. Boards & Committees

In addition to the work performed at the OCA, the OCA staff participate on multiple boards and committees, including but not limited to:

- State of Rhode Island Children's Cabinet appointed by Governor Gina M. Raimondo
- Panel on Human Trafficking appointed by Governor Gina M. Raimondo
- Human Trafficking Provider/Clinical Subcommittee
- Joint Permanent Legislative Commission on Child Care
- Child Support Advisory Committee

- State of Rhode Island Child Death Review Team
- LGBTQQ Policy Committee
- Rhode Island Chapter of the American Suicide for Prevention
- Rhode Island KIDS COUNT Factbook Advisory Committee
- Aubin Center Multi-Disciplinary Team
- Juvenile Detention Alternative Initiative Steering Committee
- Juvenile Justice Commission
- Executive Board of the Edward P. Gallogly Inn of Family Court
- Women’s Bar Association
- Continuity of Care Group
- Coalition to Support Rhode Island Youth (Focused on Juvenile Justice and Re-entry)

O. Project Victims Services

Section 42-73-9.1 of the Rhode Island General Laws empowers the OCA to commence civil actions for children pursuant to the “Criminal Injuries Compensation Act”. The OCA is the only Rhode Island Agency or Department, public or private, designated to provide assistance and representation to children in DCYF care who may be entitled to victim compensation. The goal of the program is to increase awareness regarding laws and legal procedures, pursue legal action on behalf of selected child victims of sexual and/or physical abuse, assure they have access to necessary support services and promote the best interests of the child in the criminal justice system.

The Victim Compensation Program provides victims of physical abuse, sexual abuse, institutional abuse or a witness to domestic violence, an opportunity to file a claim with the Fund. If approved, they are provided financial assistance for expenses related to the crime including, but not limited to, medical bills, mental health counseling, sexual assault assessments, and loss of earnings. The fund assists with expenses that are not covered by insurance, worker's compensation, temporary disability, public funds, sick/vacation time, or restitution. It is a fund of last resort. Families can utilize this fund for any qualifying expenses for a lifetime up to \$25,000.00. The Fund has been a vital resource to many families, providing access to support and services they may have been unable to access otherwise.

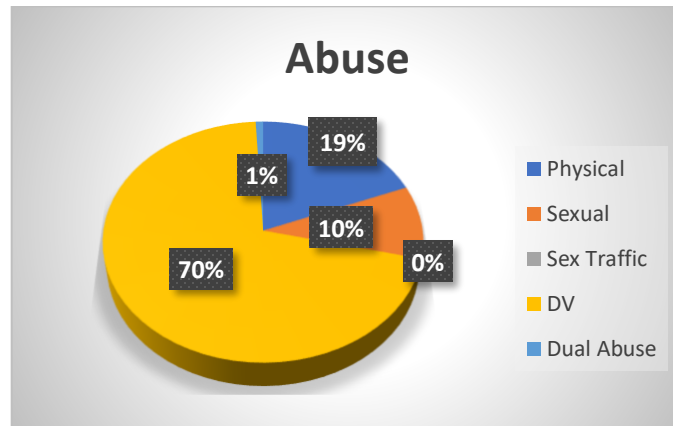
Each month the OCA receives a report from DCYF outlining children who have been a victim of reported physical or sexual abuse, or witnesses to domestic violence. The Case Management Coordinator, the Staff Attorney, and the Grants Manager research each case to determine if the child may be eligible for funds through the Victim Compensation Program. The OCA continues to educate social workers and attorneys regarding the Victim Compensation Program. As a result, the OCA has received additional referrals for children who may not have been accounted for in the report forwarded by DCYF. After researching the case, the OCA contacts the parent, guardian, relative, or the DCYF social caseworker to assist in completing the application and consents required. Once completed, the OCA sends the necessary information to the Rhode Island Office

of the General Treasurer. These claims must be filed prior to the child's twenty-first (21st) birthday.

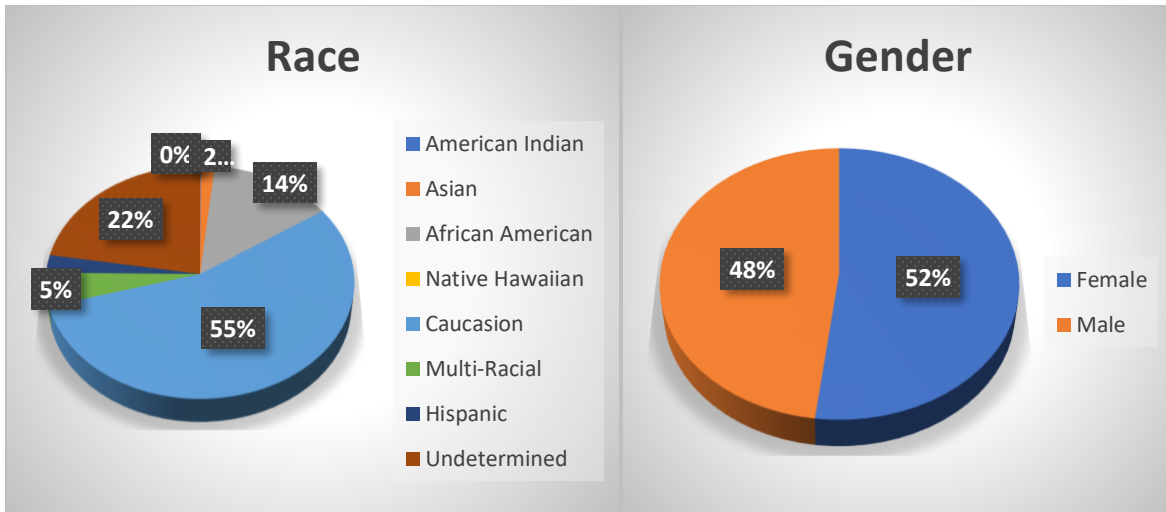
After our initial contact with each family, the OCA sends a follow up letter. We contact them a second time to provide an additional opportunity to review the information and contact our office. The OCA also created a resource list outlining services that may benefit the child and their family. This list is provided with the follow-up letter.

The OCA also reviews claims of institutional abuse to determine whether the allegations meet the criteria for the Victim Compensation Program. Institutional abuse is physical or sexual abuse, which occurred in a facility such as a foster home, group home, the Training School or the hospital. Additionally, our Office refers children that have been identified as victims of sex-trafficking. We will continue to work closely with DCYF and Day One to identify any child who has been a victim of sex-trafficking and work to assist them with a claim.

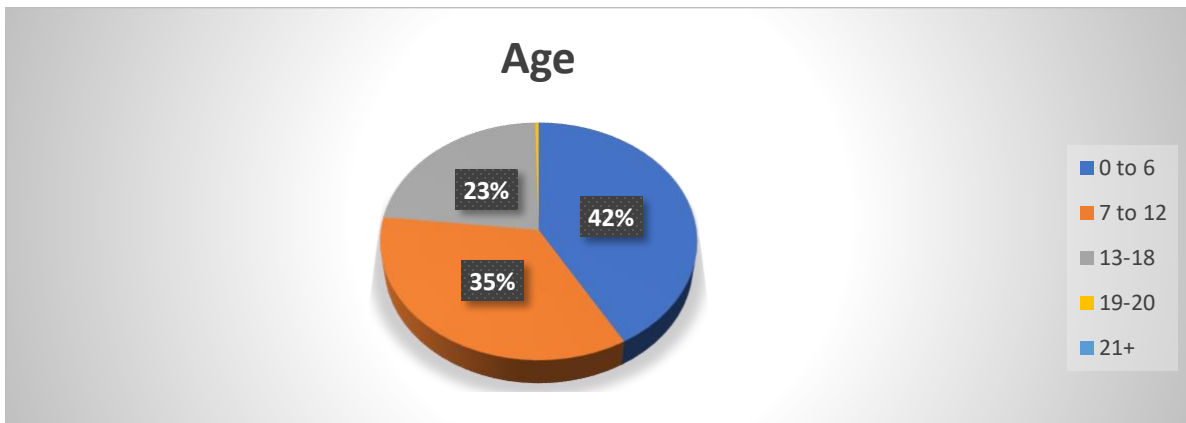
During 2019, the OCA has referred **253 children** for physical abuse and **131 children** for sexual abuse. Our office has referred **942 children** for witnessing domestic violence. Our office tracks those who have been victims of more than one type of abuse. Generally, this always includes some form of physical abuse in addition to witnessing domestic violence or experiencing sexual abuse.



The OCA has contacted and advocated for a diverse group of youth. The OCA has referred **642 males** and **695 females** to receive assistance through the Victim Compensation Program. Of the **1337 children** referred, **185 children** were African American, **737 children** were Caucasian, **21 children** were Asian, **33 children** were Hispanic, **1 child** was Native Hawaiian, **60 children** were Multi-Racial. There were **299 children** whose race remains undetermined. The OCA receives their information on each youth from DCYF. In some cases, information collected on the child such as race was incomplete or inaccurate. We are unable to verify or collect additional information until the family or social worker contacts our office. We will continue to work with the Department to ensure that our data is accurate and develop strategies for quality assurance.



The OCA makes referrals for ages **zero (0) to twenty (20)**. During 2019, the OCA has referred **5** individuals between nineteen (19) and twenty-one (21), **306 children** between the ages of thirteen (13) and eighteen (18), **468 children** between the ages of seven (7) and twelve (12) and **558 children** between the ages of zero (0) and six (6).



From January 1, 2019 through December 31, 2019, there were approximately **156 infants** born with exposure to alcohol and/or drugs. Although these infants appear on the monthly VOCA lists, they do not meet criteria for compensation through the Victim Compensation Fund. This number may not accurately reflect the complete number of infants born with exposure to alcohol and/or drugs as the OCA has recognized inconsistency in how these calls are coded. In some cases, these calls have been coded as “physical abuse” which is why these calls are reflected on our report for potential VOCA claims. However, these calls have also been coded as “neglect”, which could skew the data we have on this. We will continue to collaborate with the Department to ensure consistent reporting and accurate data. This data reflects the continued need to invest in community-based and preventative services to better support children and families who have been affected by substance abuse. This was outlined in detail in the Child Fatality Review Panel’s Report released in December 2017. The report also specifies a change in federal law, which provide for specific protocols in tracking infants exposed to substances and

criteria for detailed treatment plans. Additionally, the federal law provides for grant funding to assist with the funding for community-based services. Legislative and policy change still needs to be drafted and implemented to comply with federal law.

When the Victim Compensation Fund began, the OCA, by statute, could seek pain and suffering awards on behalf of youth. Youth could be awarded up to \$25,000. The OCA would deposit these funds into accounts and serve as a Joint Trustee/Owner on behalf of the youth. As the youth aged out of DCYF care, the OCA VOCA administrator met with the youth to counsel them with regards to an appropriate plan for the use of the funds. Upon completion of counseling and an appropriate plan, the monies held were disbursed to them. The OCA serves as trustee to protect the interests of children in state care who have qualified for awards.

Although statutory changes no longer provide for claims to compensate for pain and suffering, the OCA continues to maintain accounts on behalf *six (6)* individuals, who previously received this award. The VOCA administrator continues to utilize various resources, including the Department of Motor Vehicle Records, former social workers and the assistance of the RI State Police, to locate these young adults. Once these youth are located we will be able to provide disburse the funds to them.

OCA Success Story: This family came to the attention of the Department when the police reported a domestic violence incident to the hotline. The three (3) children, ages 2.5 to 6.5 were home and present during the incident.

These three (3) youth were represented by the OCA for the purpose of pursuing a claim under the Criminal Injuries Compensation Act for reimbursement for expenses related to the trauma of witnessing domestic violence. The OCA contacted their primary caretaker within two (2) weeks of being notified. We sent the completed application to the RI Office of the General Treasurer. The three (3) children were found eligible for assistance within five (5) days of submitting the application. Our Office provided the family with the information on how to access the funds and sent a list of service providers in the community to help them identify appropriate supports.

OCA Success Story: This youth came to the attention of the Department when they were twelve (12) years old. There were allegations of sexual abuse made by the youth. Due to this trauma, the youth required extensive services and hospitalizations. The family successfully advocated for this child in accessing all necessary treatment.

This youth was represented by the OCA for the purpose of pursuing a claim under the Criminal Injuries Compensation Act for reimbursement for expenses related to the trauma. The OCA contacted the primary caretaker to provide information regarding VOCA. The OCA sent the application and a consent for representation. She completed all documents and returned them to our Office. Our Office sent the completed application to the Department of Treasury. The youth was found eligible for assistance. Our Office provided the family with the proper documentation to submit for reimbursement of expenses.

P. Workforce Development

The OCA staff had the opportunity to participate in several conferences and trainings to network with experts in the field and learn from child welfare professionals across the nation. We attended numerous conferences on a broad range of topics, methods and strategies being implemented in child welfare by other states. These experiences have been vital for our staff and has opened our minds to innovative ideas and strategies being implemented within child welfare. Some of the conferences and trainings attended include:

- National Crimes Against Children Conference
- Victim Assistance Academy
- Family Court Conference
- Ocean Tides and Tides Family Services: Adverse Childhood Experiences
- Trauma Informed Child Welfare Practice
- RI Human Trafficking Task Force: Lifting Voices, Empowering Action
- RI Training School: The Building Bridges Initiatives
- Sex Trafficking 101
- Extended Child Forensic Interview Certification Course

The OCA will continue to find opportunities for our staff to continue their education and strengthen their work in the field.

Q. Philanthropic Initiatives

In fulfilling the role of our office, it is our mission to ensure that each child who finds themselves in the unfortunate circumstance of being removed from their family, is treated with both dignity and respect. Oftentimes we are focused on large scale, systemic issues, however it is often the small details of daily life that have the greatest impact on the child. The OCA has started to engage in more philanthropy work to better the quality of life and enhance the experiences children in state care receive.

i. Duffle Bag Bash

In August 2019, the OCA, in collaboration with Adoption Rhode Island and Attorney Lise Iwon hosted the Fourth Annual Duffle Bag Bash to collect bags and gift cards to benefit children in state care. On a visit to one of our state's group homes, we witnessed the disturbing sight of a child being moved to his next placement with his belongings in trash bags. After discovering that this was a routine practice among kids in state care. The children in our state deserve more dignified treatment than that. This inspired the event!

In August 2019, the event was a success. More than 300 attendees donated approximately 1000 bags. Of the \$17,994 (after expenses) raised at the event, the OCA received \$8997 in gift

cards to support children and youth in foster care. We are thankful to each of our hardworking volunteers and generous supporters. Without you the success of our event would not be possible.

ii. Extracurricular Enrichment

In 2019, the OCA launched an initiative to get children in foster care involved in extracurricular activities. This project was organized by one of our Providence College interns. Engagement in activities that promote physical activity, creativity and the expression of talents are crucial to the development of a child. Further, the opportunity to explore interests can provide children in foster care with a sense of purpose and connection to their community. The OCA is working to ensure that children in state care are given opportunities and experiences to establish a sense of normalcy in their childhood, which would include involvement in extracurricular activities. We believe the opportunity to participate in classes, clubs, teams, and other organized activities would greatly benefit youth in care.

In 2019, the Office of the Child Advocate contacted approximately **one hundred (100)** local businesses and community organizations to request donations. Our community partners have been incredibly generous, making donations, including one-day clinics, art classes, scholarships for a week of summer camp, and memberships to youth-friendly gyms and recreation centers. Currently, we have secured more than **thirty (30) spots** for children in various programs, statewide. The OCA has also contacted local businesses and community groups to collect gently used equipment that children could utilize to participate in their activity of choice. Not only does this equipment facilitate participation, but it will give a child in care a sense of ownership as well as a greater level of commitment to the activity they choose.

In late 2019, the OCA notified DCYF regarding this new initiative. The information was circulated to all staff members at DCYF. Soon after, DCYF staff members started to contact the OCA on behalf of youth on their caseload. When receiving a call, the OCA reviews our database to determine whether we already have secured a spot for the desired activity. If not, the OCA will contact various organizations to secure a spot for the child in the desired activity. We have already successfully matched a ten (10) year old child with music lessons and an instrument to participate with.

The Extracurricular Enrichment program was covered by several local media outlets. Since this news coverage, we have had many individuals contact the OCA expressing their desire to donate items or spots covered in their programs. Extracurricular activities are an integral part of a child's growth and development, and we are committed to providing children in foster care with these experiences.

iii. Recipe for Success

As discussed in the Voluntary Extension of Care section of this report, young adults entering the VEC program were having trouble with procuring the basic supplies needed to maintain and live

comfortably in their apartments such as cleaning supplies, dishes and cooking utensils. In 2019, the OCA drafted a proposal to initiate the “Recipe for Success” program. The OCA’s proposal was approved by the RIPSAGO in August 2019, to provide **sixty-five (65)** VEC participants with apartment starter kits. The OCA finished developing the kits at the end of September 2019, which includes household items such as a laundry basket, dishes, silverware, pots and pans, cooking utensils, dish towels, dustpan and broom, toilet paper and paper towels. The OCA delivered **fourteen (14)** kits between October 2, 2019 and December 31, 2019. When delivering the starter kits, our office takes time to speak with the young adult to determine if they need assistance with finding a job, training program, GED program, or any additional items for their apartment. Additionally, the OCA has utilized gift cards procured from our annual fundraiser, the Duffle Bag Bash, to assist with clothing, groceries, or to cover the cost to obtain a copy of essential documents such as a birth certificate or social security card. We have seen great success with this initiative and plan to continue disseminating these starter kits throughout 2020.

Goals and Recommendations of the Office of the Child Advocate

The paramount goal of the OCA is to ensure the safety and well-being of children in state care. The OCA is committed to continued systemic change while ensuring the improvement of each child’s individual experience. For many, 2020 presents a unique challenge due to the COVID-19 pandemic. This has certainly impacted our ability to carry out many of the initiatives outlined above. Therefore, we can anticipate a decline in our numbers for 2020. However, the OCA will remain steadfast in their commitment to ensuring the safety of children and will continue to work collaboratively with DCYF to ensure the needs of all children in care are being met during this difficult time. Despite the challenges ahead, the OCA has outlined a set of goals to work towards the improvement of the child welfare system. Some of those goals include:

1. The Office of the Child Advocate is committed to collaborating with the Department of Children, Youth and Families to develop a high-end residential program in state for girls coping with significant mental health issue or who have been identified as a victim of sex trafficking. This vulnerable population of youth are continuously sent to programs out of state or have been held at the RI Training School for their safety. Keeping these youth in their community, close to family and support systems while receiving treatment, and the ability to maintain a continuum of care after they successfully complete inpatient treatment is vital for the youth’s success. The OCA is focused and committed to making this treatment facility a reality in Rhode Island. The OCA continues to search for and visit buildings that may fit the use for this facility.
2. The OCA will request a status update for all child death review reports and recommendations, identify barriers and work collaboratively with DCYF towards solutions to ensure that the recommendations are implemented.
3. Work collaboratively with the RI Family Court and DCYF to ensure that children are not languishing in a hospital setting longer than needed. Work to create a tracking tool and development of a

work group to monitor the children in placement at the hospital ensuring timely referrals and transitions.

4. The OCA will continue to advocate for an appropriate service array for children in the state of Rhode Island. Ensuring that there are appropriate services available will prevent the continued issue of youth languishing in inappropriate placements or settings.
5. The OCA will continue to focus on providing children in DCYF care with opportunities to establish a sense of normalcy. In carrying out this goal, the OCA will continue to be innovative in finding resources for children to participate in extracurricular activities and to obtain necessary materials and equipment. The Office of the Child Advocate will seek additional grant funding and other resources to further the philanthropy work being performed by the office.
6. The OCA will expand our public education initiative and outreach regarding a variety of topics, including the role and responsibilities of the OCA.
7. The OCA will be working to develop tools and resources to ensure a greater online presence. The OCA will share resources and information through social media. The OCA will develop and distribute written resources to provide to children in state care and community professionals.
8. The OCA will appoint new Advisory Committee members for their five (5) year term and work with the committee to establish goals and objectives for the year.
9. The OCA has several innovative legislative goals. The OCA will be performing in-depth research throughout 2020 to prepare for discussions with legislators and the drafting of potential legislation next year.
10. The OCA remains focused on improving the Voluntary Extension of Care program to ensure that youth are receiving adequate support, guidance and resources. The OCA will develop an internal work group to develop a strategy for overcoming the identified challenges.