

**Office of the Child Advocate
Annual Report
April 7, 2016-December 31, 2017**



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

The Office of the Child Advocate 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 Office of the Child Advocate (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 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 630+ DCYF employees and outside service providers, sub-contracted through DCYF.

Furthermore, the Office of the Child Advocate 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 Office of the Child Advocate is responsible for providing oversight to each of these children's cases. The OCA has the right to meet with and speak to any child, regardless of their current placement, if the child is 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 CPS call log, inquiries, legislative advocacy, policy review and reform, the review of child fatalities and near fatalities and more.

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 great and consistent education.



Jennifer Griffith, Esquire
Child Advocate



Katelyn Medeiros, Esquire
Assistant Child Advocate

Mission Statement

The mission of the Rhode Island Office of the Child Advocate (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 the Department of Children, Youth and Families (DCYF or the Department). 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 Child Advocate's Office is established by statute to protect the civil, legal and special rights of all children involved with the Department of Children, Youth and Families. 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 insure 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 guardians 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 accept 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 and a half should be acknowledged. It has been a challenging time for the staff as they had to overcome lengthy

vacancy periods for positions in the Office. It is vital to note that for nine (9) months, we operated with only three staff members. Throughout this period of time, our staff worked tirelessly through long nights and weekends 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. It was not until November 27, 2017, that the OCA was finally at full staff with eight (8) full-time employees. Despite challenges with staffing shortages, the OCA staff persevered and worked to produce positive results for children in state care.

Additionally, the Office of the Child Advocate has maintained positive relationships with the Rhode Island Government Internship Program, the Rhode Island College School of Social Work, Roger Williams School of Law 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. In FY 2018, the OCA was provided with an eighth full-time employee, which was vital since the expansion of the OCA's statutory duties. The OCA has continued to assess the office's staff and resource needs as we look to enforce every aspect of our statutory mandate. This prompted a multi-state review to better inform our use of resources and office structure.

In Massachusetts, there are presently three separate state agencies, carrying out the responsibilities of the Rhode Island Office of the Child Advocate including the Massachusetts Office of the Child Advocate, the Massachusetts Ombudsman Office and the Department of Early Education Care. The Massachusetts OCA employs six people, is funded with over \$800,000 and serves purely in a policy role, which is only a small function of our office. 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 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. After speaking with the Delaware Child Advocate we were informed that their office is staffed with thirty-three (33) staff members and access to two-hundred and fifty (250) volunteer attorneys.

To ensure that the OCA is as effective as possible, we continue to assess our need for additional staffing and resources and have utilized our multi-state analysis to better inform our fiscal year 2018-2019 requests. An increase to the OCA staffing level would provide our office with the opportunity to be proactive versus reactive to the issues currently plaguing the child welfare system. Additionally, with increased oversight, the OCA would have the ability to effectuate more change in both individual cases and to the child welfare system as a whole. Presently, the Office of the Child Advocate provides oversight to the over 650 employees at DCYF, all facilities licensed by DCYF including residential placements, foster homes, day cares and the Training School and the case of each child open to the Department in some capacity. With the current staffing level it is nearly impossible to provide equal attention to every component of our statutory mandate. Our staff remains committed to providing 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 and the Rhode Island Juvenile Justice Advisory Committee.

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 and 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 Human Trafficking Task Force, 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.

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. She was a member of Roger Williams School of Law's Mediation Clinic. 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 Office of the Child Advocate (OCA) since 2007. Kathryn is currently the Special Projects Coordinator and is a certified Child Forensic Interviewer (FI). Kathryn previously served as a Senior Monitoring & Evaluation Specialist in the OCA from 2013-2017 until being promoted. Kathryn also served as the Chief Field Investigator for the OCA from 2007 to 2013, prior to being promoted. 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 and 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 and 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 (AFSP), Member of the JDAI Girls Work Group, Member of the Youth Suicide Prevention Subcommittee, Member of the multidisciplinary team at Hasbro Children's Hospital/Aubin Child Protection Center and acts as the Legislative Field Advocate for AFSP. Kathryn is also very involved with the Smithfield High School Football team, where her son currently plays.

Senior Planning and Program Development Specialist

Jacqueline Sanchez

Jacqueline Sanchez, is currently the Senior Planning & Program Development Specialist at the Rhode Island Office of the Child Advocate (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 recently received her certification of Forensic Interviewing of Children in July 2017.

Senior Planning and Program Development Specialist

Alycia Bedrosian Zagaglia, MSW, MSCJ

Ms. Bedrosian Zagaglia received her Master's in Social Work from Rhode Island College in 2017. She previously received her Master of Science in Criminal Justice from Roger Williams in 2012. Ms. Bedrosian Zagaglia has worked in the child welfare domain for approximately six years, previously employed as a clinician, foster care permanency worker, and a mental health consultant for the Providence School Department. Ms. Bedrosian Zagaglia was a national presenter at the 2016 Child Welfare League of America Conference (Project Connect: Keeping Children Safe by Strengthening Substance Affected Families). She is currently certified as a Trauma Informed Partnering for Safety and Permanence – Model Approach to Partnerships in Parenting instructor and is also a certified Structured Analysis and Family Evaluation Practitioner. Ms. Bedrosian Zagaglia began working in the Office of the Child Advocate in 2016 as a master's level clinical social work intern. She was hired by the OCA in November of 2017.

Jonette Lopes

Case Management Coordinator

Mrs. Lopes joined the OCA in 2017 as the Case Management Coordinator for VOCA (Victims of Crime Act). Mrs. Lopes graduated with a Bachelors of Arts in Criminal Justice and Sociology from Rhode Island College in 1993. Prior to joining the OCA, Mrs. Lopes was a Case Manager for the Mental Health clinic at Rhode Island Family Court and worked as a Volunteer Coordinator in CASA for four years. Mrs. Lopes also worked in a trauma based clinical program as well as behavioral health during her 13 years at Gateway Healthcare. Mrs. Lopes has recently

received her certification in Victim Assistance from the RI State Victim Assistance Academy. Mrs. Lopes has attended the Rhode Island Crime Victim Provider Steering Committee meetings and will be completing community education for the OCA VOCA Program.

Confidential Secretary

Amy Lynch

Mrs. Lynch joined the OCA in November 2017 as the Confidential Secretary. In 1998 she received her Bachelors of Arts degree in communications from Rhode Island College. Mrs. Lynch was a counselor/case manager for youth in residential services for over five years. Prior to coming to the OCA, Mrs. Lynch was a manager of a salon for twelve years. Mrs. Lynch is involved with her community volunteering at her children's schools and sports events.

Office Activities

A. Child Fatality and Near Fatality Reviews

The Office of the Child Advocate 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 in to effect by Governor Gina Raimondo on July 6, 2016.

The OCA was notified of twenty-three (23) child fatalities and twenty-five (25) near fatalities. For a total of forty-eight (48) cases. The Office of the Child Advocate was notified of and attended thirty-six (36) critical event reviews pertaining to these cases. 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 they determined were pertinent based on the case reviewed. Each critical event is also reviewed internally at the Office of the Child Advocate to determine whether the case meets the statutory requirement for review by the Child Fatality Review Panel. Of the 36 critical events attended, the OCA determined that twelve (12) cases met the criteria for review by the OCA 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 and patterns, developing prevention strategies to improve the overall coordination of services to children and families in 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.” Since Child Advocate, Jennifer Griffith, took office on April 7, 2016, the Office of the Child Advocate has announced the convening of two (2) separate Child Fatality Review Panels. The first panel was announced by Press Release on October 27, 2016, announcing the convening of the child-fatality-review panel. The release disclosed that the fatality of a seven (7) month-old and near fatality of another seven (7) month-old child was under review. On December 28, 2016, the Office of the Child Advocate issued another Press Release announcing the expansion of the review to include the fatality of a two (2) month-old infant. On January 5, 2017, the Office of the Child Advocate issued a third Press Release announcing that the review would be expanded once again to encompass the near fatality of an eighteen (18) month-old infant. The Office of the Child Advocate issued a fourth and final Press Release on February 22, 2017, announcing that the review would be expanded upon again to include the recent fatality of a seven (7) month-old infant and the fatality of a two (2) month-old infant. The final report was issued on March 23, 2017. This report is located on the Office of the Child Advocate’s website. After reviewing the facts and records of each case, the second Panel provided the following recommendations:

March 23, 2017 Recommendations:

1. The Child Protective Services Unit (CPS) should shift from an incident-based system to a risk-based system. The Department is to adopt and integrate a comprehensive set of standardized, evidence-based investigation and risk assessment tools that address the needs of children and families at every level of their involvement. Particular attention to determining the best tools and process for children under age six with multiple reports to the Department. Explore investigation and assessment tools that utilize Structured Decision Making and screening tools for Adverse Childhood Experiences (ACES). However, this model would need to be implemented in its entirety. The Department has previously indicated that they would seek to implement a portion of this model, which would negatively impact the efficacy of this model. *This was a recommendation made by the March, 2016 Child Fatality Review Panel and is being recommended again by the current panel.* Realizing that implementing a change of this magnitude will take much research, planning, funding and most importantly time, the Child Fatality Review Panel would like the following changes to be implemented under the current system, effective immediately:

- a. Conduct a multi-state analysis and evaluate the systems/models utilized by other CPS Units in states that have comparable populations and have been deemed to be effective.
- b. Following the receipt of a call involving allegations of abuse or neglect of a child under the age of six (6), a Child Protective Investigator should be mandated to respond to the home and put eyes on the child, to assess potential risks and ensure the safety and well-being of the child.
- c. That the Department develop a policy, which outlines in great detail the way in which a call made to the Child Abuse and Neglect Hotline, should be recorded into RICHIST, DCYF's electronic database. This policy should reflect that any and all calls made to the Hotline should be recorded in the "Intake" section so the system reflects the proper number of calls, which have been made regarding a specific family. The policy should also state that a call should never be recorded solely in the "Case Activity Notes". This will prevent a skew in the data regarding the number of calls that have been made to the Hotline, will provide a more accurate and readily available depiction of what has transpired with a particular family, and to provide workers and other entities an enhanced ability to rapidly assess the risks involved with a family.
- d. Complete overhaul or repeal of *DCYF Policy 500.0040, Information/Referral (I/R) Reports*. A more strict procedure for the use of the category must be developed to prevent its misuse and overuse. Additionally, a more strict procedure with heightened oversight should be developed for the downgrading of any investigation to this category. Also, any call, which under the policies of DCYF, requires an investigation, should in fact be investigated by a employee of the CPS Unit and not categorized as an "Information/Referral". Additionally, should a call rise to the level of warranting an investigation under DCYF Policies, an investigation should in fact be completed by a CPS employee and should not be categorized as an "Information/Referral".
- e. That the Department develop a policy, which mirrors the former "Early Warning" process. This will require a more prompt response from the CPS Unit after receiving numerous calls regarding a family. Under the "Early Warning" policy, after receiving three (3) calls regarding the same family, the Child Protective Services Unit (CPS) would respond to the home to ensure the safety and well-being of each child in the home. Although each call on its own may not rise to level of warranting an investigation under DCYF policies, CPS would still respond to the home to put "eyes on the child or children". Implementing a similar policy will prevent the continued trend of an extensive number of calls being made regarding a family, without prompting a response from CPS.
- f. The Department should improve the verification of reports indicating participation in medical and other services, which are self-reported by families or foster families. This information should be verified with the service provider or other relevant entities prior to closing a CPS investigation, termination DCYF involvement, or approving relative or other foster care licenses. *This was a*

recommendation made by the March 2016 Child Fatality Review Panel and is being recommended again by the current panel.

- g. That the Department create an internal policy requiring the response of at least two (2) Child Protective Investigators to investigate any call reporting a child fatality.
 - h. That DCYF, more specifically CPS, should not categorize a child fatality or near fatality be categorized as an "Information/Referral", especially when the family has had prior involvement with DCYF. The Department should develop a specific policy and protocol when processing this information and develop an unambiguous category for this information. This will provide a more accurate depiction in the record of what has transpired within a particular case and will assist with the computation of accurate statistics regarding child fatalities and near fatalities for public reporting.
 - i. Training of CPS and Intake staff to ensure quality of information recorded and reports distributed. Ensure that all pertinent information is being recorded in RICHIST, in a timely manner, to provide subsequent users with all necessary information to properly assess each case. Enhance the quality of service provided to reporters and families. Provide extensive training to staff on any newly implemented model utilized by CPS in response to the recommendations provided in this report.
 - j. Re-evaluate administrative staff operating the CPS Unit to ensure that they meet the educational and experience requirements and to ensure that the qualifications of their administrative staff adhere to Rhode Island general law, specifically, R.I.G.L. § 42-72-6, which requires that, "...all assistant directors, associate directors or executive directors shall have a master's degree in social work (M.S.W.) or in a closely related field."
2. Reinstitute the use of "Legal Supervision" by DCYF, outlined in R.I.G.L. § 40-11-12. This will place the family under the supervision of the Family Court and DCYF to ensure that the family complies with community-based services, will mitigate the risks to the child or children, and potentially prevent the removal of the child or children from their home. Should the family not comply with the necessary services, they will already be under the supervision of the Court and DCYF prompting immediate further action.
3. Following the expanded use of "Legal Supervision", if it is determined that Establishment of a Diversion Court through the Family Court, which will operate with the goal of overseeing cases under "Legal Supervision", to work with the family to prevent further involvement with the Department of Children, Youth and Families and the potential removal of children from their home while ensuring that the community-based services provided to the family mitigate the risks involved with the case.
4. The Department to develop a robust array of community based services to meet the complex needs of the children and families they serve. A focus on the needs of infants and young children with parental substance abuse, mental health, domestic violence

and other risk factors, is recommended. *This was a recommendation made by the March, 2016 Child Fatality Review Panel and is being recommended again by the current panel.*

5. Coordination of medical records within the medical community to improve the exchange of medical information. Review and increase compatibility of different electronic record systems to enhance a health care provider's ability to review a patient's recent health history in real time.
6. That the use of medical marijuana by a primary caretaker, regardless of its legality, be assessed by the Department as a risk factor, similar to alcohol and prescription medication when determining risk and need for a family.
7. That the Department strictly adhere to *DCYF Policy 500.0125*, to ensure the appropriate level of DCYF involvement upon the confirmation of drug use by a parent during their pregnancy.
8. That when the Department receives a call reporting drug use during pregnancy and is verified by one of the forms of evidence outlined above, this should prompt an immediate hospital alert. This will ensure that the hospital is on notice to test the mother and baby upon birth and subsequently alert the Department to provide the opportunity for further assessment for services or potential legal intervention.
9. Review of the statutory provisions of the Physician's Report of Examination (PRE) under Rhode Island General Laws § 40-11-4, § 40-11-5 and § 40-11-6, particularly to addressing concerns regarding chronic neglect. *This was a recommendation made by the March 2016 Child Fatality Review Panel and is being recommended again by the current panel.*
10. Enhance the work of the Department of Health by dedicating resources for a new public education campaign to target the public, professionals who are in the child welfare system and foster parents regarding the dangers of co-sleeping. It is believed that to have an effective campaign that the Department of Children, Youth and Families, local hospitals, the Department of Health and the OCA, should be involved. Also, begin a pilot program in a high-risk community to test any recommendations of the inter-agency collaboration.
11. Engage the Children's Cabinet to assist with the development and execution of a state-wide agenda to ensure safe sleeping practices, based upon the work of the agencies named in the previous recommendation.
12. That the Office of Vital Statistics reinstitute their previous Memorandum of Understanding with the OCA, to provide the OCA with notice of every recorded child death from ages 0-21. This will provide the OCA with the opportunity to ensure that

there has been no previous involvement with the Department and assist the OCA with the necessary data to better inform policy and legislative change.

13. Ensure compliance with mandatory training requirements for all DCYF employees. In accordance with *R.I.G.L. § 42-72-5 (10)*, which requires the employees of DCYF to complete a minimum of twenty (20) hours of training per year. *This was a recommendation made by the March 2016 Child Fatality Review Panel and is being recommended again by the current panel.* The Department should reinstitute their training unit to ensure that ample training is provided to incoming DCYF employees, as well as to provide ongoing training to current employees.
14. Ensure secondary trauma is addressed in the child welfare workforce and provide post trauma and grief services for the parents and foster families after the death of a child. *This was a recommendation made by the March 2016 Child Fatality Review Panel and is being recommended again by the current panel.*
15. For the Department to strictly adhere to the statutory obligations delineated in R.I.G.L. § 42-72-8, including but not limited to R.I.G.L. § 42-72-8 (c)(2) which states “The director shall make public disclosure of a confirmed fatality and near fatality of a child that is the subject of a DCYF case within 48 hours of confirmation, provided disclosure of such information is in general terms and does not jeopardize a pending criminal investigation.”
16. That upon completion of a Critical Event Review by the Department, the OCA shall be provided with a copy of the final report generated by the Department.
17. Fill vacancies for front line workers, including social workers, intake and CPS to ensure that caseloads are compliant with national best practice and to ensure that there is appropriate staffing on for each shift, every day of the week. *This was a recommendation made by the prior Child Fatality Review Panel and is being recommended again by the current panel.*
18. That the OCA be provided with advance notice of any policy change to take place within the Department to have the opportunity to be a part of the revision process in collaboration with the Department, as well as other relevant entities.
19. That the Department, in collaboration with the OCA, evaluate the methods utilized in other states to determine best practices for tracking data on child fatalities and near fatalities.
20. That the timely implementation of each of these recommendations be overseen by the Senate Task Force for DCYF and the OCA. Reports shall be provided to the Senate Task Force by both the Department and the OCA.

21. That the OCA be provided with appropriate staff and resources to have the ability to effectively monitor the Department and provide a heightened level of oversight, which has become increasingly necessary to ensure the safety and well-being of children in state care.

Following the release of the first report, the Office of the Child Advocate testified in front of the House of Representatives Oversight Committee and the Senate Joint Committee on Finance and Human Services regarding the findings and recommendations of the Panel. The OCA testified in front of the Senate in April 2017 and in front of the House of Representatives in April, July and November 2017. Pursuant to the recommendations made by the Child Fatality Review Panel, numerous changes have been instituted at the Department of Children, Youth and Families. The OCA and DCYF continue to meet regularly in pursuit of implementing the necessary changes to the system. Some of the changes include but are not limited to:

1. The Department has completed a review of national best practices and have initiated the process to upgrade the DCYF database and move towards the use of a Structured Decision Making Model. Although this has not been completed, this is a multi-step process, which will take both time and an investment in the system. However, DCYF has taken the steps towards completion of this process such as drafting new policies and procurement of a vendor. The completion of this system remains crucial to overall systemic improvement.
2. The Department hired a new Assistant Director of Child Protective Services who possessed the requisite experience and education for the position. Since this individual has started, the OCA has noticed a drastic improvement in the use of the Information/Referrals (I/R). There has been heightened administrative review of all I/Rs and increased collaboration with the OCA regarding the review of cases.
3. The Department filled sixty-five (65) frontline vacancies, with fifty-three (53) of these staff members being new to the Department (the other 12 positions were filled internally).
4. The Department has sent all final reports generated upon the completion of a Critical Event Review to the OCA.
5. The Department has provided the OCA with advanced notice of anticipated policy changes and has provided the OCA with the opportunity to provide input.
6. The Director has taken numerous steps to address staff wellness and secondary workforce trauma.
7. The Department of Health and DCYF Safe Sleep committee has been reinstated and meets monthly.
8. The Department has developed a new workforce development model to ensure that the training requirements for DCYF staff, as required by law, are adhered to. The Department has also implemented a more intensive training model for new employees with the Department, which requires 180-220 hours of training as part of their pre-service training and first year education.

The review process of the Child Fatality Review Panel is vital to the continued improvement of the child welfare system in Rhode Island. This process has already initiated vital changes to the system and has continued the conversation for additional improvements.

For the second review, the OCA issued its initial Press Release on April 5, 2017 announcing the convening of the Child Fatality Review Panel. The release disclosed that the near fatality of a three (3) month-old and the near fatality of a five (5) month-old child was now under review. On June 13, 2017 the OCA issued another Press Release announcing the expansion of the review to include the near fatality of a two (2) year-old. Although this case was classified as a near fatality pursuant to Rhode Island General Laws, at no point was the child involved "near death". However, this case fell within the scope of the OCA's statutory authority and due to significant risk factors present in this case and the family's prior and recent contact with the Department of Children, Youth and Families, the OCA found it pertinent to review this matter. On July 14, 2017, the OCA issued a third Press Release announcing that the review would be expanded once again to include the fatality of a three (3) month-old infant, open to the Department at the time of their passing. On November 30, 2017, the OCA issued a fourth and final Press Release announcing that the review would be amended and expanded to include the near fatalities of a two (2) month old and a newborn and to announce that one of the near fatality cases under review had been changed to a fatality. The final report was issued on December 20, 2017 and is available for review on the Office of the Child Advocate's website. As will be evident from the enclosed recommendations, some of the same recommendations were made in the review by the former Child Advocate in March 2016 and by the first Panel in March 2017. The Panel is cognizant of the fact that for the proper implementation of some of these recommendations it will take an investment in the system but it will also take time. The Department has made progress on many of the recommendations made in the first report and has worked towards their implementation. However, there were several vital recommendations which are still in the process of being executed, which were relevant in the cases reviewed and are critical to ensure the safety and well-being of children.

After reviewing the facts and records of each case, the second Panel provided the following **new** recommendations:

December 20, 2017 Recommendations:

1. The Department should implement a policy, which requires increased oversight and heightened scrutiny by Regional Directors for cases deemed to be high-risk situations. The Regional Director should have access to any and all reports, records and other pertinent information prior to making a decision regarding the case.
2. Training of staff to ensure quality of information recorded and reports distributed. Ensure that all pertinent information is being recorded in RICHIST, in a timely manner, to provide users with all information to properly assess each case. Additionally, heightened oversight to ensure that the information being distributed is complete and provides an accurate depiction of the current status of the case.

- a. That the Department draft a policy which will outline specifications and timing for record entry to ensure timely and accurate completion of records.
 - b. That all case files including but not limited to, case activity notes and court letters be reviewed on a supervisory level regularly to ensure consistent administrative review of cases and oversight of each worker. Additionally, the Department should ensure that Supervisors and/or Social Workers independently verify information provided to them by case participants, including but not limited to providers, psychiatrists and self-reporters. Thus ensuring accuracy before finalizing risk assessments, safety plans or making other vital decisions about the plan for the case.
3. The Department needs to ensure strict adherence by their staff of *DCYF Policy 700.0075—Comprehensive Assessment and Service Planning* and the corresponding protocol to ensure the safety of children in state care.
4. The Department look to national best practices and create a standardized assessment tool. This tool should be utilized by CPS and FSU in their evaluation of risk and safety of a child. This will ensure that consistent and quality evaluations are being completed.
5. That any attorney, including but not limited to Court Appointed Special Advocates, serving as a child's Guardian *ad litem*, provide the Family Court with a written report for each court appearance documenting the progress of the case, reports from providers and any other information pertinent to the case. Additionally, prior to each court appearance the Guardian *ad litem* shall collect information independently from case participants, providers and DCYF to verify that the information provided to the Court is complete and accurate. In this report the Guardian *ad litem* should make recommendations in pursuit of ensuring the best interests of the child.
6. That any attorney serving as a child's Guardian *ad litem* meet with their clients face to face in their residence and attend any and all meetings necessary to be an effective advocate for the child.
7. That the Office of the Child Advocate's statutory mandate provides the ability to complete trainings for Guardian *ad litem*s. In collaboration with the Rhode Island Family Court, the Office of the Child Advocate will seek to hold a training in 2018.
8. That the Department strictly adhere to *DCYF Policy 500.0125*, to ensure the appropriate level of DCYF involvement upon the confirmation of drug use by a parent during their pregnancy.
 - a. That the Department review *DCYF Policy 500.0125* and implement clear procedures as to when an Ex-Parte opposed to a Straight Petition should be filed when there is a confirmed case of parental substance abuse. This will ensure a more consistent application of this policy by the Department. Additionally, the policy should require that in a case when an infant is to be discharged home with

a parent after confirmed substance use during pregnancy, that any and all support services be in place prior to the infant's discharge home.

9. That the Department implement policies and procedures to ensure compliance with the new CAPTA requirements set forth in the Comprehensive Addiction and Recovery Act of 2016.
10. That pursuant to the requirements outlined in the Comprehensive Addiction and Recovery Act of 2016, a monitor for the infant care plans and oversight of timely referrals for children and families affected by substance use, be identified.
11. That the Department assess and identify gaps in the service array for families affected by substance abuse. If gaps are identified, pursue grant funding provided for by the Comprehensive Addiction and Recovery Act of 2016.
12. That Child Protective Service Unit and Family Service Unit undergo routine training on the Department's policies and Rhode Island General Laws, to ensure consistency amongst the workforce in the application of the policies and laws in the field. With numerous changes being made to the current policies, this will be particularly important once those changes are executed.
 - a. Pursuant to *R.I.G.L. § 42-73-11(3)*, that the Department, "[d]evelop a policy and procedure manual to be available to all staff workers".
13. That service providers, Family Service Unit and Child Protective Services Unit, participate in a training facilitated by a specialist in child abuse pediatrics to gain more experience on the early signs/symptoms of child abuse and neglect and what to look for during a home visit or investigation.
14. That a mandatory training on safe sleep practices be provided to all community based providers working with children ages 0-3 by an expert in the field. Part of the curriculum should include observations to be made when conducting home visits. That all community based providers working with children ages 0-3 be contractually required to include a review of sleep practices with participating parents and observe a child's sleeping arrangements to ensure that safe sleep practices are being implemented.
15. That the timely implementation of each of these recommendations be overseen by an Oversight Committee.
 - a. That the Department submit a work plan to address each of the current and past recommendations, outlining the resources necessary to fully implement the recommendations, the approximate timeline for completion and any identified barriers for the successful execution of the recommendation.
 - b. That the Department submit progress reports for each convening of the Oversight Committee.

16. That R.I.G.L. § 42-73-2.3 be reviewed to determine whether the Office of the Child Advocate's statutory authority for access to records needs to be expanded upon to alleviate barriers when obtaining records for review of a child fatality or near fatality.
17. That the OCA be provided with appropriate staff and resources to have the ability to effectively monitor the Department and provide a heightened level of oversight, which has become increasingly necessary to ensure the safety and well-being of children in state care.

The Office of the Child Advocate intends to testify regarding the second report to both the House of Representatives and the Senate regarding the findings and recommendations of the Panel throughout 2018. Additionally, the Office of the Child Advocate plans to work collaboratively with the Department towards the execution and implementation of each recommendation to improve the child welfare system for the children in the State of Rhode Island.

In early 2018, the Office of the Child Advocate will be initiating its third Child Fatality Review Panel. The OCA staff is currently working to complete internal reviews of fourteen (14) cases of reported child fatalities or near fatalities to determine their eligibility for a more thorough review by the Panel. Some of these fatalities and near fatalities did occur both prior and subsequent to the release of the December 2017 fatality review report. However, the Panel worked to group these cases together in a manner which would provide for a clear analysis of the issues presented in each case. For example, two of these cases involve teenagers who died by suicide; we thought it would be best to review these cases together with a panel of experts in this field to better identify needed systemic changes. The OCA will issue a press release announcing the convening of the Panel and reporting the cases encompassed in the next review.

Additionally, the Office of the Child Advocate is a member of the Rhode Island Child Death Review Team (CDRT). This team is a multi-disciplinary team established in 1997 and under the direction of the Rhode Island Medical Examiners 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. Information/Referrals:

The OCA has the authority to access the Department's database, RICHIST data system, which contains the file for every family involved with the Department, records, data and reports.

Access to the system allows the OCA staff to review the Child Protective Services call log on a daily basis. The OCA staff provides heightened oversight to the use of the category of Information/Referral (I/R) to prevent the misuse or overuse of this category. In the Child Fatality Review Report issued in March 2017, the OCA cited issues with the consistent over use and improper application of the Information/Referral Policy, which prompted a more in-depth review of its utilization by CPS. According to *DCYF Policy 500.0040*, “[a] report made to the Child Protective Services (CPS) Hotline that contains a concern about the well-being of a child but does not meet the criteria for an investigation... may be classified as an Information/Referral (I/R) Report.” Unfortunately, calls to the Child Abuse and Neglect Hotline had been routinely categorized as an I/R report even though in accordance with DCYF policies, they should have been investigated. In many cases, this had left young children at risk, with no follow-up or “eyes on” the child to ensure their safety or well-being. In addition, this has skewed the data provided to various entities on both a state and federal level, specifically with respect to re-maltreatment rates.

To better illustrate the wide spread and negative impact this was having on the child welfare system, the OCA staff analyzed the use of this policy over an eight (8) month period. From April 7, 2016 through November 30, 2016, **four thousand, three hundred and forty (4,340) calls** to the Child Abuse and Neglect Hotline were classified as an Information/Referral (I/R) Report. The OCA reviewed a sample of these calls from each month. In total, the staff evaluated two thousand and fifty-six (2,056) calls; a little less than half of the total I/R reports. The calls were assessed through the application of relevant DCYF policies, outlining the criteria for an investigation. In addition, the OCA staff reviewed other pertinent case information if there was prior contact with DCYF. Upon completion of this review, it was determined that four hundred and eighty-six (486) or **twenty-four percent (24%) of the sample** should not have been categorized as an I/R Report; each of these cases met the criteria for an investigation. Each of these 486 missed investigations were further analyzed. When reviewing each call, the staff noted if the call was made by a professional reporter, which includes but is not limited to, medical professionals, law enforcement, judges, social workers, teachers and school administrators. Additionally, the staff determined whether the call involved a child under the age of six (6). This is of importance as children under six (6) lack the ability to adequately protect themselves, therefore, making them the most vulnerable population. Lastly, the cases were reviewed to determine whether the family had been previously indicated for abuse or neglect. It was determined that **seventy-four percent (74%)** of the 486 missed investigations involved calls made by a professional reporter. In **fifty-nine percent (59%)** of these cases, calls were made regarding families who were previously indicated for child abuse or neglect. Lastly, **forty-six percent (46%)** of these cases involved a child under the age of six (6) years-old. Callers reported cases involving physical abuse, sexual abuse and various forms of neglect. Upon completion of this review, the OCA provided the Department with a list including all 486 cases, which the OCA analyzed and determined that the calls met the criteria for an investigation.

This practice prompted the initiation of an internal policy at the OCA to review the calls categorized as an Information/Referral, on a daily basis. Our staff reviews the call and any additional case information to determine whether the call was properly categorized as an

Information/Referral. Separate from the list of 486 cases provided to the Department, the OCA has contacted the Department regarding seventy (70) cases, in addition to the cases analyzed for the child fatality review report, where it was determined by OCA staff that the allegations met the criteria for an investigation. In most of the cases, the Department upgraded the call and completed an investigation. It must be noted that since the Director appointed a new Administrator for CPS, the OCA has noticed a drastic improvement in the misuse and overuse of the Information/Referral category. Administrative reviews of these calls have been completed by the CPS Administrator, prompting some of the calls to be upgraded prior to intervention by the OCA. The OCA has and will continue to work collaboratively with CPS to ensure the safety and well-being of children brought to the attention of the Department.

II. Investigations & Institutional Abuse

Pursuant to the Office of the Child Advocate's statutory mandate, the OCA has the right to investigate any claim of institutional abuse. The OCA staff should be notified by DYCF of any allegations of institutional abuse for an independent review. The OCA has encountered some difficulty with receiving notification from the Department of all allegations of institutional abuse. This problem has persisted despite numerous emails by the OCA to the Department and emails from the Child Protective Services Administrator to DCYF staff. However, the OCA now utilizes the Child Protective Services logs to monitor all claims of institutional abuse to ensure that all calls are reviewed and monitored. A record of each institutional abuse complaint in the OCA is kept and filed both chronologically and within a file specific to each program utilized for the placement of DCYF youth.

Since the OCA has become fully staffed, the office will be providing heightened oversight to institutional abuse allegations. Upon receiving notification, our 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 an 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 has deemed to warrant an investigation, 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.

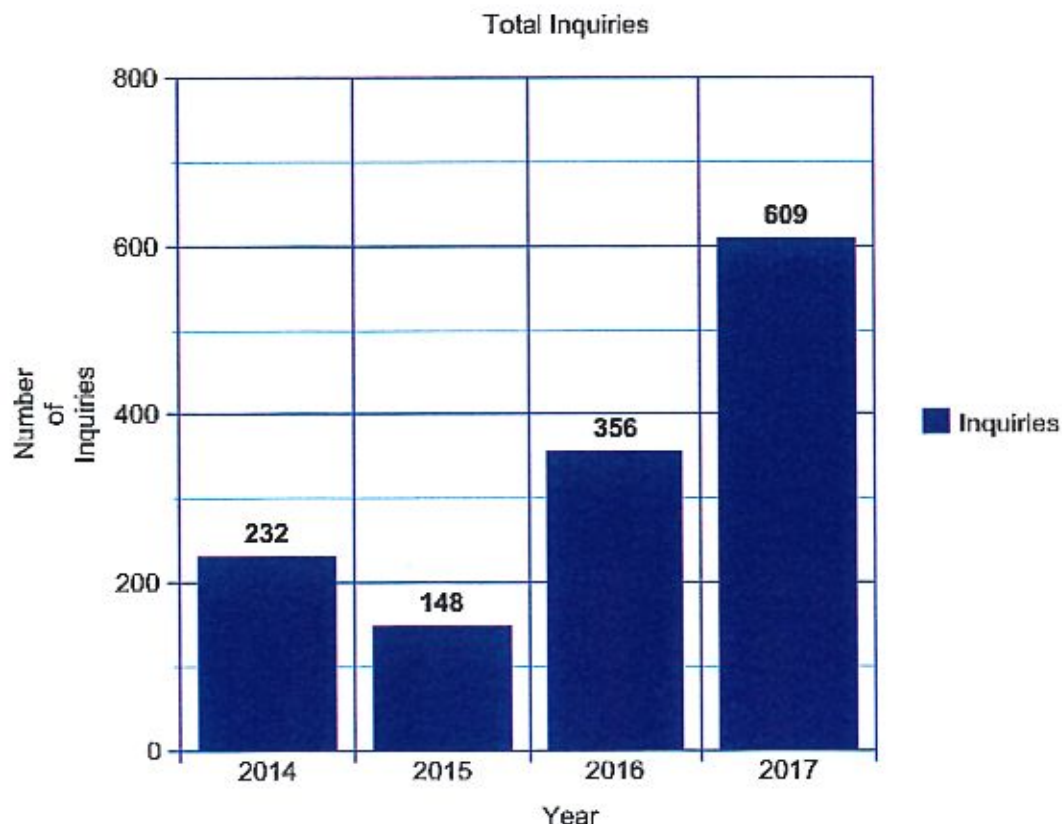
From April 7, 2016-December 31, 2017, the OCA completed **fourteen (14) independent investigations**. As a result of these investigations, the OCA recommended more in-depth

background checks be completed prior to hiring anyone to work with DCYF youth. The OCA further recommended serious reconsideration from group home administration when transferring staff to another population of youth after an indicated investigation. For example, in one group home, a staff member was indicated for physically assaulting a resident. Rather than terminating this employee the administration transferred the employee to another group home, exposing another population of youth to potential maltreatment. This happened with two staff members within the same agency. Upon the OCA's recommendations, the staff members were terminated from their employment and will no longer be eligible to work with children.

The OCA initiated one additional investigation back in July 2017, however, due to the complexity and nature of the investigation, the OCA is still working to complete the report and anticipates the release of the report by the end of January 2018.

D. Complaints and Inquiries

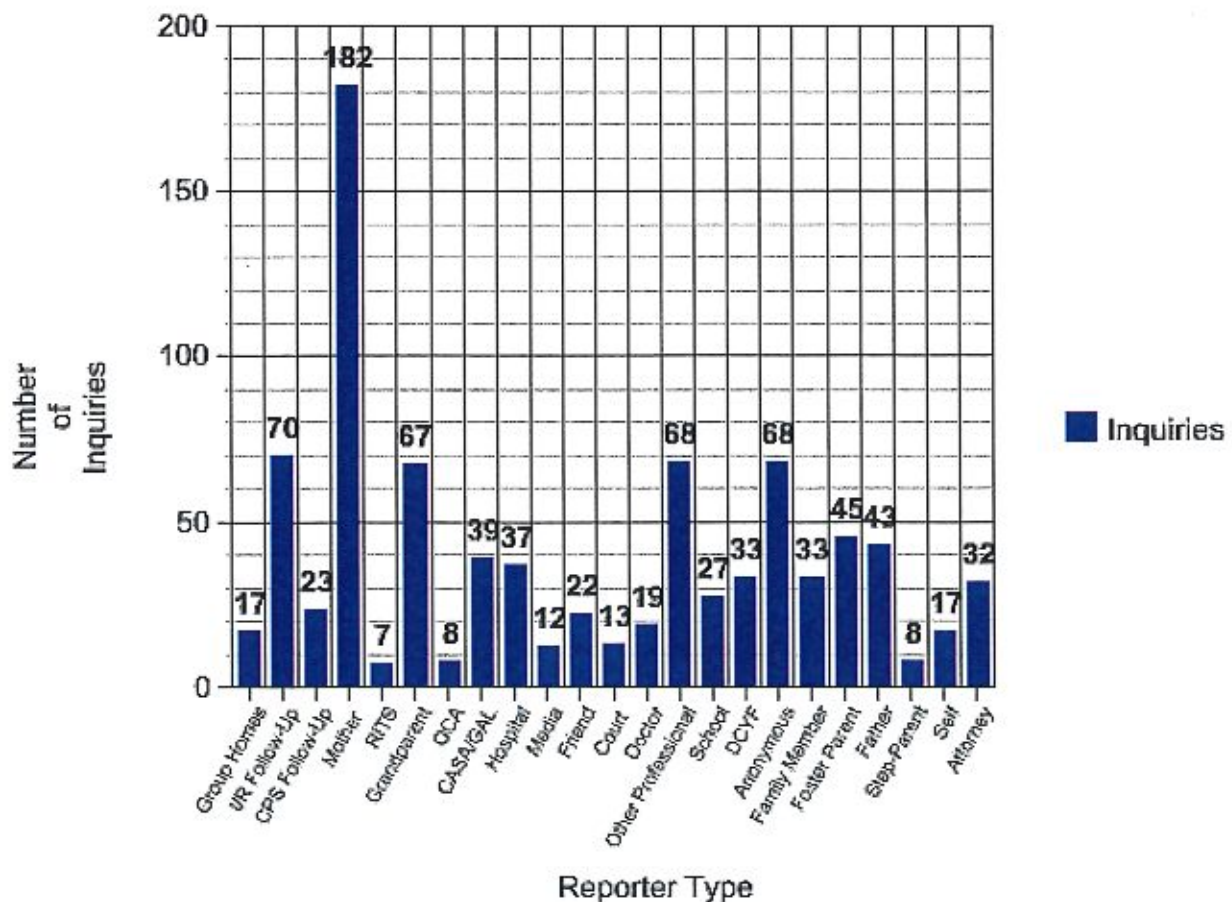
In accordance with State statute, the OCA is responsible for responding to calls and inquiries concerning children who are in the care and custody of DCYF or who have been recently closed to the Department. Each day the OCA receives endless calls from various callers including but not limited to: providers, police departments, school departments, teachers, social workers, nurses, medical providers, outside attorneys, Judges, parents and even DCYF staff.



The calls received 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 or 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 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.

April 7, 2016-December 31, 2017 Calls by Reporter



Each OCA staff member is assigned inquiries/complaints based upon their particular 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, our Office 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 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.

One trend in calls the OCA received was from local hospitals regarding children who have been languishing in a hospital setting far longer than is recommended. Doctors, social workers, and staff of the hospital will contact our Office when they have exhausted all other avenues of discharging this youth appropriately. DCYF's voluntary placement policy, *Policy 700.0015*, requires that clear documentation that home-based or preventative services have not been successful or do not appear to be appropriate, that alternative resources are unavailable and that court action is unnecessary before they will accept a voluntary on behalf of a child. Generally, our office is notified because the parents have made attempts to utilize in-home services, there have been multiple hospitalizations and the hospital is recommending a higher level of care. In these instances, our office will reach out to DCYF to come up with a solution that will be in the best interest of this child. We collect all documents and records relating to the child. Our ultimate goal is to have this child in the most appropriate placement and to re-engage this child back into the community and into an appropriate educational setting.

Additionally, starting in September 2017, our Office received many inquiries regarding educational issues regarding children open to the Department. Following the start of the school year the OCA received numerous calls regarding children in placement who did not have an identified school placement due to conflict between school districts over the financial responsibility for the child's education. Further, there were issues regarding transportation of these youth when they were attending school outside of their district. Our Office contacted the CASA Attorneys, the DCYF Social Caseworker, and the Educational Advocate for the child, if one had been appointed in attempt to facilitate a resolution for these issues. Our Office met with DCYF to discuss this ongoing issue and what the plan would be going forward. A major identified obstacle was the lack of information on how the new federal act Every Student Succeeds would be implemented in Rhode Island. The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015. On November 29, 2016, the US Department of Education published final regulations that related directly to foster children in the United States. These new rules were to be effective January 30, 2017. All states were to implement guidelines for their state that complies with the federal law. Governor Gina Raimondo signed the Rhode Island Department of Education State Plan on September 13, 2017 and the plan was

submitted to the United States Department of Education for feedback. In the interim, DCYF has been attending administrative hearings at RIDE to resolve these issues. Our Office has contacted school departments related to transportation issues and attended Family Court hearings for status updates as to these children.

D. Voluntary Placements

Rhode Island General Law (hereinafter "RIGL") 14-72-14 allows DCYF to admit a child to DCYF on a voluntary basis if that child could benefit from the services offered by a residential facility or foster care. This statute enables parents, under certain circumstances, to place their child in the care of DCYF without surrendering custody. 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 family 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 the *Guardian Ad Litem* on the Miscellaneous Petition.

The OCA's legal staff, acting as *Guardian Ad Litem*, appear on behalf of or alongside the child in court hearings and monitors the Department's compliance with case planning and permanency through reviews Family Court. The Office tracks the child's progress in placement, visit the child, attends treatment team meetings, discharge planning meetings and makes recommendations to the Family Court pursuant to the child's best interests. For each court date, a member of the OCA legal staff will provide an updated letter to the Court detailing the child's progress in treatment, school, permanency goal, visitation with their family and any additional information the office believes would be pertinent for the Court to be advised of. The OCA proposes recommendations on behalf of the child to assist the child in making progress in treatment and toward their identified permanency goal. The Office files motions on behalf of our assigned youth relating to school, challenging placement, and services. Specifically, when Rhode Island is unable to provide an appropriate level of care and/or an appropriate placement is unavailable, our Office will recommend that the Family Court order DCYF to make out-of-state referrals for our youth. Currently, our Office represents ten (10) youth who are placed in out-of-state residential placements. These states include Massachusetts, Connecticut, and Vermont. Our Office ensures that although they are placed outside of Rhode Island, they are receiving adequate treatment, an education, and visitation with their families.

When a Miscellaneous Petition is filed, the parents are expected to have full involvement in the treatment of their child. They continue to have custody of their child and retain the right to make any decisions on behalf of their child. It is imperative that they be in communication with the providers, school, DCYF, and our Office. When parents are not available to participate in this capacity and are not appropriately acting as a custodial parent, the parent may require services, as well as the child. If this occurs, this Office may make a recommendation to DCYF

and/or the Family Court that a formal dependency petition be filed. The goal of this recommendation is for the Family Court to focus on the entire family and their needs as opposed to solely focus on the child that brought the family to the attention of DCYF.

Currently, our Office represents ***fifty-one (51) youth*** between the ages of nine (9) and twenty (20). Pursuant to R.I.G.L. §42-72-5(b)(24)(v), these youth have been deemed to be “seriously emotionally disturbed” or “developmentally delayed”. According to R.I.G.L. §14-1-6, which was amended in 2015, the Family Court retains jurisdiction over youth that are deemed to meet the definition as seriously emotionally disturbed or developmentally delayed until the age of twenty-one (21). A positive outcome for our youth is a successful transition from the care of DCYF to services through the Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals (hereinafter “BHDDH”). 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. BHDDH’s involvement begins as early as sixteen (16) while BHDDH determines eligibility and can remain involved through adulthood.

Our office communicates with BHDDH through eligibility, planning, and finalization of transition plans for individuals as they approach the age of twenty-one (21). Our office requests that the Family Court order BHDDH to not just provide a transition plan but to be present in court along with their attorney to address any outstanding issues. Our Office consistently advances cases before the Family Court to ask for frequent updates to ensure their needs will be met following their transition to the adult system. A major obstacle our clients face as they reach the age of twenty-one (21) is the shortage of placements and day programs available. Our Office is in communication with the programs that BHDDH refers to for our adult clients and there are waitlist, which prevent BHDDH and DCYF from executing clear transition plans for this population of youth. Our Office continues to discuss this issue internally and with DCYF and BHDDH to come up with solutions to this problem.

E. Court Appointed Cases

Pursuant to the statutory authority of the Office of the Child Advocate, the Rhode Island Family Court can appoint the Office of the Child Advocate as the child’s attorney, to represent the best interests of a child who is in the care and custody of the Department of Children, Youth and Families. In the past, this was not a common occurrence. However, from April 7, 2016- December 31, 2017, the Office of the Child Advocate was appointed on approximately five (5)

occasions. In one of the matters, the case was appealed to the Rhode Island Supreme Court providing the OCA legal staff with the opportunity to advocate for the child's best interests in throughout the appeals process. The OCA staff is committed to continued legal advocacy for children in state care.

F. Facilities Review

The OCA is tasked with the responsibility to review all facilities licensed by the Department. This includes foster homes, day cares, residential placements, out of state residential placements utilized by the Department for children with high-end or specialized needs and the Rhode Island Training School. The Special Projects Coordinator in collaboration with the two Senior Planning and Program Development Specialists work to monitor and advocate on behalf of children in state care by performing site reviews. The purpose of performing periodic site reviews is to confirm whether facilities are in compliance with the RI Licensing Regulations, to assess the overall quality of the facility, interview children residing at or attending the facilities, to inquire about reports of institutional abuse, and to provide comprehensive reports and recommendations for corrective actions. Additionally, in 2017, the Office of the Child Advocate added oversight of contract compliance by providers as a component of our site reviews. Prior to each site review, the OCA staff reviews the provider's contract with the Department and ensures that the services for which the Department has contracted for are in fact being provided to the children in that placement. This has been incorporated as a part of our reports. After each review, 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.

With hundreds of facilities subject to review, the OCA focused first on residential placements for children in care. From April 7, 2016-December 31, 2017, the OCA completed fifty-six (56) site reviews. Due to staffing shortages during this time period, the OCA did not meet its target number of site reviews, which was sixty-five (65) site reviews. Again, it is vital to note that for nine (9) months the OCA operated with just three (3) staff members, which hindered our ability to effectively enforce each component of our statute. The OCA has requested additional staffing to assist with the completion of site reviews to ensure that we are providing heightened oversight to all licensed facilities. We are hopeful that this request will be granted.

Completing these reviews provides a level of quality assurance to ensure that placements are adhering to regulations and providing quality care and services to children in DCYF care. Of the fifty-six (56) programs reviewed most were in compliance with the licensing standards and agency contracts set forth by the Department of Children Youth and Families (DCYF). Several programs needed to make minor corrective actions on the physical structure of the buildings and organization of internal documentation in compliance with licensing standards. Corrective Action Plans were administered to the agencies and most agencies complied with the necessary changes without hesitation within thirty (30) days of the review. Several reviews unearthed large-scale issues, safety hazards and numerous licensing violations. These site reviews prompted in-depth investigations which are outlined in Section B, II of this report.

G. Public Education

Since April 2016, the OCA has made efforts to educate the public on the role and responsibilities of our office. It was concerning to this office that the public appeared to have limited knowledge regarding the statutory authority of the OCA and in what situations to notify our office of issues involving a child who is open to the Department in some capacity. Furthermore, the OCA wanted to continue to educate others on our role with the Victim Compensation Program and how our office can be utilized to assist children and families access these funds and necessary services. Since April 2016, the OCA staff has given presentations to:

- The Cranston Police Department
- The East Providence Police Department
- The East Providence School Department
- The Providence School Committee
- The School Social Work Association
- The Village
- Foster Forward
- Day One
- The Elizabeth Buffam Chace Center
- Hasbro Children's Hospital, Fostering Health Program

For some of the aforementioned professionals, the OCA has given presentations on more than one occasion. Following these presentations, the OCA has noticed an increase in calls to the office from people who were in attendance. These calls pertained to children who were involved with the Department 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 continued public presentations for 2018 as this has proven to be an effective method.

The OCA has started to work with the Department of Administration to update the OCA's website, www.child-advocate.ri.gov. The OCA is working to make this website more interactive and provide vital information and resources to the community including updates and articles on issues pertaining to child welfare, public reports, updated resources such as the Kids Rights Handbook and upcoming events for the office. This is a process which will take some time and we are hopeful to have this completed in 2018. 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. Lastly, the OCA is working to reinstate trainings for attorneys practicing as a Guardian *ad litem* (GAL) to children in state care. We anticipate collaboration with the RI Family Court throughout the implementation of these trainings.

H. 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" under DCYF care. The Child Advocate has testified before various committees in both the House and Senate regarding the safety, permanency and well-being for children in state care.

From April 7, 2016 through December 31, 2017, the Office of the Child testified to the Senate Task Force and the House of Representatives Oversight Committee regarding the OCA Child Fatality Review report. The OCA testified in front of the Senate in April 2017 and in front of the House of Representatives in April, July and November 2017 regarding the findings of the Panel and our recommendations for systemic change.

Additionally, the Office of the Child Advocate testified regarding several pieces of proposed legislation. On May 9, 2017, the Child Advocate testified in support of the Young Adult Voluntary Extension of Care Act, which would extend the age of case closure to the Department until the youth was 21 years old. Unfortunately, the bill did not pass this past legislative session, however, the OCA remained involved in an ongoing work group to further develop the bill to be re-introduced this legislative session. Furthermore, the Child Advocate testified in support of Article 23 "Relating to Safe Harbor for Sexually Exploited Children", which passed and was signed in to law. This legislative change provided for many protections relating to children who are victims of sex trafficking including but not limited to access to the Victim Compensation Fund, immunity from prosecution, the development for risk assessments and uniform response protocols ad reporting child victims of sex trafficking or sexual exploitation as child abuse.

Lastly, the Child Advocate testified in support of the expansion of the Criminal Injuries Compensation Act, which passed and was signed in to law. This legislative change provided children who witness domestic violence or a homicide with the opportunity to pursue reimbursement through the Victim Compensation Fund for expenses related to psychiatric care and mental health counseling up to \$1,500 per minor victim.

I. 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 and 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. When Jennifer Griffith started as our state's Child Advocate, there were

several vacant positions on the Advisory Committee, which required the appointment of several new members. The Child Advocate appointed Nancy Benoit, a retired educator and former Majority Leader for the House of Representatives and Kara Foley, a Policy Analyst, to the OCA Advisory Committee. Additionally, the Rhode Island Family Court appointed the Honorable Judge Karen Lynch Bernard to the OCA Advisory Committee.

Child Advocate Advisory Committee Members

The Honorable Judge Karen Lynch Bernard

Judge for the Rhode Island Family Court Appointed by: Rhode Island Family Court

Susan Dickstein, PhD

Associate Professor Brown Medical School Psychologist, Bradley Hospital Appointed by: Rhode Island Psychological Association

Nancy Benoit

Former Representative for the RI General Assembly, Appointed by Child Advocate, Jennifer Griffith

Lisa Holley, Esquire

Chief Legal Counsel Rhode Island Department of Administration Appointed by: Rhode Island Bar Association

Carol Lewis, M.D.

Hasbro Children's Hospital Primary Care Director Refugee Health Program Foster Health Programs Appointed by: Rhode Island Medical Society

Catherine Lewis, MSW, LICSW

Clinical Social Worker Private Practice Former Foster Care Team Leader of Casey Family Services Appointed by: The Child Advocate

Kara Foley

Policy Analyst for RI Kids Count, Appointed by Child Advocate, Jennifer Griffith

Rose Randall-Hicks, MSW, LICSW

Foster/Adoptive Parent - Consumer Advocate: Licensed Independent Clinical Social Worker Appointed by: Former Child Advocate, Regina Costa

Michelle Rickerby, M.D.

Psychiatric Director, Hasbro Partial Hospital Program Hasbro Children's Hospital Appointed by: Rhode Island Medical Society

Due to extreme staffing shortages, the OCA did not get to meet with the Advisory Committee as frequently as we had hoped. However, during our several meetings, we had the opportunity to seek guidance on a range of topics including proposed changes to the foster care licensing regulations, proposed legislative and policy change and the Additionally, the OCA kept the Advisory Committee updated via email regarding the release of reports and events being held by the office.

I. Advisory Committee: Future Areas of Exploration

In upcoming meetings, future areas of exploration may include policy changes proposed by DCYF. Additionally, the Office of the Child Advocate is hopefully to assist in the presentation of several legislative initiatives. Through this process, the OCA will seek guidance from the Advisory Committee regarding legislative advocacy. Furthermore, the OCA is working collaboratively with the Department to open a high-end residential placement for girls in Rhode Island. Throughout the development of this program, the OCA staff will seek expert advice from our committee on various issues including

effective service models and innovative ideas for the program utilized for vulnerable populations of girls in the state of Rhode Island.

Also, as the OCA continues to advocate for additional services where we have identified gaps in the service array, such as treatment for substance abuse, we plan to discuss these identified needs with the committee. Additionally, the expertise of our committee will assist us in identifying further trends in child welfare and areas for needed reform. Lastly, as the OCA continues to plan community forums, trainings and events for 2018 we hope to utilize the Advisory Committee to assist our office in the development of our trainings and identify certain groups or providers which would benefit from a presentation by our office.

J. 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 RI 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 RI Child Death Review Team
- LGBTQQ Policy Committee
- RI Chapter of the American Suicide for Prevention
- Kids Count Factbook Committee
- Aubin Center Multi-Disciplinary Team
- Juvenile Detention Alternative Initiative Committee
- Juvenile Justice Commission
- Executive Board of the Edward P. Gallogly Inn of Family Court
- Women’s Bar Association

K. Project Victims Services

Section 42-73-9.1 of the Rhode Island General Laws empowers the Office 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, assuring that these youth have access to necessary support services, and promoting the best interests of the child in the criminal justice system. The OCA has the authority to pursue a claim through the Victim Compensation Fund on behalf of DCYF youth.

The Victim Compensation Program provides assistance to families after a request for assistance with expenses and supporting documentation is forwarded to the General Treasurer's Office. VOCA provides victims of physical, sexual, and/or institutional abuse with an opportunity to file a claim with the Fund to receive financial assistance with expenses related to the crime, including, but not limited to, medical, 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 those affected by crime to access the support and services they may have been unable to utilize otherwise.

Each month the OCA receives a list of the names of children who are victims of reported physical, sexual and institutional abuse. The Case Management Coordinator and the Staff Attorney research each case of abuse to determine if each child may potentially be eligible for funds through Victim Compensation. Our Office continues to educate social workers and attorneys regarding the benefits of the Fund and through this avenue the OCA has received additional referrals for children who were not accounted for in the report forwarded by DCYF. Further, the staff of the OCA sits on several boards that connects us to doctors, social workers, teachers, and members of the community which allow us to identify potential candidates for the Victim Compensation Fund. The OCA then follows up and contacts the parent, guardian, relative, or the DCYF social caseworker to assist in completing the application and consents required for applying for Victim Compensation funds. Once completed, our Office sends the application, consents and necessary information to Rhode Island Office of the General Treasurer. These claims must be filed by the victim's twenty-first (21st) birthday. Although the filings have remained up-to-date, the Office has strived to follow-up with each child. Our Office's initial contact with these families are at a traumatic time, so they may not be able to process or call our Office to get more information. We contact them a second time to provide and additional opportunity to review the information and contact our Office. Currently, our Office is up-to-date in contacting new candidates and up-to-date in contacting past candidates at least one (1) additional time. Our goal is to send each family one (1) and include a resource list for services they can access.

Below are some case examples of children assisted through Project Victim Services. Information has been removed to protect the identity of the child.

This youth came to the attention of the Department when they were fourteen (14) years old. When J.R. was nineteen (19), he was hospitalized in Rhode Island. Following his stay, he disclosed that he was sexually touched by another patient. The hospital called the hotline to report that the patient admitted to touching J.R. sexually. Since this incident, J.R. has struggled to maintain stability and his aggression and isolation has increased.

J.R. was represented by the OCA for the purpose of pursuing a claim under the Criminal Injuries Compensation Act for reimbursement for expenses related to J.R.'s trauma. The OCA contacted J.R.'s

mother to give her the information regarding VOCA. The OCA sent mother an application, a consent for representation, and a release for records. She completed all documents and returned them to our Office. Our Office sent the completed application to the Department of Treasury. J.R. was found eligible for assistance. Our Office provided J.R.'s mother with the proper documentation to submit a claim to the Treasury for reimbursement of expenses. Our Office has maintained regular contact with J.R.'s mother to discuss eligible claims and the process of applying for claims.

N.P. came to the attention of the Department when she was seventeen (17) years old. N.P. self-reported physical abuse by her father to the police. After conversations with N.P. and her father, DCYF initiated referrals on her behalf for services related to this abuse.

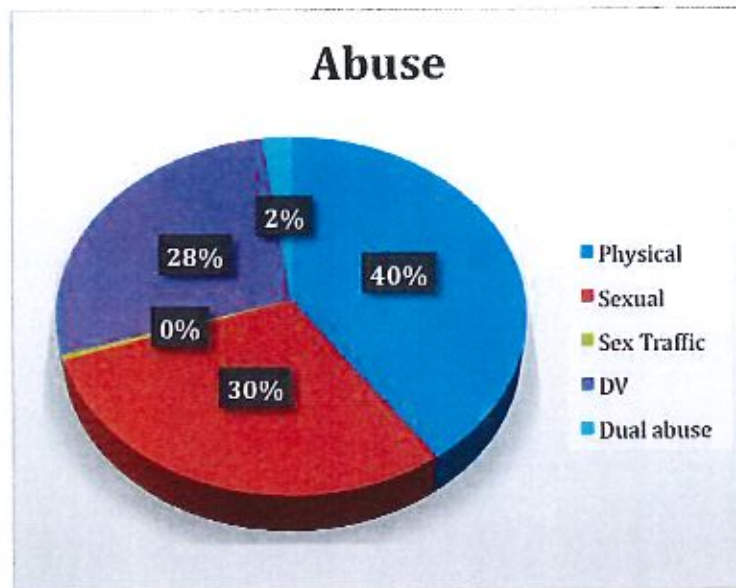
N.P. was represented by the OCA for the purpose of pursuing a claim under the Criminal Injuries Compensation Act for reimbursement for expenses related to the trauma of physical abuse. The OCA contacted N.P.'s current social caseworker. Her caseworker encouraged us to contact N.P. directly. N.P. was responsive and filled out the paperwork appropriately. Our Office sent the completed application to the Department of Treasury. N.P. was found eligible for assistance. Our Office provided N.P. with the documentation regarding how to submit a claim to the Department of Treasury. Additionally, our Office sent her a list of service providers in the community if she should need assistance accessing support.

Since the current Child Advocate took office, our Office has referred **688 new children** to the Victim Compensation Fund for assistance. Our Office has sent additional letters to **745 children** that had been previously contacted by the OCA to provide information regarding the program again and determine whether it is something the family is interested in.

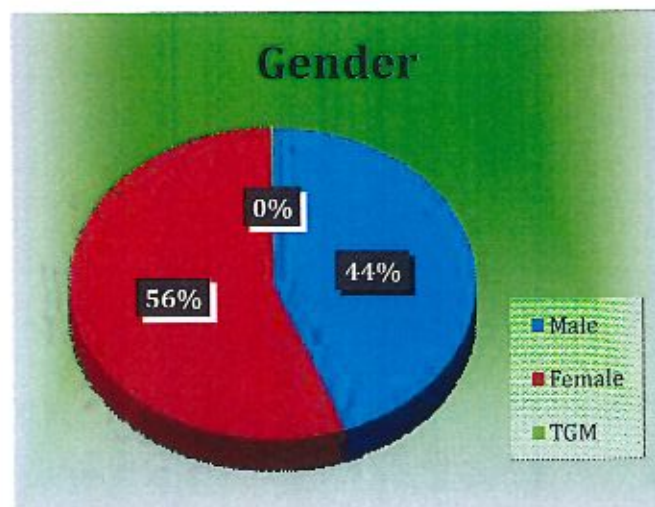
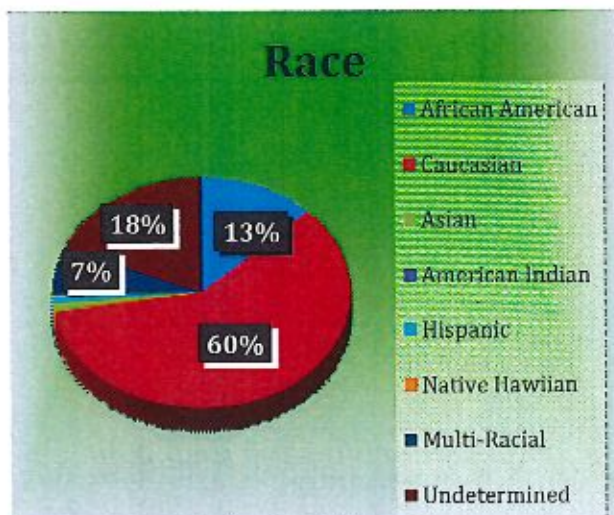
On September 20, 2017, the Governor enacted legislation, which expands the Criminal Injuries Compensation Act. This legislative change provides children who have witnessed Domestic Violence to access VOCA funds for services related to this trauma. This would include any form of therapy or services that would assist the child in coping with such a traumatic event. Since the law change in September, the OCA has made **190 referrals** to children that have witnessed Domestic Violence. If we do not hear from the custodial parent, we will send them an additional letter with a list of community service providers, which they can utilize to access appropriate services for their child.

The OCA also reviews claims of institutional abuse to determine whether the allegations may 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 the Department and Day One to identify any child who has been a victim of sex-trafficking and work to assist them with a claim.

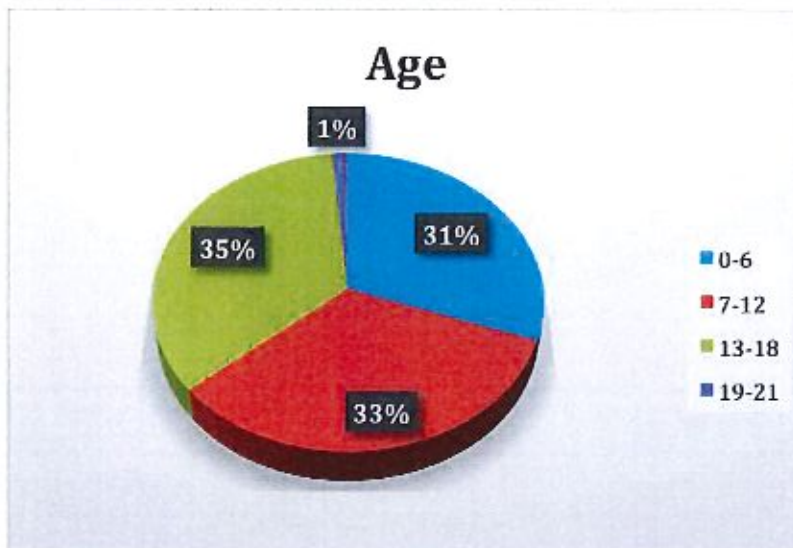
The OCA has referred **two-hundred and seventy seven (277) children** for physical abuse, **two-hundred and three (203) children** for sexual abuse, and **three (3) children** who were victims of sex-trafficking. **Fifteen (15) children** referred by our Office were victims of dual abuse, which consisted of **fourteen (14) children** who were victims of both physical and sexual abuse and **one (1) child** who was a victim of physical abuse and institutional abuse.



The OCA has contacted and advocated for a diverse group of youth. The OCA has referred three-hundred and five (305) males, three-hundred and eighty-two (382) females, and one (1) transgender male to receive assistance through the Victim Compensation Program. Of the six-hundred and eighty-eight (688) children referred, eight-six (86) were African American, four-hundred and twelve (412) were Caucasian, eight (8) were Asian, seven (7) were Hispanic, one (1) was Native Hawaiian, and forty-six (46) were Multi-Racial. There were one-hundred and twenty-seven (127) youth whose race remains undetermined. The OCA receives their information on each youth from the Department. Unfortunately, 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 are committed to ensuring that our data and case information is accurate. 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)**. Since the current Child Advocate took office, the OCA has referred **ten (10)** individuals between nineteen (19) and twenty-one (21), **two hundred and thirty nine (239)** children between the ages of thirteen (13) and eighteen (18), and **two hundred and twenty nine (229)** children between the ages of seven (7) and twelve (12). Additionally, the OCA has referred **two hundred and ten (210)** children between the ages of zero (0) and six (6).



From April 7, 2016 through December 31, 2017, there were approximately three hundred and thirteen (313) reported cases of 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 the manner these calls are recorded. 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. Additionally, this data reflects the 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. Additionally, the report specifies 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, our Office, by statute, could seek pain and suffering awards on behalf of youth through the VOCA process. Although there was a limit, youth could be awarded a significant amount of money. The OCA would deposit these funds into accounts and serve as a Joint Trustee/Owner of these accounts for 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 these monies. Upon completion of counseling and an appropriate plan, the monies held on behalf of the youth were disbursed to them.

The OCA serves as trustee to protect the interests of children in state care who have qualified for awards. In the past, when parents were awarded the funds, money was sometimes spent in a manner inconsistent with the best interests of the child. Under the present system, when a financial award is made to a minor in state care, the General Treasurer issues a check to the OCA to hold in trust. When the youth transitions out of DCYF care, the OCA closes the account and distributes the award and any interest directly to the beneficiary. In cases where the youth has developmental delays and the youth would transition in to adult services, a special needs trust is created on behalf of the youth.

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 received the award prior to any statutory changes. The VOCA administrator continues to utilize various efforts, including Department of Motor Vehicle Records, former social workers and the assistance of the RI State Police to locate these young adults to provide them with the funds from their account and provide financial counseling prior to disbursement.

L. Workforce Development

The staff at the Office of the Child Advocate has had the opportunity to participate in a number of conferences to network with experts in the field and learn from child welfare professionals across the nation. The OCA staff has 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. The conferences attended include:

- National Crimes Against Children Conference-August 2016
- OVC Human Trafficking Conference-August 2016
- National Child Welfare, Juvenile, and Family Law Conference-August 2017
- Charleston Child Trauma Conference-October 2017

In 2016-2017, several of our staff members achieved certifications, which furthered their expertise in child welfare and further enhanced their skills. Our Special Projects Coordinator and one of our Senior Planning and Program Development Specialists had the opportunity to attend the Forensic Interviewing of Children Training provided by the National Children's Advocacy Center in Huntsville, Alabama. Both staff members completed the course, which took place from July 24th-July 28th and were awarded with their certification as Forensic

Interviewers. Additionally, the OCA's Case Management Coordinator attended the RI State Victims Assistance Academy throughout the summer of 2017. Upon completion, the Case Management Coordinator received a certification in Victim Assistance.

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

M. 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 life of an individual 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.

In August 2016 and August 2017, the Office of the Child Advocate, in collaboration with Adoption Rhode Island and Attorney Lise Iwon hosted the 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 is a routine practice among kids in state care we asked youth to provide their feelings regarding this practice. One youth's testimonial stood out in particular when he noted that this made him "feel like trash". This is absolutely unacceptable. The children in our state deserve more dignified treatment than that. This inspired the event!

In August 2016, we collected over 1,000 bags for kids in care, hundreds of gift cards and approximately \$5,000, which was utilized to purchase additional gift cards. In August 2017, the event was once again a success. Thank you to the support of many businesses and members of the community, the 2nd Annual Duffle Bag Bash resulted in the collection of over 400 bags and \$20,585.00 in gift cards, which were distributed to children in state care. The Office of the Child Advocate looks forward to the continued success of this event.

Additionally, in 2016, the Office of the Child Advocate had the opportunity to speak to Team Zion of the Alan Shawn Feinstein Middle School of Coventry. The Team had to select one community project to work on together and opted to construct blankets for children in state care to be distributed as gifts during the holiday season. In 2016, the students made 30 blankets, which were beautifully wrapped and were subsequently distributed to both the Blackstone Children's Shelter and Foster Forward. Team Zion had the opportunity to select another community project for 2017 and opted to complete this project for the second year in a row. On December 21, 2017, members of the OCA staff visited the Alan Shawn Feinstein School of Coventry to personally thank them for completing this generous community project for a second year. It was so heartwarming to see how excited the students were to help other

children in their state. The gifts were delivered with gift cards to Foster Forward so they could be distributed to youth in foster care during the holiday season.

The OCA plans to organize additional community events to benefit children in state care and to provide youth with experiences and opportunities that they many not presently by afforded. We are thankful to all of our hardworking volunteers and generous supporters; without you the success of our events would not be possible.

Goals and Recommendations of the Office of the Child Advocate

The Office of the Child Advocate is committed to continue continued improvement on both an individual and systemic level. The following goals and recommendations are

1. As outlined above, pursuant to the Office of the Child Advocate’s statutory mandate, the OCA is required to outline the recommendations made following the comprehensive review of a child fatality or near fatality. The Office of the Child Advocate stands behind the recommendations made by the Child Fatality Review Panel in both the March 2017 and December 2017 reports. We will continue to advocate for the complete implementation of each recommendation made in both reports.
2. 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 have been 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, is vital for the youth’s success. The OCA is focused and committed to making this treatment facility a reality in Rhode Island.
3. The Office of the Child Advocate agrees that when appropriate, a child should be in a home, not group placement. To support the number of children in need of a foster home both the recruitment and retention of foster homes is vital. The Department has developed innovative ideas to assist with the recruitment of foster parents and has raised the daily rate to be more in line with national best practices. The OCA will continue to support the Department with these efforts. The OCA had the opportunity to join Director Piccola in meeting with community leaders in Woonsocket to gain a better understanding of the need in each community and to connect with local officials to assist with recruitment efforts. The OCA plans to attend several similar meetings with the Department over the next few months. The OCA is committed to continued collaboration with the Department in the efforts to enhance our foster care service array to reduce the over reliance on group care.

4. That the Office of the Child Advocate be provided with staff and resources comparable to other Child Advocate Offices or Ombudsman Offices in other jurisdictions. In considering this request, the broad statutory mandate of the RI Office of the Child Advocate, in comparison to other jurisdictions, should be considered. Providing the OCA with additional staff and resources will provide the Office with the opportunity to enforce each component of our statutory mandate, heighten the oversight being provided to the Department and sub-contractors and provide the Office with a chance to be proactive with issues plaguing the child welfare system opposed to reactive.
5. Pursuant to our statutory mandate, the Office of the Child Advocate is committed to the expansion of our oversight of placements licensed by the Department of Children, Youth and Families, to ensure compliance with licensing regulations and to monitor children in state care on a more individualized basis. The OCA will continue our reviews of residential placements, however we will also focus on the review of foster homes and daycare facilities as well. The OCA will continue to author reports outlining our findings and recommendations for corrective action. These reports will be released to the Department, the provider and the RI Family Court to apprise them of any issues which may have been identified.
6. The Office of the Child Advocate will be implementing a new initiative in 2018. The OCA staff will be visiting with youth in group placement after school hours to provide our staff with the opportunity to get to know each child individually and give the child the opportunity to get to know our staff. Meeting with youth on a more individualized basis will allow our office to monitor cases or identify any potential issues, which may need to be addressed. Furthermore, familiarizing each child with the role of our office will provide them with a voice and the knowledge of where to call when something may arise. This initiative is being implemented with the assistance of our Rhode Island College MSW Student Intern.
7. The Office of the Child Advocate will seek grant funding to further our public education initiatives. We are seeking to further educate the community about the role of our office. Additionally, the Office of the Child Advocate is in the process of developing written resources to provide to children in state care and community professionals. Grant funding will assist with the printing and distribution of these materials.
8. Part of the Office of the Child Advocate's responsibilities is to identify areas in need of legislative reform. The Office of the Child Advocate will be working in collaboration with the General Assembly to introduce legislative reform. The OCA plans to introduce a bill, which would make a CANTS check mandatory for all individuals who will be working with children. This would be done in conjunction with a BCI prior to employment. The OCA will also be testifying on behalf of numerous bills, which will be presented this legislative session including but not limited to the Young Adult Voluntary Extension of Care Act.

9. The OCA will be developing and initiating trainings in public schools to provide information to educators and school administration about the role of the OCA, the responsibilities of the Department and the steps that must be taken to fulfill their role as mandatory reporters.
10. Pursuant to our statutory mandate, the OCA will be developing and initiating trainings for attorneys representing youth in state care as their Guardian *ad litem*. The OCA plans to collaborate with the RI Family Court on this initiative.
18. The OCA, in collaboration with the Department, will seek to increase the service array for children and families affected by substance abuse. The impact of substance abuse has been highlighted in our past two child fatality reviews. In the December 2017 report, the Panel outlined some of the changes, which should be made pursuant to federal law, specifically, the Comprehensive Addiction and Recovery Act of 2016. In part, this federal law has made grant funding available for states to enhance their service array for families affected by substance abuse. Gaps in the service array should be identified and rectified. Grant funding could be pursued to assist with the cost for these services.
11. The OCA will work in collaboration with the Department, the Department of Education, and community providers to ensure that each child in state care is receiving an appropriate and consistent education. The OCA will also ensure the requirements set forth by the *Every Student Succeeds Act* ("ESSA") are fully implemented, including but not limited to the Memorandum of Understanding which was due to be implemented in 2017. Additionally, policies and procedures will need to be implemented within the Department to ensure compliance with this federal law. We will look to collaborate with the Department on this matter. Also, the OCA will need to develop internal policies and protocols to ensure that adequate oversight is being provided to this issue.
12. As outlined in the report, the OCA has faced issues with access to appropriate services and placements as our clients transition into adult services. Pursuant to R.I.G.L. §14-1-6, a youth's transition plan must outline a specific plan including but not limited to their placement, services, education and supports. Due to limited availability of services and placements through BHDDH, developing a transition plan for youth in compliance with statutory timelines has proven difficult. Often, weeks before a youth transitions, placements and services remain unidentified, which creates distress for the client and the family. In other circumstances, these youth have had to continue to reside at their placement through DCYF while awaiting a new placement, which delays placement for children in the child welfare system. The OCA is hopeful that the Department, BHDDH and this office can collaborate on this issue and work to strengthen the service array based on the needs of this population of youth.



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