Office of the Child Advocate Annual Report 2020



State of Rhode Island Office of the Child Advocate 6 Cherrydale Court Cranston, RI 02920 (401) 462-4300

Introduction

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

The OCA is an independent, autonomous state agency charged with the responsibility to provide oversight to the Department of Children, Youth and Families (DCYF or the Department). DCYF is the sole child welfare agency for the state of Rhode Island. The OCA is responsible for monitoring the operation of each unit within the Department and must ensure their compliance with internal policies and protocols, state law and federal law. In addition, the OCA monitors systemic issues and trends to ensure that the Department is operating within the best practices of child welfare and to inform whether systemic change is necessary. The OCA provides oversight to all 630+ DCYF employees and service providers, sub-contracted through DCYF.

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

During the last year, our agency, like many agencies, had to find innovative ways to continue our important work monitoring children in the care of DCYF. As a direct result of the COVID-19 pandemic the OCA had to make important considerations for public health while also prioritizing physical, emotional, behavioral, educational, and medical safety when applying existing policies and procedures.

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

JANULEY JULIA Jennifer Griffith, Esquire

Mission Statement

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

Statutory Authority

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

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

(1) To ensure that each child in protective care, custody or in treatment; and in proper cases, others interested in the child's welfare, is apprised of the child's rights;

(2) Review periodically the procedures established by DCYF;

(3) Investigate, in accordance with the established Rules and Regulations adopted by the Child Advocate, the circumstances relating to the death of any child who has received services from DCYF;

(4) Review complaints of persons and investigate those where it appears that a child may be in need of assistance from the Child Advocate;

(5) Periodically review the facilities and procedures of any and all institutions and/or residences, public and private, where a juvenile has been placed by the Family Court or DCYF;

(6) Recommend changes in the procedures for dealing with juvenile problems and in the systems for providing childcare and treatment;

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

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

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

(10) Investigate institutional abuse complaints;

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

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

(13) To apply for and accepts grants.

Staff

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

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

Additionally, the OCA has maintained positive relationships with the Rhode Island Government Internship Program, the Rhode Island College School of Social Work, Roger Williams School of Law, Providence College, and other colleges and universities. Through these programs, the OCA has accepted many student interns each semester. The OCA works hard to provide each student with a glimpse into all the activities of the office, while providing them with an opportunity to work on meaningful projects. We look forward to continued collaboration with these programs.

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

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

The Child Advocate Jennifer Griffith, Esquire

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

Assistant Child Advocate

Katelyn Medeiros, Esquire

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

Staff Attorney III

Diana Robbins, Esquire

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

Special Projects Coordinator

Kathryn R. Cortes

Kathryn Cortes has been with the OCA since 2007. Kathryn is currently the Special Projects Coordinator and is a certified Child Forensic Interviewer. Kathryn also holds numerous certifications including but not

limited to: Conducting Child Abuse Investigations, Child Death Investigations, Current Drug Trends, Youth Trauma and Adverse Childhood Experiences, Sexual Offenses Mind & Motivation, Grooming Behaviors and Often Counter- Intuitive Behaviors of Child-Victims. Kathryn previously served as a Senior Monitoring & Evaluation Specialist for the OCA from 2013-2017 and as the Chief Field Investigator for the OCA from 2007 to 2013, until her promotions in 2013 and 2017 respectively. Kathryn has a Bachelor of Arts in Criminal Justice/Juvenile Justice from Salve Regina University located in Newport, RI. Prior to joining the OCA staff in 2007, Kathryn began working as a Senior Residential Counselor in 1997 at Child & Family Services of Newport County in Newport RI. There, Kathryn worked to maintain a safe and therapeutic living environment for boys ages 6 through 12, which provided a structured program that promoted daily life skills, mental health services, and educational skills for the boys. Following her six (6) years at Child & Family Services, Kathryn moved onto Civigenics, Inc. in Marlborough, MA where she spent four (4) years as the Program Director of a therapeutic milieu program located in the Rhode Island Training School for Youth (RITS).

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

Senior Planning and Program Development Specialist

Jacqueline Sanchez

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

Senior Planning and Program Development Specialist Jimmy Vilayvanh

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

Jimmy is certified in Youth Mental Health First Aid and has completed training on Implementing an Effective Multidisciplinary Team Response to Commercial Sexual Exploitation of Children.

Public Education and Information Coordinator

Kara A. Foley, MSW

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

Confidential Secretary

Taylor Camirand

Taylor Camirand joined the OCA in August 2020 as the Confidential Secretary to the Child Advocate. Taylor received a bachelor's degree in Psychology in 2016 from the University of New Hampshire. Before joining the OCA staff, Taylor worked as a case manager for the foster care program at North American Family Institute (NAFI) from 2017 to 2020. There, she worked directly with children and families to help plan for and provide therapeutic foster care treatment. Prior to her experience at NAFI, Taylor worked at the Groden Center, a school for children with autism, as both a behavioral specialist and the school's secretary. Taylor has experience working with a multitude of populations within Rhode Island's child welfare system. In her current role as Confidential Secretary at the OCA, Taylor works directly with the Child Advocate and Assistant Child Advocate to ensure daily office tasks are completed.

The Office of the Child Advocate presently has two vacancies: Case Management Coordinator and Grants Manager. The OCA will seek to fill the Case Management Coordinator position during Fall, 2021. The Grants Manager position will remain unfilled for FY 2022 to meet budget constraints.

Office Activities

A. OCA Oversight to Child Protective Services

i. <u>CPS Log/Screen Outs/Prevention Services</u>

In September 2020, DCYF initiated the Screening and Response Unit (SRU). The Department Operating Procedure (DOP) regarding this unit focuses specifically on assisting families that may need or want community services. According to the DOP, cases do not remain in the SRU for a lengthy period of time and are voluntary. The DOP also states, if a call is made to the CPS Hotline that does not meet criteria for an investigation the caller is referred to the SRU Hotline phone number to request assistance in obtaining services. While a Family Functioning Assessment (FFA) may be completed by an SRU worker, the FFA is not required. The SRU Hotline is not a recorded line and daily calls are not documented. As there is still much to learn with respect to the SRU the OCA continues to monitor and review the DOP into 2021.

On or about November 2020, the Department began using what is called a Prevention Response in addition to Screen Outs when a call to the child protection hotline does not meet criteria for an investigation. Additionally, the Screening and Response Unit was initiated and functions like the old "Intake" Unit that was disbanded under former Director. Additionally, the "Task" option was also disbanded under the former Director and has since been reinstituted for situations warranting face to face contact with a family.

The OCA continues to review the DOP for Child Abuse/Neglect Investigations and is actively working to develop clear and concise transfer of information between DCYF and the OCA.

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

The OCA reviews the report from the call to CPS and any additional case information. Following this independent review, the OCA has the ability to request a call be Screened In if the OCA determines investigative actions are needed to ensure the safety of children. The OCA requested the Department to facilitate investigations on several cases, and while not every request was made an investigation, there was additional follow up with the family/child either by a CPI or the SRU. The OCA has and will continue to work collaboratively with CPS to ensure the safety and well-being of children.

ii. Investigations & Institutional Abuse

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

The OCA continues to provide heightened oversight to institutional abuse allegations. Upon receiving notification, our Special Projects Coordinator and our two Senior Planning and Program Development Specialists retrieve and review the reports. Allegations of institutional abuse, which are categorized as a

Screen Out are immediately reviewed to determine whether the allegations warrant any further investigation. If so, the OCA staff will follow up with the Department to provide them with an opportunity to complete their own investigation. However, should the Department deny the opportunity to review, the OCA staff completes their own independent investigation of the allegations.

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

iii. <u>Critical Event Reviews (CER)</u>

Critical Event Reviews are conducted when a near death, death or serious situation involving children warrants a further review. In 2020 there were approximately **seven (7)** critical events conducted by DCYF, all of which the OCA was invited to and participated. None of the critical events required or qualified for a full investigation or separate independent investigation by the OCA.

B. Complaints and Inquiries

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

The calls received by the OCA involve a variety of topics and each call is processed or handled differently. The response can range from providing information, initiating independent investigations, site reviews, authoring of reports, referrals to other agencies or legal intervention. Additionally, the OCA receives inquiries regarding a youth in need of services who are not yet involved with the Department. The OCA makes appropriate referrals to other agencies with regards to those inquiries. In some cases, the OCA can act as an intermediary on behalf of children in need of DCYF services when the families have been unsuccessful at navigating their way through the system. In appropriate instances, the OCA staff members can intervene on behalf of young children in need of DCYF services, either through direct interaction with Department staff at all levels or through Family Court intervention.

From January 1, 2020-December 31, 2020, the OCA resolved *a total of 613 inquiries*. The OCA continues to receive an influx of calls. We attribute this to the ongoing public education effectuated by our staff regarding the role of the OCA. This has been provided to various agencies, police departments, school social workers, attorneys and school departments.

Each OCA staff member is assigned inquiries/complaints based upon their area of expertise. For instance, if the matter is a legal issue, it may be assigned to one of the attorneys in the office. Often an inquiry can lead to necessary legal intervention on behalf of a child in state care. A portion of these inquiries are made by the Rhode Island Family Court. The Judges frequently assign our Office to cases that require immediate attention and closer scrutiny. When assigned, the OCA connects with DCYF, CASA, attorneys for parents,

the child's school, and all providers working with the child. Our attorneys then report back to the Court with recommendations that are in the child's best interest. Our attorneys continue involvement until the issue that prompted the initial referral has been resolved. If the inquiry requiring legal intervention is from a parent, attorney, provider, or someone other than the Rhode Island Family Court, our attorneys will follow the same process, and appear in Court alerting the presiding Judge that our Office is intervening pursuant to our statutory authority.

C. Systemic Trends and Issues

A thorough analysis of the work of the OCA in 2020 identified several systemic issues. This practice has assisted in informing our focus and goals for 2021.

i. <u>Referral Process/ Procedure</u>

The OCA received an influx of calls from service providers, local hospitals and DCYF workers regarding children who have been languishing in a hospital setting far longer than recommended or residing in inappropriate placements with concerns the child's needs and best interests are not being met. The ongoing cause for this issue is a lack of appropriate service array to meet the needs of the youth in state care (discussed further in following section), untimely referrals and inappropriate referrals. Youth awaiting placement in a hospital setting is a clear violation of the Children's Bill of Rights. Children have the right to be in the least restrictive placement that meets their needs. Hospitals should be used as a short term stay for children with acute needs and once the child stabilizes the goal is to move the child to a less restrictive setting. Furthermore, failure to adequately assess the needs of a child and placing a child in an inappropriate placement creates risk to that child and others.

This prompted an in-depth review of DCYF's referral practices and procedures. In 2019, the OCA began the process of reviewing the Children's Behavioral Health Unit (CBH/CRU) Placement Unit practices and procedures. When COVID-19 hit the OCA was unable to review the practices as all in-state and out state placements were not accepting new youth into their programs. On or around July 2020 in state and out of state programs began accepting referrals for placement requests. As of September 2020, the OCA requested to be notified of all Placement Referrals for any youth entering congregate care. The goal behind this request from the OCA is to ensure children are being referred to appropriate placements that are able to meet their needs, address all clinical treatment, keep youth safe, and work effectively with a team to ensure the child's best interests are being met daily. The OCA also requested to be notified of any placement changes, including closure of programs, development of new programs or changes to the services of existing programs. The OCA continues to be met with resistance from the Administrators of this Unit to be kept apprised and notified of changes in a timely manner.

The OCA found numerous discrepancies and systems issues within the information received from this unit, and in January of 2021 the OCA began a detailed and more in-depth review of the unit. This review has increased and developed more pointedly in 2021 and is ongoing to ensure all children's best interests are met and children receive the appropriate care and treatment they require.

Reviews of these cases have led to increased advocacy. The OCA has collaborated with CASA, relevant services providers and DCYF workers regarding this issue. This issue has also led to increased legal intervention. The OCA will continue to advocate for expedited and appropriate referrals to ensure that the needs of children in state care are being met.

ii. <u>Service Array</u>

Another issue plaguing the child welfare system is our service array. Access to necessary treatment and placements has created difficulty for engagement with vital services and timely transitions to an appropriate placement. The OCA has continued to bring attention to the inequitable care provided to girls in our state. The OCA is committed to the development of a high-end residential program in state for girls coping with significant mental health issues and/or who have been identified as a victim of sex trafficking. This vulnerable population of youth are continuously sent to programs out of state or have been held at the Rhode Island Training School for their safety. Keeping these youth in their community, close to family and support systems while receiving treatment, is vital for the youth's success. The OCA is committed to making this treatment facility a reality in Rhode Island and at every opportunity, our office advocates for this critical need. The OCA continues to search for and visit buildings that may fit the use for this facility.

Additionally, our child welfare system could benefit from programming developed for the DD population and programming to meet the extensive needs of children under the age of twelve (12). Also, increased efforts pertaining to the recruitment and retention of a diverse population of foster families is vital. This includes therapeutic foster homes who are trained to take on children with extensive needs.

The OCA has seen a significant decline in substance abuse and alcohol abuse treatment for youth after DCYF discontinued their contracts with agencies servicing these needs of youth. The residential substance abuse treatment programs formerly available to youth in DCYF care were able to treat youth and give them the opportunity to engage in group treatment with their peers and the placements also treat co-occurring disorders with treatment specific geared toward the adolescent population. The OCA was involved with two particular cases in 2020 wherein the youth may have greatly benefited from this level of treatment but rather, they engaged in outpatient treatment with mostly older adults and continue to struggle with their substance abuse.

Lastly, there should be further assessment of access to a variety of community based treatment as there are extensive waiting lists for many community-based services.

iii. Educational Advocacy

Throughout 2020, the OCA continued to receive an increase in calls regarding educational issues pertaining to students in state care. The OCA has been appointed by the Family Court to a number of cases requiring legal intervention and educational advocacy. The issues reported were specific to school enrollment and placement, issues related to IEP and 504 plans, and educational access. Access to education is the most common issue referred to the OCA. This is due to a number of issues including languishing in a hospital setting, untimely registration, scheduling an ESSA call, a school indicating that they are unable to meet the needs of the child or conflict between districts about who is responsible for funding a child's education. When receiving these calls, the sole focus of the OCA is to ensure that the child begins to receive an education as quickly as possible to prevent any further disruption in their academics. Additionally, the OCA provides advocacy regarding a child's educational planning and supportive services both in and out of school to ensure a child can make meaningful progress in their education and care. It is our hope to continue to expand our involvement with educational advocacy in an attempt to improve educational outcomes for youth in state care.

iv. Access to Affordable Housing

The U.S. Department of Housing and Urban Development's Foster Youth to Independence Initiative (FYI) was established in July 2019 to specifically target housing assistance for young people aging out of foster care who are at high risk for homelessness. The FYI Initiative provides housing vouchers to local public housing authorities to prevent and put an end to homelessness among young people under age 25 who have recently left the foster care system without stable housing. Each local public housing authority is limited to a maximum of 25 vouchers per fiscal year and each voucher provides a maximum of 36 months of housing assistance per young person.

Affordable and safe hosing in Rhode Island is a challenge for many who live here, particularly for those young adults who are participating in the Voluntary Extension of Care (VEC) program as well as for young families whose last barrier to closing their DCYF case in Family Court is to secure and maintain housing. In 2020, the OCA learned of the promising housing opportunities through FYI from our work with our colleagues at Rhode Island Housing and Foster Forward. The OCA has been working to identify the cities and towns in Rhode Island who could be eligible for these vouchers via their housing authorities. As of this report, four municipalities had agreed to apply and utilize these vouchers. We plan to continue working with the municipalities of the state to take advantage of any federal voucher program that we can to assist these young adults and families.

D. Voluntary Placements

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

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

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

planning meetings. Between March 1, 2020 and December 31, 2020, the OCA attended meetings virtually and saw clients via video chat due to implications of the Covid-19 pandemic. For each court date, an OCA attorney provides an updated letter to the Family Court detailing any pertinent information regarding the child's treatment, education, and any additional information that would be vital for the Court to be advised of. The OCA proposes recommendations to promote the best interests of the child and ensures that progress is made in a child's identified treatment and permanency goals. Should an issue arise, the OCA advocates on behalf of the child and if necessary, files a motion in Family Court. As of December 31, 2020, the OCA represents *thirty-five (35)* youth and young adults between the ages of *twelve (12) and twenty (20). Seven (7)* of our clients are placed in an out of state residential facility. In 2020, there was *one (1)* petition filed in response to a voluntary placement agreement.

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

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

During 2020, *four (4)* youth or young adults closed to our office. **One (1)** youth successfully reunified with their mother and remained stable for six (6) months. *Three (3)* young adults successfully transitioned to adult services, including transition to a group home or a shared living arrangement.

As previously mentioned, there was **one (1)** petition filed in response to Voluntary Placement Agreements. The continued decline in petitions is due to the development of a new program, in which the family signs a Residential Treatment Agreement, as opposed to the Voluntary Placement Agreement. This was initiated by the former DCYF Director. DCYF now provides parents with the option to open to DCYF for the purpose of placement through their Children's Behavioral Health (CBH) unit. The CBH Unit places children in residential facilities licensed by DCYF without oversight by their Family Services Unit (FSU) and the Rhode Island Family Court. Without a petition being filed on behalf of these children, the OCA is not appointed as the Guardian *ad litem* in these cases. Parents are responsible for ensuring that the needs of

their child are being met and for advocating to DCYF what is in their child's best interest. Currently, **eleven** (11) youth are having their needs assessed by the Children's Behavioral Healthy (CBH) Unit. There are **eight (8)** youth awaiting placement and **thirty-one (31)** youth in residential placement. Of the **thirty-nine** (39) youth awaiting or in residential placement, **sixteen (16)** are diagnosed with an intellectual developmental disability and **twenty-three (23)** are youth determined to have a serious emotional disturbance. The OCA continues to monitor children placed outside the home by DCYF who are not currently overseen by the Rhode Island Family Court.

E. Voluntary Extension of Care

In July 2018, the Voluntary Extension of Care (VEC) program was passed by the General Assembly, which allows DCYF to provide services and supports to young adults from age eighteen (18) to twenty-one (21). This legislation took effect July 1, 2018. DCYF established the Youth Development Services (YDS) Unit which included **five (5)** social caseworkers and **one (1)** supervisor. During 2020, **two (2) additional** social caseworkers were added to the unit.

Following the enactment of this legislation, there was concern regarding the development and promotion of this resource to youth in our state. The OCA participated in many meetings with the General Assembly regarding this issue. The OCA also participated in the VEC Interagency Meetings to discuss ongoing opportunities, resources, and engage in case conferencing. These meetings included DCYF, the OCA, the Department of Labor and Training (DLT), the Department of Human Services (DHS), the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH), the Office of Health and Human Services (OHHS), the Office of the Postsecondary Commissioner (RIOPC), Rhode Island Housing, the Department of Administration (DOA), and community providers assisting the VEC population.

The OCA initiated a public education campaign about the VEC program to inform the community about this vital resource. We focused on individuals who were most likely to work with this vulnerable population of youth. This included schools, community agencies, police departments, and service providers. This ongoing campaign has helped increase referrals to this program.

To enter the VEC program, a youth must first meet with the YDS Unit to receive information about the program. The young adult then meets with the YDS Unit and their Court Appointed Special Advocate (CASA) to sign into the VEC program. Their CASA attorney is present to protect the best interests of the young adult and provide clarification as to anything in their legal document. This document is the Voluntary Placement Agreement (VPA) which outlines the responsibilities of the young adult and DCYF. Once it is signed, DCYF files a petition in RI Family Court. DCYF filed the first VEC petition on December 19, 2018. The RI Family Court heard the first petition on January 8, 2019. During 2020, the Rhode Island Family Court approved *forty-two (42)* young adults for the VEC program. At the initial VEC hearing, the RI Family Court makes a series of findings establishing that the young adult executed their VPA freely and voluntarily, that they meet the eligibility requirements, that they met with the CASA attorney to discuss, and that entering this program will be in their best interest. Additionally, the RI Family Court heard adult. Once appointed, the CASA attorney will attend all court hearings, communicate with the YDS worker about their clients' progress, and advocate for what is in their client's best interest.

At times, there is a conflict of interest, which prohibits CASA from representing the young adult on their VEC petition. In these cases, the OCA is appointed to represent the young adult on their VEC petition. In

2020, the OCA was appointed to represent *four (4)* young adults as their guardian *ad litem*. *Three (3)* of these young adults closed on their twenty-first (21st) birthday in 2020.

The Rhode Island Family Court hears VEC petitions two (2) times per week. The OCA attended *two hundred and nineteen (219)* court hearings to observe the progress of each case, identify systemic issues and provide additional assistance, when appropriate. During 2020, **one hundred and twenty-four** (124) young adults attended court hearings either by phone or by video. Additionally, the OCA staff brought resources to provide to VEC participants such as information regarding employment opportunities and free courses.

For most of these young adults, the VEC program presents their first opportunity to live independently. VEC participants reported they were struggling with procuring the basic supplies needed to maintain and live comfortably in their apartments such as cleaning supplies, dishes and cooking utensils. The Rhode Island Public Safety Grant Administration Office (RIPSGAO) awarded a grant to the OCA and due to an unforeseen surplus in funds, the OCA submitted our "Recipe for Success" proposal to the RIPSGAO. This proposal outlined the needs of these young adults and requested the use of grant funds to provide starter kits to sixty-five (65) VEC participants moving into their first apartment. The OCA finished developing the kits at the end of September 2019, which includes various household items such as a laundry basket, dishes, silverware, pots and pans, cooking utensils, dish towels, dustpan and broom, toilet paper and paper towels. The OCA delivered *twenty -six (26)* kits between January 1, 2020 and December 31, 2020. When delivering the starter kits, our office takes time to speak with the young adult to determine if they need assistance with finding a job, training program, GED program, or any additional items for their apartment. Additionally, the OCA has utilized gift cards procured from our annual fundraiser, the Duffle Bag Bash, to assist with clothing, groceries, or to cover the cost to obtain a copy of essential documents such as a birth certificate or social security card. Lastly, the OCA staff monitors various employment and vocational opportunities from local agencies, private non-profits, and state agencies. This information is provided directly to VEC participants, CASA attorneys, group home staff, DCYF social caseworkers, and the Rhode Island Training School to ensure this information is disseminated to as many young people as possible.

The OCA was fortunate enough to have the assistance of two (2) tremendous interns for the 2019-2020 school year. They assisted our office with ongoing projects from January 1, 2020 to March 7, 2020. Our Master of Social Work (MSW) intern worked with the attorney who oversees the VEC program. She had ongoing interactions with VEC participants to identify their strengths, weaknesses, and ongoing needs. She was in the process of developing a needs assessment of the program, which would have ultimately assisted our office in evaluating the program. Due to the pandemic, she was unable to continue with her work in person, however, she provided a great starting point for future interns. Our Bachelor of Social Work intern identified community opportunities for foster youth, including sports, dance, cooking class, art classes, and many other organizations. In addition, she was able to secure donations, including handmade quilts for VEC participants, gift cards for VEC participants, books and clothes for foster youth, among others.

F. Court Appointed Cases

Pursuant to the statutory authority of the OCA, the Rhode Island Family Court can appoint the OCA as a child's attorney. The OCA will enter into the case to represent the best interests of the child who is in the care and custody of the Department of Children, Youth and Families. In 2020, the Office of the Child Advocate was appointed by the Rhode Island Family Court to **ten (10)** cases. The cases presented

complex legal issues. The OCA welcomed the opportunity to be involved in the matters and provide zealous legal advocacy.

G. Unlicensed Foster Homes

Pursuant to statutory authority, the OCA provides oversight to placements licensed by DCYF. The OCA fulfills this oversight role in a variety of ways including the participation in court hearings regarding unlicensed placements. To obtain a foster care license, a prospective foster parent must complete all requirements including, completion of an application, providing references, physician's reference, background check, a thorough home study requiring multiple visits, completion of foster parent training, fire inspection and lead inspection. Oftentimes, a child requires immediate removal and placement into a foster home. Facilitating placement with an appropriate family member or an adult know to the child is always a paramount goal. However, completing the licensing process takes time. In order to facilitate such placements, R.I.G.L § 14-1-34(c), enables DCYF to "... authorize the placement of a child in a prospective foster home pending licensure for a period not to exceed six (6) months only after the department has conducted a DCYF background check..." This allows the child to be placed while providing time to complete all licensing requirements.

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

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

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

During 2019, DCYF had to address hundreds of homes whose licensing requirements were not completed. These requirements included home studies, foster parent training, physician's references, and in some cases, fingerprinting and background checks. The OCA participated in every hearing, including attending follow-up hearings to continue to ensure these requirements were met.

During 2020, the OCA attended **one-hundred and twenty (120)** foster care motion reviews at the beginning of the year. These cases were continued from 2019 to ensure that all vital licensing components were completed. During these hearings, DCYF demonstrated that the licensing components were completed.

Between January 1, 2020 and December 31, 2020, DCYF filed foster care motions to address lead and fire safety inspection issues. The OCA was present at *five (5)* foster care motion hearings in 2020. These were continued from Spring 2020 due to COVID-19. At the time of the hearings, some of the lead and fire safety inspections had resolved. All motions were granted.

H. Monitor to the Children's Rights Lawsuit

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

In 2020, the OCA worked diligently with the Data Validator to analyze data from previous Reporting Periods and together identified a series of issues including, but not limited to concerns regarding the validity and reliability of sample sizes for various benchmarks. These concerns were brought to the attention of all parties upon discovery. To date, the Monitoring Team is still working with the parties to rectify identified issues and concerns.

During 2020, the Monitoring Team analyzed benchmark data and produced **three (3)** reports for Reporting Periods 1, 2, and 3, and produced **one (1)** amendment report pertaining to Reporting Periods 1 and 2. The Monitoring Team supplied these reports to all parties and posted the reports on the <u>OCA</u> <u>website</u> in compliance with our role as outlined in the Settlement Agreement.

I. Facilities Review

The OCA is tasked with providing oversight to all facilities licensed by DCYF. This includes but is not limited to group homes, out of state residential placements utilized by the Department for children with high-end or specialized needs and the Rhode Island Training School. The OCA staff work to monitor and advocate on behalf of children in state care by performing routine visits or "drop-ins" to placements. During the OCA's visits the staff performs a visual inspection, can request documentation and assess the overall quality of the facility. During these visits, the OCA staff meet with youth placed in the residential facilities to inform them about the role of our office, the work we do and how they can contact us. Our staff has worked to build a rapport with youth; this has provided youth with the comfort to contact our office when they are encountering an issue or concern. In 2020, the OCA staff completed *twenty-two (22) drop-ins* to various residential facilities. The OCA met with over *254 youth* at various locations including group homes, the Rhode Island Training School, Rhode Island Family Court, and meetings to follow up on specific issues and to advocate for their best interests.

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

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

In Rhode Island, the commercial exploitation of youth, specifically DCYF involved youth has continued to be a pervasive issue. The OCA, in collaboration with DCYF, federal and local law enforcement, the Rhode Island Family Court and community service providers have worked to address this issue. Through the work

of the Rhode Island Human Trafficking Task Force and various sub-committees, we have worked to implement policies and procedures to prevent youth from becoming involved and to develop a coordinated approach once a youth is identified as a victim.

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

Furthermore, the OCA works collaboratively to advocate for each youth referred to the MDT. In 2020, the OCA advocated for **thirty-eight** (*38*) *youth* throughout the MDT process. OCA staff attended MDT meetings where they would meet with the youth and their team to discuss services and develop a plan to maintain the child's safety and help them progress in their treatment.

K. Public Education

In 2020, the OCA continued efforts to educate the public on the role and responsibilities of our office. Despite having several presentations scheduled to take place during the first half of 2020, the majority of presentations were postponed indefinitely due to the unprecedented Covid-19 pandemic. The OCA has already executed presentations during the first quarter of 2021 and is scheduling upcoming presentations throughout the rest of the year. Furthermore, the OCA will continue to educate others on our role with the Victim Compensation Program to assist children and families access these funds and necessary services. The OCA has given presentations at a variety of schools, police departments and provider agencies including but not limited to:

- Law Day
- University of Rhode Island-Dr. Richard Soloman's Child Welfare Seminar (two presentations)
- Providence School Department (multiple virtual presentations)
- Burrillville School Department
- Rhode Island College School of Social Work
- Rhode Island Training School Juvenile Probation Worker Academy
- Cumberland School Department
- Lincoln School Department
- Coventry School Department (postponed due to Covid-19 pandemic)
- Community Conversations (postponed due to Covid-19 pandemic)
- West Warwick School Department (postponed due to Covid-19 pandemic)
- East Providence Resource Fair (postponed due to Covid-19 pandemic)
- Pawtucket School Department (postponed due to Covid-19 pandemic)



In FY 2019, through the support of the General Assembly, the OCA was awarded **three (3)** new full-time employees. The OCA utilized **one (1)** of these new positions to hire a Public Education and Information Coordinator in December 2019. The Public Education and Information Coordinator supports the mission of the OCA through continued expansion of public education in the community about the role of the OCA. During 2020, the OCA gave *eight (8)* public education presentations to over *500 individuals*. In addition to focusing on public education presentations, this staff member updated informational resources which have been distributed digitally and in print to community members. This staff member also significantly increased the OCA's presence on social media (Twitter) in an effort to share vital resources and information pertaining to children, families, child welfare professionals, state partners, and legislators, particularly during the Covid-19 pandemic.

The OCA remains committed to increasing the number of public presentations in 2021 following significant scheduling challenges during the majority of 2020 due to the Covid-19 pandemic. Public education presentations have proven to be effective, often resulting in an increase in calls to our office. Additionally, the OCA sought federal grant opportunities throughout the year. Unfortunately, the Covid-19 related federal grant opportunities did not match the mission of our agency or the population we serve. In 2021, the OCA will continue to seek grant funding to print updated informational resources about the office or a child's rights while in care to distribute to the community.

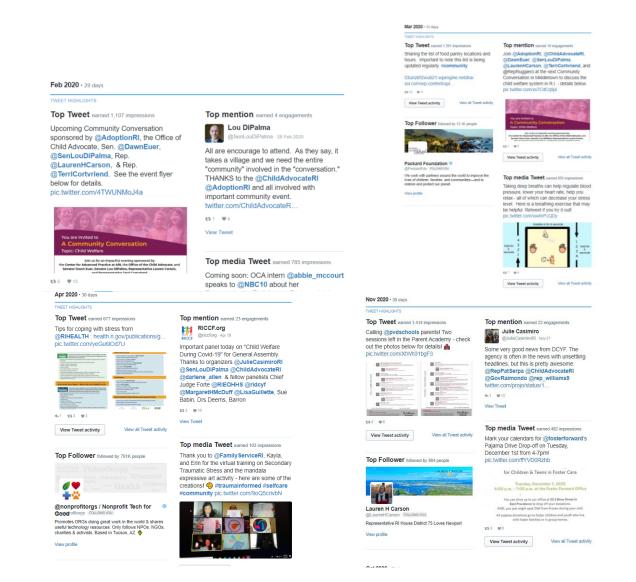
L. Social Media

In 2020, the OCA prioritized increasing the agency's presence on social media, specifically Twitter, in an effort to provide resources to children, families, and child welfare professionals, and to build connections for advocacy and information sharing. During 2020, the OCA tripled the total number of followers on Twitter and shared 1,100 tweets with information and resources to benefit children, families, child welfare professionals, and legislators. The OCA shared workforce development and career opportunities, information about our philanthropic initiatives, information and resources from a variety of community providers, schools, and non-profits, and shared public health resources from Rhode Island state agencies and the federal government.

January 1, 2020 – December 31, 2020					
New Followers	Profile Visits	Original Tweets	Shared Tweets	Tweet Impressions	
183	695	169	931	32,836	

Twitter Analytics anuary 1, 2020 – December 31, 202

Twitter Highlights January 1, 2020 – December 31, 2020



M. Legislative Advocacy

It is the OCA's statutory responsibility to "take all possible action including but not limited to, programs of public education, legislative advocacy, and formal legal action to secure and ensure the legal, civil, and special rights of children" in DCYF care. The OCA tracks legislation at the state and federal levels, providing testimony and advocacy as needed to support the best interest of children and families. The Child Advocate has testified before various committees in both the Rhode Island House and Senate regarding the safety, permanency, and well-being of children in state care, and collaborates with DCYF and Rhode Island Family Court on federal legislative implementation as appropriate.

In 2020, the OCA worked with Senator Goldin to introduce legislation which would decrease the age of eligibility, from age 25 to age 18, for adult adoptees looking to request a non-certified copy of their original birth certificates from the Rhode Island Department of Vital Records. In addition, the OCA provided testimony on three (3) bills prior to the lengthy General Assembly recess brought on by the Covid-19 pandemic.

In December of 2020, the federal *Consolidated Appropriations Act* (CAA) became law which included *H.R.* 7947 The Supporting Foster Youth and Families Through the Pandemic Act to bring much needed aid to young people involved in the child welfare system. The federal narrative in *H.R.* 7947 focused on provisions for older youth including:

- Increasing the allocation of Chafee funds by \$400 million, which includes \$50 million for Education and Training Vouchers (ETV) and no requirement for state matching.
- Expanding Chafee Program Eligibility and Flexibility by increasing the age of eligibility for ETV up to age 27.
- Making placement and support services available to youth ages 18-22 by prohibiting states from terminating placements and services due to age.
- Requiring states to provide reentry into foster care to youth who aged out between April 1, 2020 until September 30, 2021 up to age 22.
- Allowing states to draw down IV-E funds for youth until age 22 for the purpose of continuing services and providing re-entry.
- Allowing young people to retain IV-E eligibility even if they are unable to meet the school and work participation requirements for extended foster care and reentry.

In 2021, the OCA intends to be very involved with implementation of CAA policies and procedures. The OCA also plans to assist with the public education campaign to notify current and former youth in foster care about the services and supports available. The OCA will also be instrumental in providing support and oversight to these cases in Family Court.

N. Advisory Committee

In 2014, the OCA's statute was expanded upon and a *Child Advocate Advisory Committee* was added to the OCA's statute. Collaboration between the community and other agencies involved in the issues confronting children is critical in the continuation of successful advocacy. The purpose of the advisory committee is to provide support and advice to the Office of the Child Advocate. The advisory committee is comprised of nine (9) highly qualified experts in their field. Each of the members serve a five (5) year term on the committee. The members collaborate to review and assess patterns of treatment and services to children and families in the state, discuss policy implications, necessary systemic improvement and advise the Child Advocate on all aspects of child welfare with specific attention to the legal, medical and civil rights of children in state care. The five (5) year term for most advisory committee is concluded in 2019. The OCA is now exploring new appointments to ensure the advisory committee is complete with the nine (9) intended members. With the challenges from the pandemic we were unable to fill our vacancies and hold a meeting. This is a priority for 2021.

O. Boards & Committees

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

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

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

P. Project Victims Services

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

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

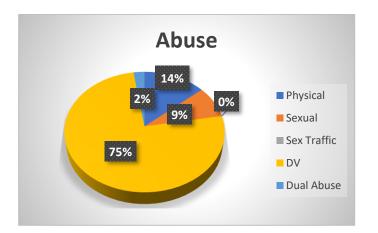
Each month the OCA receives a report from DCYF outlining children who have been a victim of reported physical or sexual abuse, or witnesses to domestic violence. The Case Management Coordinator, the Staff Attorney, and the Grants Manager research each case to determine if the child may be eligible for funds through the Victim Compensation Program. The OCA continues to educate social workers and attorneys regarding the Victim Compensation Program. As a result, the OCA has received additional referrals for children who may not have been accounted for in the report forwarded by DCYF. After researching the case, the OCA contacts the parent, guardian, relative, or the DCYF social caseworker to assist in completing the application and consents required. Once completed, the OCA sends the necessary information to the Rhode Island Office of the General Treasurer. These claims must be filed prior to the child's twenty-first (21st) birthday.

After our initial contact with each family, the OCA sends a follow up letter. We contact them a second time to provide an additional opportunity to review the information and contact our office. The OCA also

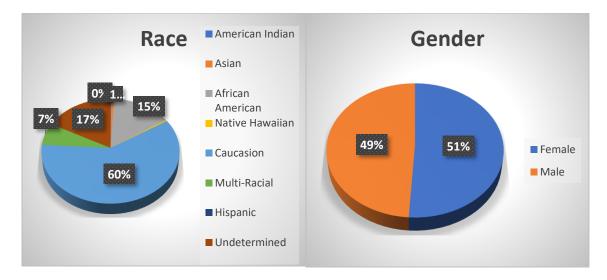
created a resource list outlining services that may benefit the child and their family. This list is provided with the follow-up letter.

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

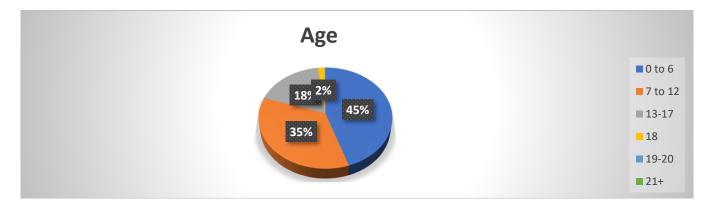
During 2020, the OCA has referred **158** *children* for physical abuse and **97** *children* for sexual abuse. Our office has referred **867** *children* for witnessing domestic violence. Our office tracks those who have been victims of more than one type of abuse. Generally, this always includes some form of physical abuse in addition to witnessing domestic violence or experiencing sexual abuse. During 2020, the OCA observed that there was a decrease in indicated findings of abuse and neglect, compared to the previous year. This decrease is reflected in the total number of referrals made in 2020.



The OCA has contacted and advocated for a diverse group of youth. The OCA has referred **565** males and **589** females to receive assistance through the Victim Compensation Program. Of the **1154** children referred, **171** children were African American, **691** children were Caucasian, **8** children were Asian, **2** children were Native Hawaiian, and **79** children were Multi-Racial. There were **199** children whose race remains undetermined. The OCA receives their information on each youth from DCYF. In some cases, information collected on the child such as race was incomplete or inaccurate. We are unable to verify or collect additional information until the family or social worker contacts our office. We will continue to work with the Department to ensure that our data is accurate and develop strategies for quality assurance.



The OCA makes referrals for ages *zero (0) to twenty (20)*. During 2020, the OCA has referred *2 (two)* individuals between nineteen (19) and twenty-one (21), *228 children* between the ages of thirteen (13) and eighteen (18), *407 children* between the ages of seven (7) and twelve (12) and *517 children* between the ages of zero (0) and six (6).



From January 1, 2020 through December 31, 2020, there were approximately **162** *infants* born with exposure to alcohol and/or drugs. Although these infants appear on the monthly VOCA lists, they do not meet criteria for compensation through the Victim Compensation Fund. This number may not accurately reflect the complete number of infants born with exposure to alcohol and/or drugs as the OCA has recognized inconsistency in how these calls are coded. In some cases, these calls have been coded as "physical abuse" which is why these calls are reflected on our report for potential VOCA claims. However, these calls have also been coded as "neglect", which could skew the data we have on this. We will continue to collaborate with the Department to ensure consistent reporting and accurate data. This data reflects the continued need to invest in community-based and preventative services to better support children and families who have been affected by substance abuse. This was outlined in detail in the Child Fatality Review Panel's Report released in December 2017. The report also specifies a change in federal law, which provide for specific protocols in tracking infants exposed to substances and criteria for detailed treatment plans. Additionally, the federal law provides for grant funding to assist with the funding for community-based services. Legislative and policy change still needs to be drafted and implemented to comply with federal law.

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

Although statutory changes no longer provide for claims to compensate for pain and suffering, the OCA continues to maintain accounts on behalf *four (4)* individuals, who previously received this award. The VOCA administrator continues to utilize various resources, including the Department of Motor Vehicle Records, former social caseworkers, and the assistance of the RI State Police, to locate these young adults. We were able to *disburse three (3) trust accounts* in 2020. Our office met with recipients virtually due to the pandemic. In our discussions, the recipients indicated that they would utilize these funds for debt, purchasing a home, and to create a savings account.

OCA Success Story: This family came to the attention of the Department when the police reported a domestic violence incident to the hotline. The two (2) children, ages nine (9) and fifteen (15) were home and present during the incident.

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

OCA Success Story: This youth came to the attention of the Department when they were eleven (11) years old. There were allegations of sexual abuse made by the youth. Due to this trauma, the youth required extensive services and a change in placement to a safe family member. The child's primary caregiver advocated for this child and was successful in maintaining a safe placement and applied for VOCA services.

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

Q. Workforce Development

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

ideas and strategies being implemented within child welfare. Some of the conferences and trainings attended by OCA staff include:

- Extended Child Forensic Interview Certification Course
- NACC Child Welfare Law Specialist Red Book Training
- Conducting Child Abuse Investigations
- Secondary Traumatic Stress: Recognizing and Responding to the Impact Workshop
- Changing the Culture: Bystander Intervention Virtual Workshop
- Race and Culture in Adoption and Foster Care Series Three Webinars
- Reflective Supervision: A Trauma-informed Approach to Supervising Advocates
- Advocacy Discussion: LGBTQ Foster Care and Adoption
- Following the Evidence in Child Abuse and Child Exploitation Training
- Youth Trauma and ACES
- Child Protector App- Guidance and Instruction
- Recognizing Children's Injuries Caused by Abuse
- Runaway Youth- What are they Running From
- Mechanics of Risk-Taking Assessment Tools
- Current Drug Trends
- Beyond the Obvious: Identifying & Investigating Asphyxiation Cases
- Offender Behavior
- APOD Training
- Abusive Head Trauma Training
- Child Abuse- The Know and Tell Program
- Presenting Evidence in Forensic Interviews
- Incorporating Trauma Informed Systems and Practices into Fatality Review
- Interviewing At-Risk Children: When Child Pornography Cases Have the Potential of Being Handson Offenses



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

R. Philanthropic Initiatives

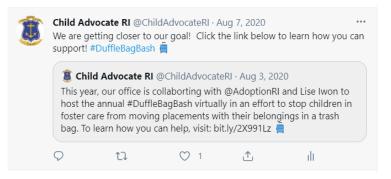
In fulfilling the role of our office, it is our mission to ensure that each child who finds themselves in the unfortunate circumstance of being removed from their family, is treated with both dignity and respect.

Oftentimes we are focused on large scale, systemic issues, however it is often the small details of daily life that have the greatest impact on the child. The OCA has started to engage in more philanthropy work to better the quality of life and enhance the experiences children in state care receive.

i. Duffle Bag Bash

In August 2020, the OCA, in collaboration with Adoption Rhode Island and Attorney Lise Iwon hosted the Fifth Annual Duffle Bag Bash virtually to collect monetary donations and gift cards to benefit children in state care. On a visit to one of our state's group homes, we witnessed the disturbing sight of a child being moved to his next placement with his belongings in trash bags. After discovering that this was a routine practice among kids in state care, we sought change. The children in our state deserve more dignified treatment than that. This inspired the event!

Due to the Covid-19 pandemic, the decision was made to hold the event virtually in an effort to keep staff, volunteers, and donors safe. Over 250 individuals and organizations donated to the virtual Duffle Bag Bash resulting in over \$29,000 raised. The funds were utilized to purchase backpacks, suitcases, and gift cards for children and youth in foster care. The OCA secured a donation of **thirty (30)** wheeled duffle bags from Samsonite which were shipped directly to DCYF. We look forward to continuing our relationship with Samsonite in 2021. We are thankful to each of our hardworking volunteers and generous supporters. Without you the success of our event would not be possible.



ii. Extracurricular Enrichment

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

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

In late 2019, the OCA notified DCYF regarding this new initiative. The information was circulated to all staff members at DCYF. Soon after, DCYF staff members started to contact the OCA on behalf of youth on their caseload. When receiving a call, the OCA reviews our database to determine whether we already have secured a spot for the desired activity. If not, the OCA will contact various organizations to secure a spot for the child in the desired activity.

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

Despite the work performed to organize this program in 2019, these efforts were halted due to the unprecedented COVD-19 pandemic. Many of the organizations we had connected with, were unable to continue their programming throughout 2020. However, the OCA fully intends to reinitiate the work of this program and are hopeful we will have as much success as we initially did in 2019.



iii. Recipe for Success

As discussed in the Voluntary Extension of Care section of this report, young adults entering the VEC program expressed barriers in accessing basic supplies needed to maintain and live comfortably in their apartments such as cleaning supplies, dishes and cooking utensils. In 2019, the OCA drafted a proposal to initiate the "Recipe for Success" program. The OCA's proposal was approved by the Rhode Island Public Safety Grant Administration Office in August 2019, to provide *sixty-five (65)* VEC participants with apartment starter kits. The OCA finished developing the kits at the end of September 2019, which includes household items such as a laundry basket, dishes, silverware, pots and pans, cooking utensils, dish towels, dustpan and broom, toilet paper and paper towels.



Child Advocate RI @ChildAdvocateRI · May 1, 2020 Young people participating in the Voluntary Extension of Care (VEC) Program in R.I. can contact our office for free delivery of a Recipe for Success kit! ...



Between January 1, 2020 and December 31, 2020, the OCA delivered **twenty-six (26)** kits to young people. When delivering the starter kits, our office takes time to speak with the young adult to determine if they need assistance with finding a job, training program, GED program, or any additional items for their apartment. Additionally, the OCA has utilized gift cards procured from our annual fundraiser, the Duffle Bag Bash, to assist with clothing, groceries, or to cover the cost to obtain a copy of essential documents such as a birth certificate or social security card. We have seen great success with this initiative and plan to continue disseminating these starter kits throughout 2021.

iv. Quilt Donations

In October 2020, the OCA received a generous donation of **twenty-five (25)** handmade quilts from the Caring and Sharing Group at RYCO Creative Sewing Center. The quilts were distributed to young people in out-of-home placement. We thanked the group for their donation on Twitter and look forward to expanding our partnership in 2021.



Goals and Recommendations of the Office of the Child Advocate

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

- 1. The OCA is committed to collaborating with DCYF to develop a high-end residential program in state for girls coping with significant mental health issue or who have been identified as a victim of sex trafficking. This vulnerable population of youth are continuously sent to programs out of state or have been held at the Rhode Island Training School for their safety. Keeping these youth in their community, close to family and support systems while receiving treatment, is vital for the youth's success. The OCA is committed to making this treatment facility a reality in Rhode Island and at every opportunity, the OCA advocates for this critical need. The OCA continues to search for and visit buildings that may fit the use for this facility.
- The OCA will continue to advocate for an appropriate service array for children in the State of Rhode Island. Ensuring that there are appropriate services available will prevent the continued issue of youth languishing in inappropriate placements or settings and will ensure timely access to community based services.
- 3. The OCA is committed to improving educational outcomes for children in state care. Our team will continue to closely monitor access to education for youth who are awaiting placement in a hospital setting. The OCA will also complete an in-depth review of systems issues contributing to poor educational outcomes for children in care. The OCA will also provide legal advocacy on behalf of youth in state care who are experiencing issues with timely access to education or are in need of additional supports and services to assist with academic achievement. The OCA is seeking to expand our involvement with educational advocacy for youth in state care.
- 4. The OCA will continue to work with municipalities to leverage as many federal voucher opportunities or programs as possible to create more units for young adults or families in the child welfare system.
- 5. The OCA will request a status update for all child death review reports and recommendations, identify barriers and work collaboratively with DCYF towards solutions to ensure that the recommendations are implemented.
- 6. The OCA will be completing an in-depth review of DCYF's referral practices and procedures. The OCA will continue to closely monitor the referral process to ensure that placements are timely and appropriate. This has been an ongoing systemic issue. Pursuant to our statutory authority, the OCA fully intends to issue a report with findings and recommendations at the conclusion of our review.

- 7. The OCA will continue to focus on providing children in DCYF care with opportunities to establish a sense of normalcy. In carrying out this goal, the OCA will continue to be innovative in finding resources for children to participate in extracurricular activities and to obtain necessary materials and equipment. The OCA will seek additional grant funding and other resources to further the philanthropy work being performed by the office.
- 8. The OCA will expand our public education initiative and outreach regarding a variety of topics, including the role and responsibilities of the OCA, education about the VEC program, and emphasis on the importance of calling the DCYF Hotline when concerns about children arise. The OCA will provide digital resources in follow-up to presentations.
- 9. The OCA will continue to expand our social media presence, specifically on Twitter. The OCA will continue to share resources and information through social media benefitting children, families, and child welfare professionals. The OCA will develop and distribute additional written resources to provide to children in state care and community professionals.
- 10. The OCA will appoint new Advisory Committee members for their five (5) year term and work with the committee to establish goals and objectives for the year.
- 11. The OCA will introduce legislation as appropriate, continue tracking state and federal legislation, and will advocate at all levels for the best interest of children for policy change and practice implementation.
- 12. The OCA remains focused on improving the Voluntary Extension of Care program to ensure that youth are receiving adequate support, guidance and resources.
- 13. The OCA will work with DCYF and Rhode Island Family Court to carry out a thorough implementation of the Supporting Foster Youth and Families Throughout the Pandemic Act, involve youth with lived experience in the process as appropriate, and ensure that federal funds are utilized to the fullest extent prior to the funding use deadline of September 30, 2021.
- 14. The OCA will work with DCYF and community providers to create pathways for youth and young adults in the care of the state to obtain their learner's permit, driver's license, car insurance, and in some cases, a vehicle.