Office of the Child Advocate Annual Report 2023



State of Rhode Island
Office of the Child Advocate
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Introduction

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

The OCA is an independent, autonomous state agency charged with the responsibility to provide oversight to the Department of Children, Youth and Families (DCYF). 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 DCYF 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 DCYF is operating within the best practices of child welfare and to inform whether systemic change is necessary. The OCA provides oversight to all 600+ 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 DCYF. 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 DCYF, legal intervention, independent investigations, monitoring the Child Protective Services (CPS) call log, inquiries, legislative advocacy, policy review and reform, the review of child fatalities and near fatalities, and more. The OCA was also named the Federal Monitor to the Children's Rights Lawsuit.

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

hatelyn Medeiros 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 the OCA 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 require assistance 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 OCA'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 DCYF. The mandates of the OCA 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; and
- (13) To apply for and accepts grants.

Staff

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

Child Advocate

Katelyn Medeiros, Esquire

Ms. Medeiros started her career with the Office of the Child Advocate in May 2014 as a Staff Attorney III. In February 2017, Ms. Medeiros was promoted to serve as the Assistant Child Advocate. In July 2022, Ms. Medeiros was appointed to serve as the Acting Child Advocate. In May 2024, Ms. Medeiros was appointed by Governor Daniel J. McKee as the Child Advocate for a five-year term. 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. She was a member of Roger Williams School of the Law Honors Program, Public Interest Law Program and served as a Research Assistant. While participating in the Public Interest Law Program, Ms. Medeiros worked for the OCA as a Rule 9 intern from 2012-2013. 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 serves as a member of several committees including but not limited to, the OCA Child Fatality Review Panel, OCA Advisory Committee, Children's Cabinet, the Special Legislative Study Commission on Mandated Safety Protocols for Rhode Island Schools, and RI Trauma Informed Schools Commission. Prior to working for the OCA, Ms. Medeiros worked in private practice.

Staff Attorney IV

Diana Robbins, Esquire

Ms. Robbins joined the OCA Staff in May 2017 as the Staff Attorney IV. She received her Bachelor of Arts & Sciences Degree in Political Science from the University of Massachusetts at Dartmouth. Ms. Robbins graduated 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 held management positions 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.

Staff Attorney III

Anna K. Sheil, Esquire

Anna joined the OCA in January 2023 as the Staff Attorney III. She graduated from the University of Rhode Island in 2015 with a Bachelor's Degree in Human Development and Family Studies. Ms. Sheil pursued her Juris Doctorate at New England Law | Boston and graduated in 2019. She was a member of the New England Law | Boston Law Review. In addition, Ms. Sheil worked for the OCA during both undergrad and law school as an intern. She was admitted to the Rhode Island Bar and Massachusetts Bar in 2019. Prior to joining the OCA, Ms. Sheil worked in private practice.

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 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 2007-2013, 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 (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, Member of the CSEC Task Force, Former Executive Board Member of the RI Chapter of the American Foundation for Suicide Prevention (AFSP) and Former Legislative Field Advocate for AFSP.

Senior Planning and Program Development Specialist Jacqueline Lafontant

Jacqueline Lafontant 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 RITS from 2007-2017. 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. His primary responsibility was to oversee the relationship with Tides Family Services and the 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, and the Rhode Island Human Trafficking Task Force. 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 earned 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 DCYF, adoption and permanency, youth involved in the juvenile justice system, youth referred to Rhode Island Family Court, youth at the RITS, 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 and the passage of legislation in 2021 to decrease the age to age 18. In 2022, Ms. Foley received an Angel in Adoption Award from Congressman Cicilline. 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 ten years has volunteered as a guest speaker at foster/adoptive parent licensing trainings.

Education Coordinator Peter Capalbo, JD

Peter Capalbo is the Education Coordinator. He earned a Bachelor's Degree in History from Bridgewater State University and Bachelor's and Master's Degrees in English from Rhode Island College. In 2023, Peter earned a Juris Doctor degree from the University of Massachusetts's School of Law. He received a Public Interest Law Fellowship while studying there. Peter is certified as a secondary English teacher by the Rhode Island Department of Education. Before joining the OCA in 2023, Peter worked for Tides Family Services for almost 20 years. During his time there, he worked as a teacher, senior administrator, and educational advocate.

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.

Oversight

A. Child Protective Services (CPS)

a. CPS Log and Screen Outs

The OCA has the authority to access DCYF's database, Rhode Island Children's Information System (RICHIST), which contains the file for every family involved with DCYF including records, data, and reports. With this access, the OCA reviews the Child Protective Services (CPS) call log daily. The call log includes every call made to the DCYF Child Abuse and Neglect hotline. There can be several responses when a call is made to the hotline. The outcomes include an investigation, a prevention response, or a screen out. A prevention response is initiated when allegations may not rise to the level of an investigation, however, the family or child may require additional supports and services, which are voluntary. DCYF outreaches to the family to offer these supports and services. A Screen Out indicates that the allegations made did not rise to the level of an investigation nor did they prompt a prevention response. OCA staff provides heightened oversight to Screen Outs and Prevention Responses by CPS to ensure that the call does not warrant further intervention.

The OCA conducts an independent review of the report to the hotline and any additional case information. If the OCA determines investigative actions are required to ensure the safety of children, the OCA will request that the allegations made to the hotline be investigated. During 2023, the OCA recommended DCYF conduct investigations following our independent review, and although DCYF did not follow through on our recommendations in every situation, there was additional follow up with the family/child either by DCYF or the OCA. The OCA has and will continue to work collaboratively with CPS to ensure the safety and well-being of children.

B. Congregate Care/Institutions/Placements

a. Investigations and Institutional Abuse

Pursuant to the OCA's statutory mandate, the OCA has the right to investigate any claim of institutional abuse or neglect. The OCA utilizes a combination of the CPS call 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 categorized as Screen Outs are immediately reviewed to determine whether the allegations warrant any further investigation. If so, the OCA staff will follow up with DCYF to provide them with an opportunity to complete their own investigation. However, should DCYF fail to review the allegations, the OCA staff completes their own independent investigation of the allegations.

For allegations of institutional abuse, in which DCYF conducts an investigation, OCA staff tracks the investigation for timely completion. Upon completion, the investigation is reviewed for thoroughness, 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.

When the OCA completes an independent investigation, 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 Rhode Island Family Court.

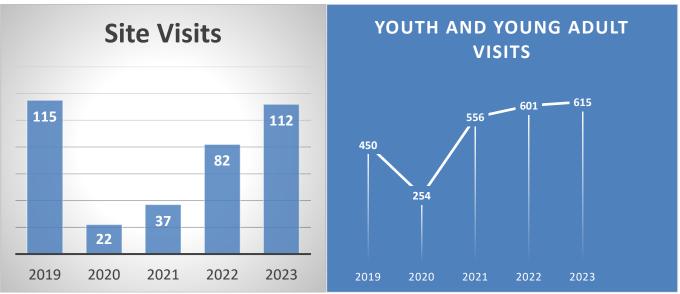
In 2023, the OCA observed a pattern regarding St. Mary's Home for Children (St. Mary's) and the increased number of calls to the hotline regarding the facility. In April 2023, the OCA investigative team initiated an eight (8) month investigation concluding with a 119-page report with detailed findings and *sixty-five* (65) recommendations for St. Mary's and DCYF. The goal of this report to ensure the health, safety, and well-being of all youth and young adults residing at St. Mary's. As a result of this investigation, corrective action is underway by both St. Mary's and DCYF. The OCA will continue to monitor the implementation of all recommendations by both agencies.

The St. Mary's Report can be found <u>here</u>.

b. Facilities Reviews

The OCA is tasked with providing oversight to all facilities licensed by DCYF to provide residential services to youth and young adults. This includes but is not limited to independent living sites, community-based group homes, in-state and out-of-state high-end residential treatment facilities, and the Rhode Island Training School (RITS). OCA staff monitor these facilities by conducting periodic site reviews of these placements, which includes a visual inspection, reviewing requested documentation, assessing the quality of the facility, and meeting with administration, staff, and youth placed at the facility. The OCA advocates for youth by ensuring that the facility complies with state regulation and by following up on any of the concerns they have regarding the facility. Upon completion, the OCA provides a comprehensive report with recommendations for corrective action, if applicable. If corrective action is necessary, 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 Rhode Island Family Court.

In addition to periodic site reviews, the OCA conducts routine drop in visits to facilities. 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 continues to build a rapport with these youth to provide them with the information to contact our office and ensure they feel comfortable contacting our office when they have any issue or concern. In 2023, the OCA staff completed visits to 112 various residential facilities and met with more than 615 youth and young adults at their placement, the RITS, Rhode Island Family Court, and meetings to follow up on specific issues and to advocate for their best interest. Following a drop in, if there are any issues or concerns noted, the OCA may initiate a full site review in order to fully assess the facility.



*These charts include a five-year lookback at the number of site visits conducted and number of visits with youth and young adults.

c. Fatalities and Near Fatalities

The OCA is tasked with the responsibility of reviewing any child fatality or near fatality where the child was "...in the custody of, or involved with, the [Department of Children, Youth and Families], or if the child's family previously received services from the [Department of Children, Youth and Families]." See R.I.G.L. § 42-73-2.3. The OCA may also complete a review of a fatality or near fatality when "[a] sibling, household member, or day care provider has been the subject of a child abuse and neglect investigation within the previous twelve (12) months..." See R.I.G.L. § 42-73-2.3. Furthermore, the OCA shall review any child fatality or near fatality, "...alleged to be from abuse or neglect of the child". See R.I.G.L. § 42-73-2.3. The expectations of this office subsequent to notification of a child fatality or near fatality were delineated and expanded upon in the 2016 legislative session. This was codified in Rhode Island General Laws § 42-73-2.3 and Rhode Island General Laws § 42-73-6.

Our office attends Critical Event Reviews (CER), which are conducted by DCYF when a fatality, near fatality, or serious situation involving children warrants a further review. In 2023, the OCA was invited to and participated in all critical event reviews. During these reviews, staff members involved with the case, DCYF Administrators and OCA staff meet to review the facts of the case and other pertinent information. At the conclusion of the review, a final report is generated by DCYF outlining their findings and recommendations regarding the case, policies, gaps in resources and other recommendations determined to be necessary after reviewing the case. Each critical event is also reviewed internally at the OCA to determine whether the case meets the statutory requirement for review by the Child Fatality Review Panel.

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

Pursuant to R.I.G.L. § 42-73-6, the OCA's annual report is to include "...non-identifying child-fatality and near-fatality information and recommendations." In 2023, the OCA announced the convening of two (2)

Child Fatality Review Panels to review child fatalities and near fatalities occurring from 2019-2023 The convening of the Child Fatality Review Panel was announced by Press Release on April 12, 2023. The first panel will review a total of *nineteen (19) cases, four (4) fatalities and fifteen (15) near fatalities,* and the second panel will review *thirty-three (33) fatalities and twenty-one (21) near fatalities*. The OCA is actively working with the first panel to review the circumstances of each fatality and near fatality in order to finalize a report with the panel's findings. The second panel will convene in the Fall of 2024.

Additionally, the OCA is a member of the Rhode Island Child Death Review Team (CDRT). This multi-disciplinary team was established in 1997 and under the direction of the Rhode Island Medical Examiner's Office and the Rhode Island Department of Health. The CDRT conducts monthly meetings to review the deaths of all Rhode Island children and youth, birth to age 17, to identify ways in which similar deaths may be prevented.

C. Placement and Community Based Services

a. Referral Process/Procedure

Throughout 2023, the OCA continued to receive 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 that 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, untimely referrals, and inappropriate referrals. 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 should move to a less restrictive setting. Furthermore, maintaining a child in an inappropriate placement prevents the child from receiving the clinical treatment, education, community connection required to be successful, and is a clear violation of the Children's Bill of Rights.

This prompted an in-depth review of DCYF's referral practices and procedures. As of September 2020, the OCA requested to be notified of all placement referrals for any youth requiring congregate care. To date, the OCA continues to monitor placement referrals and in many instances, have intervened legally to advocate for a placement that will ensure children are placed in the least restrictive setting that can address all clinical treatment, keep youth safe, and work effectively with a team to ensure the child's best interests are being met. The OCA has also vocalized concerns regarding the placement practices at DCYF and have advocated for changes in practice through procedural change and recommendations provided in our latest investigation. 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.

Reviews of these cases have led to increased legal advocacy and 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. Additionally, the OCA zealously advocated in Rhode Island Family Court for DCYF to create the programs in Rhode Island that are crucial for the success of our youth and young adults. This will prevent DCYF from making referrals to treatment programs outside of Rhode Island. When youth and young adults are sent far away to engage in services that can be provided in Rhode Island, DCYF is removing them from their family, their school, and their community.

b. Comprehensive Service Array

R.I.G.L § 42-72-5 outlines the responsibilities of DCYF, including being solely responsible for creating a comprehensive service array for the youth and young adults involved with the child welfare system.

Throughout 2023, the OCA continued to advocate for specialized services crucial to the success of DCYF youth and young adults in out-of-home placement. Additionally, the OCA continued advocacy for adequate inhome and community-based services to assist with reunification and prevent removal of children from their home.

Rhode Island has committed community support provider agencies with the specialized training and knowledge to meet the needs of the youth and young adults involved with DCYF in Rhode Island. These services need to be expanded to meet all permanency goals, including maintenance in the home, reunification, guardianship, adoption, and alternative permanent planned living arrangement. Each youth or young adult requires an individual service plan, depending on their permanency plan goal and unique needs. Appropriate services need to be available and accessible to all youth, young adults, and families.

During 2022, the OCA continued to bring attention to the inequitable care provided to girls in Rhode Island. During the 2022 legislative session, the OCA advocated at length for money to be allocated in the budget for the development of a high-end residential program for girls coping with significant mental health issues and trauma, and/or who have been identified as a victim of sex trafficking. The FY 2023 budget included \$12 million in American Rescue Plan Act funding to expand capacity in-state at private facilities and design a brand-new residential treatment facility to support girls with complex behavioral health needs. Additionally, \$45 million in Rhode Island Capital Plan funding was allocated over three fiscal years to build a new facility to meet the needs of female youth in Rhode Island. Throughout 2023, our office was involved in planning meetings for the facility with the architect, project manager, DCAMM, DCYF and the Rhode Island Family Court. We continue to monitor the process, expressing the need to need for expediency and advocating for a facility that will meet the needs of our girls here in state. However, we remain mindful that this is only one component of the continuum of care that is needed to support our children and youth.

Our child welfare system would benefit from programming developed for our youth and young adults who have a functional developmental disability and programming to meet the extensive needs of children under the age of twelve (12). Additionally, services for youth with a substance use disorder, youth with co-occurring disorders, teen parents, and youth identifying as LGTBQ+ are critical for Rhode Island's service array. These populations would greatly benefit from specialized community-based services, congregate facilities, and therapeutic foster homes who have the adequate training to work with youth and young adults with complex and specialized needs.

During our budget testimony in the 2023 legislative session, we advocated for a robust continuum of services and placements to meet the needs of our youth, from community-based services, a diverse pool of foster families, and all levels of congregate care. We will continue to advocate for a comprehensive needs assessment to identify the need for all of our youth and families involved with DCYF.

c. Review, Evaluate, Decide (RED) Team

In 2023, OCA staff attended *eleven (11)*. RED Team meetings facilitated by DCYF. DCYF's RED Team brought together DCYF workers, supervisors, and administrators, and community provider staff to review placements of more than two unrelated children in a foster family and any placement where the total number of minor children would exceed five (5). RED Team meetings were convened on a weekly basis reviewing placements after a child had already been placed. This was a challenging process because any disagreement with the placement decision may have resulted in another disruption to the youth if the Team determines the child should go to a different placement.

Over the course of attending these meetings, the OCA consistently expressed concerns with the process

and the ongoing patterns observed with placing more than five (5) children together. On June 16, 2023, the OCA sent a letter to DCYF Director Deckert outlining our ongoing concerns. Since August 2023, RED team meetings ceased and there has been no notice from DCYF on the status of these meetings.

D. Inquiries

In accordance with our 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 DCYF. 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, Rhode Island Family Court Judges, parents, foster parents, and even DCYF staff.

Each call is processed or handled differently. The responses may include providing information, initiating independent investigations, conducting site reviews, authoring reports, referring to other agencies, or engaging in legal intervention. Additionally, the OCA receives inquiries regarding youth in need of services who are not yet involved with DCYF. The OCA refers the callers to appropriate agencies to seek support and services or assist the caller in reengaging with DCYF. In some cases, the OCA can provide assistance on behalf of children in need of DCYF services when the families have been unsuccessful at navigating the system. When appropriate, OCA staff members intervene on behalf of youth requiring DCYF services, either through direct interaction with DCYF or through the Rhode Island Family Court.

Between January 1, 2023 and December 31, 2023, the OCA resolved a total of **723 inquiries**. The OCA continues to receive an influx of calls. We attribute this to the ongoing public education effectuated by our staff regarding the role of the OCA. This has been provided to various agencies, police departments, school social workers, attorneys, and school departments. Furthermore, the OCA experiences an increase in calls following the release of public reports and legislative testimony.

Inquiries are assigned to OCA staff members based upon their area of expertise. For instance, if the matter is a legal issue, it will be assigned to an attorney. Inquiries may lead to necessary legal intervention on behalf of a child in state care. Judges frequently refer cases to our office that require immediate attention and closer scrutiny. When referred, 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 to intervene pursuant to our statutory authority.

In analyzing the calls received by the OCA in 2023, we recognized several trends in the issues relayed. First, the OCA continues to receive calls from local hospitals regarding children who have been languishing in a hospital setting far longer than is recommended. Doctors, social workers, and staff of the hospital will contact the OCA when they have exhausted all other avenues of discharging the youth appropriately. The continued cause for this issue is Rhode Island's lack of appropriate service array to meet the needs of the youth in state care, untimely referrals, and inappropriate referrals. Youth awaiting placement in a hospital setting is a clear violation of the Children have the right to be in the least restrictive placement that meets their needs. When receiving these calls, the OCA will reach out to all parties on the case including CASA, DCYF, and other relevant service providers to determine the needs of the child and advocate for expedited and appropriate referrals to ensure the child is moved to an appropriate placement. Throughout the past year, this has often resulted in legal intervention.



*This bar graph is a five-year look back on the OCA's inquiries.

E. Reviewing Policies and Procedures

R.I.G.L. § 42-73-7(2) requires that the OCA review the procedures established by DCYF, which carry out their duties under R.I.G.L § 42-72. Throughout 2023, the OCA reviewed many Department Operating Procedures (DOP) that were updated by the new DCYF Director and the administrative team. In many cases, the OCA does not have the opportunity to review DOPs before they are finalized.

Historically, when DCYF updated a policy, there would be an opportunity for public comment. DCYF now utilizes department operating procedures or DOPs, which DCYF can amend unilaterally and without response from the OCA or the public. The OCA has requested with prior administrations, as well as the current administration, for the opportunity to review DOPs prior to being finalized, to provide feedback. DCYF has noted that it would be challenging to accommodate this request, as they are under tight timelines to provide finalized DOPs in their pursuit of accreditation through the Counsel on Accreditation.

Currently, the OCA does not receive any notice when DOPs are updated and the new system on the DCYF website does not allow the public to search for DOPs. The OCA is actively working with DCYF to come up with a procedure that works for both agencies and allows the OCA to fulfill their mandate under the above referenced statute. In 2023, the OCA provided detailed feedback on *three (3)* DOPs. First, the OCA provided feedback on DCYF's Public Disclosure DOP and subsequently met with DCYF to discuss. Ultimately, these major changes were put on hold due to the vast differences between the OCA and DCYF's fatality and near fatality statutes. Second, the OCA provided feedback on DCYF's Placement Referral DOP. Subsequently, DCYF finalized their DOP, deciding which of our recommendations to incorporate and finalized the DOP. The OCA continues to have ongoing concerns with this DOP, but more importantly the way the DOP works in practice.

Additionally, the OCA reviewed DCYF's DOP on Children's Behavioral Health Coordination and provided feedback on March 2, 2023. The OCA strongly recommended that this DOP be completely revised to address the concerns identified by the OCA. While DCYF did immediately implement one of our recommendations regarding monthly face-to-face visits, the DOP remains the same to-date. The OCA has followed up six (6) times to receive a draft of this revised DOP.

Lastly, the OCA met with DCYF in November 2023 regarding the Voluntary Extension of Care (VEC) program. DCYF informed the OCA that they would be working on revising this DOP and that the OCA would be given the opportunity to review it prior to finalizing it. The OCA continues to be in contact with DCYF regarding VEC and updating this DOP.

The OCA will continue to review DOPs as mandated by our statute and provide feedback to DCYF.

Advocacy

A. Legal Advocacy

a. Guardian ad Litem

R.I.G.L § 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 R.I.G.L § 14-1-11.1, DCYF shall petition Rhode Island 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. R.I.G.L § 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 retain 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. For each court date, an OCA attorney provides an updated letter to the Rhode Island 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 Rhode Island Family Court. As of December 31, 2023, the OCA represented *twenty (20)* youth and young adults between the ages of *thirteen (13)* and *twenty (20)*. *Two (2)* of our clients were placed in an out-of-state residential facility. In 2023, there were *three (3)* petitions filed in response to a voluntary placement agreement. In 2022, there were *two (2)* voluntary placements agreements accepted

by DCYF. Miscellaneous Petitions for those youth were filed in 2023. *One (1)* remains open in 2024 and *one (1)* was determined to fit the criteria of a Dependency Petition. This youth will be represented by the Court Appointed Special Advocates (CASA) office, or a private guardian ad litem appointed by the Rhode Island Family Court. The OCA begins tracking these matters when a voluntary is accepted to ensure timely filing of their Miscellaneous Petition. Once this petition is filed, the OCA begins their involvement by connecting with the treatment team, education team, family, and the youth. The OCA will be appointed as Guardian *ad litem* when the petition is accepted by the Rhode Island Family Court.

Pursuant to R.I.G.L. § 42-72-5(b)(24)(v), these youth have been found by the Rhode Island 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 Rhode Island Family Court retains jurisdiction over their cases until they reach the age of twenty-one (21). Once the Rhode Island Family Court makes this determination, the OCA works collaboratively with DCYF and the Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals (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 Court with a transition plan for individuals under the purview of the Rhode Island Family Court pursuant to R.I.G.L. § 42-72-5(b)(24)(v). This transition plan shall clearly outline 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 Rhode Island Family Court twelve (12) months prior to the youth's discharge from the Rhode Island 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 throughout eligibility, planning, and finalization of transition plans for individuals as they approach age twenty-one (21). The OCA often requests that the Rhode Island Family Court order BHDDH to not just provide a transition plan but to be present in 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 through BHDDH. The OCA continues to discuss this issue internally, with DCYF, and BHDDH to come up with solutions to this problem.

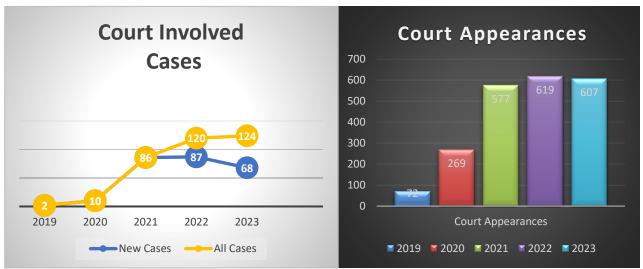
During 2023, *eight (8)* youth or young adults closed to our office. DCYF filed a Dependency Petition on *two (2) youth* to provide an increased amount of support as their plans changed. *Six (6)* young adults turned twenty-one (21) during 2023. They closed to our office because they reached age 21. *Five (5)* young adults were to transition to adult group homes through BHDDH. *One (1)* young adult transitioned into their own apartment with the support of their family.

DCYF continues to utilize Residential Treatment Agreements in lieu of Voluntary Placement Agreements. Residential Treatment Agreements allow a family to sign an agreement with DCYF to fund a residential treatment facility for their child, however, the family retains all responsibility to navigate the different systems involved with the support of a Family Navigator. This differs from Voluntary Placement Agreements because families are not assigned a social caseworker from the Family Services Unit who ensures appropriate treatment, attends regular meetings, is responsible for applying for BHDDH, SSI, and making necessary referrals. This level of support can be crucial for a family unfamiliar with these complicated systems. The OCA continues to request the updated Department Operating Procedure that outlines the role of DCYF when families sign a Residential Treatment Agreement. The OCA continues to express concerns with the lack of oversight and support for the child when a family opts to sign this agreement in lieu of a Voluntary Placement Agreement.

b. Court Appointed Cases

Pursuant to the statutory authority of the OCA, the Rhode Island Family Court can appoint the OCA to any child involved with DCYF. The OCA will enter into the case to represent the best interests of the child who is in the care and custody of the DCYF. In 2023, the OCA was appointed by the Rhode Island Family Court to *sixty-eight (68) new cases.* We continued involvement in *124 cases* that opened in previous years. These cases presented crucial issues facing DCYF youth and young adults in care, including issues regarding education, placement, transition out of foster care, mental health services, jurisdiction, and children who absconded from placement. Once appointed, the OCA collects all records and attends all meetings and court hearings for these youth and young adults. In 2023, the OCA attended *six hundred and seven cases (607)* in Rhode Island Family Court. The OCA welcomed the opportunity to be involved in the matters and provide zealous legal advocacy.

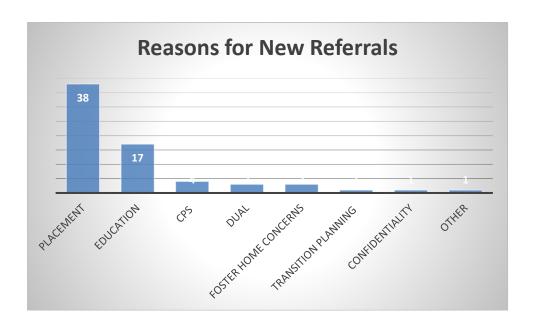
In 2023, the OCA was involved in an appeal to the Rhode Island Supreme Court for *two (2) cases* involving the lack of placements and failure of DCYF to develop or identify appropriate placements, allowing youth to languish in hospitals for months at a time. The OCA submitted full response briefs for both cases and argued both matters at the Rhode Island Supreme Court in October 2023.



*This data includes a five-year lookback for our Court Involved Cases and our Court Appearances.

During 2023, the OCA continued to receive an increase in court-referred cases, while also closing matters efficiently, due to assisting in a resolution to the issue identified. The major recurring issue in these cases is that there are not adequate placements for our youth and young adults requiring a residential treatment level of care. This is due to a depleted service array, terminated contracts over the years, lack of advancement of our community support services, and an inadequate hourly rate for staff.

Additionally, DCYF has not been creating and developing new programs and residential facilities to meet the needs of our in-state youth and young adults. While the COVID-19 pandemic shined a spotlight on these glaring issues and exacerbated the staffing crisis, DCYF is mandated to meet complex needs of all youth and young adults in care. The OCA is participating in matters at the Rhode Island Supreme Court due to the ongoing placement issues. The OCA will continue to advocate in court and before the General Assembly to ensure DCYF meets their obligations under Rhode Island General Law to maintain a diverse and comprehensive service array, including appropriate placements and services.



c. Voluntary Extension of Care

In July 2018, the Voluntary Extension of Care (VEC) program was passed by the General Assembly, which requires DCYF to provide services and supports to young adults from age eighteen (18) to age twenty- one (21). This legislation took effect July 1, 2018. DCYF established the Youth Development Services (YDS) Unit which currently includes two (2) units each with a supervisor and four (4) social workers.

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 CASA attorney to sign into the VEC program. The 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 Rhode Island Family Court. DCYF filed the first VEC petition on December 19, 2018. The Rhode Island Family Court heard the first petition on January 8, 2019.

During 2023, the Rhode Island Family Court approved *sixty-one (61)* young adults for entry into the VEC program. At the initial VEC hearing, the Rhode Island 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 Rhode Island Family Court appoints CASA to represent the young adult. Once appointed, the CASA attorney will attend all court hearings, communicate with the YDS worker about their clients' progress, and advocate for what is in their client's best interest.

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 2023, the OCA was appointed to represent *one* (1) young adult as their guardian *ad litem*. *Three* (3) young adults closed to our office in 2023, as they turned twenty-one and were no longer eligible to receive assistance through the VEC program. *One* (1) young adult was continuing as a full-time student, working part-time, and living in their own apartment. *One* (1) young adult continued in a medical certification course through Lifespan, working as a manager part-time, and living in their own apartment. *One* (1) young adult was continuing to struggle with their mental health upon closing, however, was utilizing their natural supports

for assistance.

The Rhode Island Family Court hears VEC petitions about one to two times per month. The OCA attended **two hundred and forty-seven (247)** court hearings to observe the progress of each case, identify systemic issues and provide additional assistance, when appropriate. During 2023, of the hearings the OCA attended **one hundred and twenty-four (124)** young adults attended court hearings either by phone or by video.

OCA Success Story: The OCA worked with a young adult in the VEC program during 2023. When they opened to VEC in 2021, they were living with family, enrolled at the Community College of Rhode Island (CCRI), and working a part-time job. They were smart and determined, and benefitted from their natural supports who strongly supported them and their goals. During their time in VEC, they moved into their own apartment, completed their associate degree from CCRI, and enrolled at a four-year college to pursue their bachelor's degree—all while maintaining part-time employment. They took advantage of everything the VEC program had to offer and were stable when closing to DCYF.

d. Monitor to the Children's Rights Lawsuit

The OCA was named the Federal Monitor for the Children's Rights Lawsuit Settlement Agreement. The Settlement Agreement outlines specific thresholds that are required to be met by DCYF to exit each respective benchmark. 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 from DCYF 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.

During 2023, the Monitoring Team analyzed benchmark data and produced *two (2)* reports and *one (1)* amendment report for Reporting Periods 9 and 10. The Monitoring Team provided all reports to all parties and posted all reports on the <u>OCA website</u> in compliance with our role as outlined in the Settlement Agreement.

The OCA will continue to work closely with the Data Validator to author more reports in compliance with our role as outlined in the Settlement Agreement and provide updates to the General Assembly.

e. 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 known 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."

The OCA is notified when DCYF files Motions for Authorization with the Rhode Island Family Court pursuant to R.I.G.L. § 14-1-34(c). Motions for Authorization are primarily for foster homes who are 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 are filed to request that the foster child remain in their current placement and discuss what mitigation steps are necessary to ensure the safety of the children. For example, the installation of smoke detectors or routine lead testing.

Between January 1, 2023 and December 31, 2023, DCYF filed foster care motions to address lead and fire safety inspection issues. The OCA was present at *twenty-six (26)* foster care motion hearings in 2023. At the time of the hearings, some of the lead and fire safety inspections had resolved. All motions were granted.

B. 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.

During the 2023 legislative session, the OCA participated in various advocacy efforts and testified in support of FY 2025 OCA and DCYF agency budgets, and various pieces of legislation before the General Assembly. Some of the issues the OCA provided testimony for include but are not limited to increasing the cap of full-time equivalent positions for the OCA, comprehensive funding for DCYF's budget, scholarships for students in foster care, caseload limits for DCYF workers, adding prescriptive language for a comprehensive needs assessment across the children's behavioral health, child welfare, and juvenile justice systems, and a tuition waiver program for students in foster care. The OCA also provided testimony before the House Oversight Committee on the OCA's operations, programs, and services.



C. Educational Advocacy

In 2023, the OCA advocated for additional FY 2024 funds to upgrade our 10th FTE to function as an educational advocate, dedicated specifically to the improvement of educational outcomes for children in DCYF care. We are truly thankful for the support of the House and Senate Finance Committees with this request. We hired an Education Coordinator in October 2023, and this has already proven to be a vital asset to our team. The OCA, as the oversight agency to DCYF, is in a unique position to take a holistic approach to the educational advocacy of children in state care by considering their trauma history, clinical needs, familial involvement, and their placement history. The addition of this staff member has provided the OCA with the opportunity to expand our advocacy for youth experiencing barriers with their education. We have received positive feedback from schools, DCYF front line workers, the Rhode Island Family Court, and providers, regarding the support our office has been able to provide to youth in need. In the short time this position was filled in 2023, the Education Coordinator intervened in twenty-one (21) cases, advocating to ensure the educational needs of a child are met. Additionally, this employee has initiated a comprehensive review to evaluate systemic issues impacting educational outcomes for children in care. The OCA has started to convene with other community partners to develop recommendations for legislative and policy change that will promote streamlined inter-agency collaboration necessary to improve the overall educational success of children experiencing the child welfare system. This staff member has also provided crucial trainings regarding the basics and importance of trauma-informed education.

For cases involving educational issues, the issues reported were specific to educational access, individualized education plan (IEP) and 504 plan issues, school enrollment and school placement. The barriers for youth to access education include untimely registration, scheduling a best interest determination call, schools indicating that they are unable to meet the needs of the child, conflict between districts about who is responsible for funding a child's education, or the child is languishing in a hospital setting. When receiving these calls, the sole focus of the OCA is to ensure that the child resumes their educational services 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 they can make meaningful progress in their education and care. Although the OCA zealously advocates on behalf of children and youth experiencing educational issues, there are systemic issues at play which continue to negatively impact the educational outcomes of children in state care. In fact, data provided by Rhode Island KIDS COUNT highlighted that in 2021, only 49% of youth in foster care graduated from high school, in comparison to 84% of all students. This illustrates a

desperate need for improvement. The OCA is committed to providing support and advocacy to improving the educational outcomes for all DCYF youth and young adults involved with DCYF.

D. Advocacy for Youth and Young Adults through the Multi-Disciplinary Team Process (MDT)

In Rhode Island, the Commercial Sexual Exploitation of Children (CSEC), 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 participate in developing 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 RITS 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.

Furthermore, the OCA works collaboratively to advocate for each youth referred to the CSEC MDT. In 2023, the OCA continued to advocate for youth and young adults throughout the MDT process. The OCA attends the initial CSEC MDT meeting for every youth or young adult. If there are any ongoing issues at this meeting, the OCA will work with the team to address them. The OCA introduces themselves to the team and encourages that if there are problems, that our office be included.

Advisory Committee

In 2014, the OCA's statute was expanded, and the *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 OCA. The advisory committee is comprised of nine (9) highly qualified experts in their field, one of whom has personal experience with the child welfare system as a youth or parent. Each of the members serve a five (5) year term on the committee. The members work together to review and assess patterns of treatment and services to children and families in the state, discuss policy implications, necessary systemic improvement and advise the Child Advocate on all aspects of child welfare with specific attention to the legal, medical, and civil rights of children in state care. The five (5) year term for most advisory committee members concluded in 2019.

The OCA scheduled the first meeting of the newly appointed membership for January 11, 2023. The Advisory Committee met three (3) times during 2023. With a new committee in place, the OCA presented on the role of our office, services provided to the community by OCA staff, and systemic issues plaguing the children's behavioral health, child welfare, and juvenile justice systems. Additionally, the Committee and OCA staff discussed opportunities for systemic intervention and reform to strengthen the systems of care for children involved with DCYF. The committee discussed some of these pressing issues and provided feedback based on their professional expertise. The Advisory Committee provides the OCA with invaluable perspectives on the various issues impacting our children, youth, and families, and advises the Office on systemic reforms and policy initiatives given their extensive professional expertise. The Advisory Committee will now be exploring other areas for review and will be providing written testimony, reports, and recommendations.

Project Victim Services

R.I.G.L § 42-73-9.1 of the Rhode Island General Laws empowers the OCA to commence civil actions for children pursuant to the federal *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, and child victims who witness domestic violence, assure they have access to necessary support services and promote the best interests of the child in the criminal justice system.

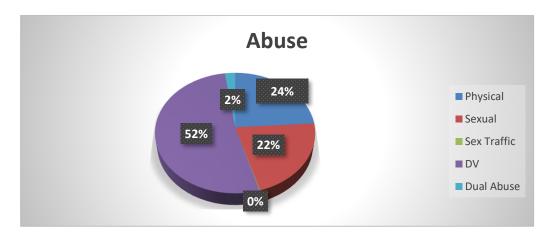
The Victim Compensation Program provides victims of physical abuse, sexual abuse, institutional abuse or a witness to domestic violence, an opportunity to file a claim with the Rhode Island Office of the General Treasurer. If approved, they are provided financial assistance for expenses related to the crime including, but not limited to, medical bills, mental health counseling, sexual assault assessments, and loss of earnings. These funds assist 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. These funds are 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 witness domestic violence. Each case is researched 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.

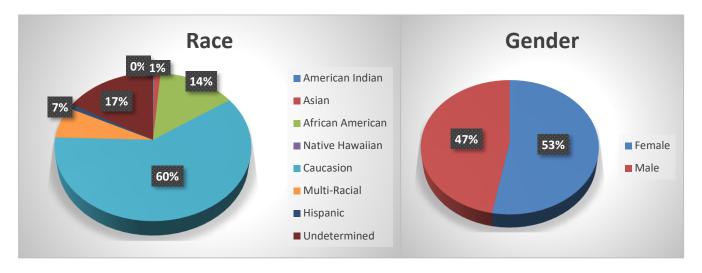
After our initial contact with each family, the OCA sends a follow up letter. We contact them a second time to provide an additional opportunity to review the information and contact our office. The OCA also created a resource list outlining services that may benefit the child and their family. This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

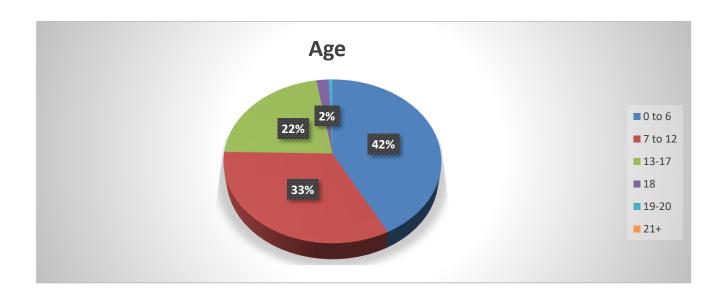
During 2023, the OCA referred **168** children for physical abuse, ninety-nine **(99)** children for sexual abuse and one **(1)** child specifically for commercial sex trafficking. During 2023, the OCA has referred **837** children for witnessing domestic violence. Our office tracks those who have been victims of more than one type of abuse. In 2023, twenty-five **(25)** children experienced 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 2023, the OCA has referred **527 males** and **592 females** to receive assistance through the Victim Compensation Program. Of the **1119 children** referred, **208 children** were African American, **734 children** were Caucasian, **four (4) children** were American Indian, **twelve (12) children** were Asian, and **112 children** were Multi-Racial. There were **forty-four (44) 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 children birth to age twenty (20). During 2023, the OCA has referred *seven (7)* individuals between nineteen (19) and twenty-one (21), *twenty-two (22)* individuals who were eighteen (18), *247 children* between the ages of thirteen (13) and seventeen (17), *370 children* between the ages of seven (7) and twelve (12) and *473 children* between the birth and age six (6).



The OCA makes every effort to make contact with the families and social caseworkers of these children as soon as possible. Sometime caregivers are addressing many issues regarding their child's trauma, that they are not able to seek assistance from us in completing the victim compensation application. Our office's goal is to send two letters to caregivers and social caseworkers to ensure that have all the information to make a decision about completing an application for their child. During 2023, we sent out **274** additional letters. Our office heard back from some of these families, who might not have applied if we did not resend a letter. We intend to send many more in the coming year to ensure every family has the opportunity to apply for victim compensation for their child.

From January 1, 2023 through December 31, 2023, there were approximately 112 infants born with exposure to alcohol and/or drugs whose caregivers were indicated for Physical Abuse: Drug/Alcohol. 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 DCYF 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 specified 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 **two (2)** individuals, who previously received this award. The VOCA

administrator continues to utilize various resources, including the Department of Motor Vehicle Records, former social caseworkers, the Office of the Mental Health Advocate, police departments in other states and the assistance of the Rhode Island State Police, to locate these young adults.

OCA Success Story: This family came to the attention of the Department when the police reported an incident of physical abuse, and the family utilized our office to successfully apply for victim compensation. The OCA assisted in coordinating with the Rhode Island Office of the General Treasurer to forward all reimbursement claim information that was provided by the caregiver.

The children 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, who was their parent, and sent the completed application to the Rhode Island Office of the General Treasurer. The child was 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.

Outreach/Training/Education

A. Public Education

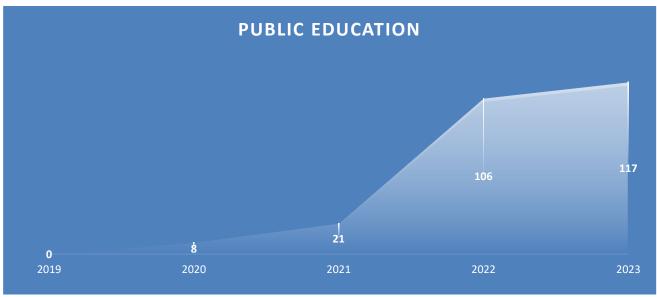
In 2023, the OCA continued efforts to educate the public on the role and responsibilities of our office. The OCA prioritized outreach to school settings, provider agencies contracted with DCYF, and professional organizations. The OCA will continue to educate others on our role with the Victim Compensation 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:

- Community Care Alliance
- YMCA of Woonsocket
- TIDES Family Services
- Woonsocket Library
- Central Falls High School
- Calcutt Middle School
- Central Falls Library
- Tolman High School
- Blackstone Valley Community Action Program
- Department of Human Services Pawtucket Office
- Comprehensive Community Action Program Youth Center
- Pawtucket Library
- Rhode Island State Victim Assistance Academy
- Level Up Conference
- The Village for Foster and Adoptive Families
- Foster Forward Policy and Advocacy Work Experience
- Special Education Conference Keynote Speaker
- Providence College
- Rhode Island College School of Social Work
- Rhode Island Training School Juvenile Probation Worker Academy

- Cumberland School Department
- Lincoln School Department
- Coventry School Department
- Community Conversations
- West Warwick School Department
- Fostering Youth to Independence Housing Program Presentation in partnership with Rhode Island Housing, DCYF, and Foster Forward
- Members of the General Assembly
- Pawtucket School Department
- Providence School Department
- Burrillville School Department
- Day One
- DCYF New Staff Trainings
- RI Psychological Association
- ARIASE Conference
- RI School Psychologists
- Sargent Rehabilitation Center
- URI Criminal Justice, Psychology, Nursing Students
- Senator Reed and Staff
- Senator Whitehouse and Staff
- Congressman Cicilline and Staff
- Congressman Langevin and Staff
- OCA Advisory Committee New Membership

During 2023, the OCA gave *one-hundred and seventeen (117)* public education presentations. On an ongoing basis, OCA staff visiting group home facilities incorporated public education into visits through conversations with youth and staff about the role of our office and providing printed materials about the OCA for resources. 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 and significantly increased the OCA's presence on social media (Twitter) 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 aims to increase the number of public presentations with a special focus on public schools, community provider agencies, and student groups including young people with lived experience in child welfare to further public awareness of the role of our office and how we can be a resource to members of the public.



*This data includes a five-year lookback for our Public Education.

B. Boards and 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
- Panel on Human Trafficking
- 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)
- Youth Futures Council
- Trauma Informed Schools Commission
- Governor's Council on Behavioral Health Prevention Advisory Committee
- Child Care Commission
- Rhode Island Training School Student Transition Work Group
- Rhode Island Human Trafficking Task Force
- Overdose Task Force
- Infant and Early Childhood Mental Health Task Force

C. Workforce Development

The OCA staff have 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 attend 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:

- National Crimes Against Children Conference
- Victim Assistance Academy
- Family Court Conference
- Ocean Tides and Tides Family Services Annual Conference
- Trauma Informed Child Welfare Practice
- Rhode Island Human Trafficking Task Force: Lifting Voices, Empowering Action
- Rhode Island Training School: The Building Bridges Initiatives
- Sex Trafficking 101
- Extended Child Forensic Interview Certification Course
- NACC Child Welfare Conference
- 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
- FosterClub and Juvenile Law Center Webinar Series on the Consolidated Appropriations Act
- The Center for Advanced Practice's Spring Discussion Series: Search and Reunion, Youth Permanency, and Creating a Racially and Culturally Just System for Children
- Safety Planning for Victims of Child Abuse
- Autism Youth, A Look into Their World
- Child Abuse, Following the Evidence
- Sexual Offenses
- Preventing Burnout
- Adverse Childhood Experiences (ACES)
- Multi-Disciplinary Approaches to Child Sex Trafficking
- Suicide: Screening, Prevention and Response
- You Can Trust Me! How Child Molesters Groom Caregivers and Children
- Rhode Island Family Court Conference

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

D. 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 continues to engage in more philanthropy work to better the quality of life and enhance the experiences children in state care receive.

a. Duffle Bag Bash

In August 2023, the OCA, in collaboration with Adoption Rhode Island and Attorney Lise Iwon, hosted the Sixth Annual Duffle Bag Bash 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. The children in our state deserve more dignified treatment than that. This inspired the event!

Many individuals and organizations supported this event, resulting in over \$29,000 raised. The funds were utilized to purchase backpacks, suitcases, and gift cards for children and youth in out-of-home placements. We are thankful to each of our hardworking volunteers and generous supporters without whom the success of our event would not be possible.

b. Recipe for Success

For most of 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) allowed the OCA to utilize funds to provide assistance to VEC participants. 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 VEC participants moving into their first apartment. The OCA continued this program through 2023.

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 RITS to ensure this information is disseminated to as many young people as possible.

c. Community Involvement

The OCA's partnership with the RYCO Creative Sewing Center introduced us to a very generous community member. Our point of contact reached out to her friends and family and donated bed sheets of all sizes, blankets, and towels for the OCA to distribute to VEC participants. The OCA added these to our Recipe for Success kits which allowed VEC participants to save their money for other important things they need when starting in their apartment for the first time.

The OCA utilized the gift cards from our annual Duffle Bag Bash to purchase items from Kohl's to further assist VEC participants in other areas. When we received the sheets and blankets donations, we researched sales and were able to purchase pillows, pillowcases, fleece blankets, and bathroom kits, which included towels, hand towels, face cloths, and bathmats.

d. Quilt Donations

In 2023, the OCA continued to receive support from the Caring and Sharing Group at RYCO Creative Sewing Center. They provided another generous donation of *four (4)* packages of handmade quilts. The quilts continue to be distributed to VEC participants moving into their first apartment. We are so grateful for the support from this group.

e. OCA Backpack Drive

In preparation for our Annual Duffle Bag Bash, the OCA connected with Tracy Cugno, the owner of Leigh ShoeCase. She donated **forty (40)** brand new, modern backpacks to for the event. After connecting with Adoption Rhode Island, and Attorney Lise Iwon, it was decided that we would use the proceeds from the event to fill the backpacks and drop them off at congregate care facilities in advance of school starting. We were able to fill the backpacks with school supplies, travel hygiene products, and a water bottle. The youth were very appreciative of the back packs and one group made a plan to spend a day decorating their water bottles.

f. Christmas Party

In December 2023, the OCA partnered with Child & Family to hold a Christmas Party at their main offices in Middletown. The event included foster families and youth in their care. The party included food, games, arts and crafts, gifts, party favors, a visit from Santa, therapy dogs, and horse drawn carriage rides. This event was a huge success spreading holiday cheer with our agency partners, foster families, and most importantly youth who are involved with DCYF.

E. OCA in the Media

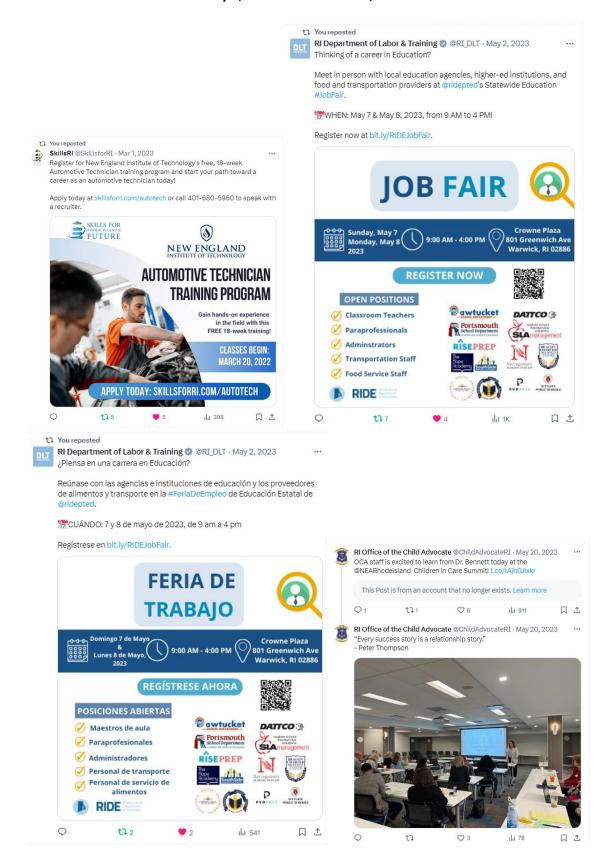
g. Social Media

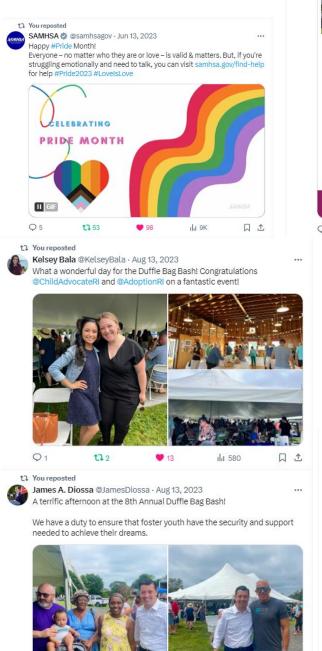
The OCA continues to prioritize our Office's presence on social media, specifically Twitter, in an effort to provide resources to children, families, and child welfare professionals, and to build connections for advocacy and information sharing. During 2023, the OCA increased the total number of followers on Twitter and shared 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.

Twitter Analytics
January 1, 2023 – December 31, 2023

New Followers	Profile Visits	Mentions	Tweets	Tweet Impressions
80	2,668	7	297	10,139

Twitter Highlights January 1, 2023 – December 31, 2023





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Office of the Child Advocate in the Media

State to build 12-bed residential center for girls needing psychiatric treatment

A 15-year-old in DCYF custody ran away from her foster home. She later died after allegedly being given drugs.

This program will help RI families with special-needs students. Here's what to know.

'Heartbreaking': Dozens of RI children with special needs not receiving education

<u>Ladd School selected as site for new DCYF residential care facility for girls</u>

DCYF: 15-year-old died; family known to them

RI Study Commission to Meet on Mental Health Impact of School Lockdowns and Drills

Since 2019, 28 RI children known to DCYF have died. Now, the state's child office is investigating.

ACLU of R.I. joins years-old lawsuit against DCYF

Rhode Island child welfare officials report near deaths of teenager, 8-year-old

Rhode Island DCYF discloses near fatality of 17-year-old