

CHILDREN
– WHY WE
CARE

2008-2009

The annual review of the activities of the Office of the Child Advocate pursuant to Rhode Island General Laws §42-73-1 et seq.

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... every baby born has a right to love like a seedling to sun. Every baby born unloved, unwanted is a bill that come due in twenty years with interest, an anger that must find a target, a pain that will beget pain.

Marge Piercy

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Introduction

In accordance with the statutory duties of the Office of the Child Advocate (OCA), I respectfully submit this annual report reviewing the 2008-2009 year.

2008-2009 can be described as the year of change. Change has occurred with the new family-centered approach by the Department of Children, Youth and Families. Also further changes are: the opening of the two new juvenile facilities at the Rhode Island Training School; the development of a risk assessment to assist in lowering the number of youth taken to the Rhode Island Training School and advances in community ideas of time banks and multicultural competence.

The depression-like environment in Rhode Island has created a crisis for children at risk; yet, the state and providers have joined to create a much needed safety net for the ones most in need. With the adoption of the 2008-2009 budget, the OCA recognized that our jobs would become significantly more difficult. In a continuing effort to be proactive, OCA and the Department of Children, Youth and Families (DCYF) Director Patricia Martinez continue to meet to discuss the issues that seem to repeat themselves throughout the year. Over the past year, recurring agenda items for the monthly meetings were the new Family Centered Community Practices (FCCP) program, quality of service providers, DCYF staff assessments, institutional abuse and neglect, impediments to permanency for children, opening of the two new juvenile corrections building, deterring youth from the Rhode Island Training School with the Risk Assessment, appropriate housing and gender specific programming for the females at the Rhode Island Training School (RITS), and the treatment and program needs of the juveniles housed at the RITS.

During 2008-2009, the OCA continued to advocate for caseload reductions, curing deficiencies in the licensing process, eliminating impediments to permanency, compliance with the federal consent decrees, adequate and appropriate resources for the residents of the Rhode Island Training School (RITS), safety, and adequate and appropriate staffing. The OCA has continued to meet with RITS administrators, the Special Master and the Monitoring Counsel regarding issues impacting the challenging needs and rights of the adjudicated and non-adjudicated youth at the RITS. With the opening of the new facilities, mundane issues such as leaks and flooding of bathrooms are overshadowed by the recognition that the tremendous efforts of the staff to lower the census at the RITS appear to be headed toward success.

The number of institutions we inspected were a few less this year. Unfortunately, the Senior Monitor and Evaluation Specialist left the OCA in the summer of the 2008 year. Although we have 100 % compliance by the institutions that were inspected, we were not able to conduct ongoing inspections of facilities after August 2008.

Prior to the vacancy of the Senior Monitor and Evaluation Specialist post, the OCA reviewed the continuum of care available to youth in DCYF care and made site visits periodically to a percentage of the 120 facilities around the state as well as to several out-of-state facilities in which residents are placed within driving distance of Rhode Island. During

the in- state site visits, the Senior Monitoring Officer reviewed the quality of the care provided to the children and teenagers and the physical premises where they are lodged. At each site visited, residents were interviewed to gain an appreciation of their perspectives on their quality of life. After site visits, the Senior Monitoring Officer prepared reports on her findings and made suggestions for improvements, if appropriate. Occasionally, the OCA received complaints alleging improprieties in the care of residents in a child care facility. In such instances, the OCA investigated the allegations and developed corrective plans, if necessary.

In other matters, the OCA continued to monitor victims' compensation claims on behalf of children in State care and assisted children who were involved simultaneously in child welfare, law enforcement and judicial systems. Project Victim Services completed its fourteenth full year of operation with a Federal Victims of Crime Act (VOCA) Grant renewed and funded in October of 2008 by the Rhode Island Justice Commission.

The firm conviction of this Child Advocate is that the most effective way to end the vicious cycle of abuse and neglect is to promote community awareness of the problem. We believe that an appeal to concerned and engaged citizenry will support public policy which ensures that every child has a safe, nurturing and stable home, adequate education and adequate and appropriate healthcare. Due to this firm conviction, the OCA has assigned community outreach a high priority in 2008-2009. The OCA has made it a point to meet and talk with community providers, rotary clubs, schools and the public to create a greater awareness of the role and function of the OCA and the ways in which the community can work to protect children.

Additionally, the OCA has attended a number of community fairs and manned OCA information tables whenever possible. The Child Advocate has continued to participate in numerous policy meetings and task forces that solicit the input of the community on regulations and implementation strategies. The activities participated in by the OCA include, yet are not limited to: Child Welfare, Juvenile Justice, Children –at-Risk, and the Over Representation of children of color in the child welfare agency, United Way Initiatives, Roger Williams Law School Advisory Panel, Youth Pride Education Committee and a speaker at NAMI conference.

This Child Advocate gratefully acknowledges the tireless efforts of her staff and extends heartfelt gratitude to the physicians, social service professionals, attorneys, students, child care providers, law enforcement professionals, local college and university faculty and volunteers, who donated their time and expertise generously and without whom the OCA simply could not have met its statutory obligations.

In addition, the positive working relations which have been forged between the OCA and DCYF and the many courtesies that Director Patricia Martinez and her staff, including the Administration and staff at the Rhode Island Training School, have extended to the OCA are gratefully acknowledged. As always, it should be underscored that both agencies share a genuine concern for the safety, stability and welfare of Rhode Island's children and youth in care yet do not always agree on how these outcomes can be achieved.

The OCA looks forward to the General Assembly's support for policies and programs which help improve the lives of Rhode Island's most vulnerable children and ensure the safety and well being of the children in state.

Jametta O. Alston, Esq.
Rhode Island Child Advocate

The Mission Statement

The Office of the Child Advocate was enacted by statute to protect the civil, legal and special rights of all children involved with the Department of Children Youth and Families.

The chief purpose of this Office is to monitor DCYF and its operations. Children are placed with DCYF for a variety of reasons, but most often because their parents are unable or unwilling to care for them. Many are victims of abuse and neglect. It is the OCA's mission to ensure that DCYF offers the children adequate protection and quality services, while according the children respect for their individual rights and dignity.

The OCA discharges the state's institutional abuse investigation obligations under the federal Child Abuse Preventions and Treatment Act by reviewing allegations of abuse of children in substitute residential care and day care and taking appropriate action where necessary. The action taken can include investigating the incident, making a referrals or reviewing the action directly with DCYF with substantive recommendations. Additionally, the OCA responds to the complaints of children and families seeking assistance from DCYF even when the children are not in DCYF's care. Each year the OCA responds to questions and complaints from children, professionals, parents and private citizens.

In order to protect the rights of children involved with DCYF, the OCA also works with service providers outside DCYF. The OCA is statutorily empowered to take legal action to attack deficiencies and discrimination experienced by children in DCYF care accessing services from any source, public or private.

The statutory powers of the OCA are contained in Rhode Island General Laws §42-73-1 et seq. The duties are found specifically at R.I.G.L. §42-73-7 and §40-11-1 et seq.

The Staff

The OCA, which is statutorily mandated to protect the legal rights and interests of children in state care, is comprised of the Child Advocate and a staff of five individuals who report directly to her. They are: Kelly Monteiro, Assistant Child Advocate; Karl Beauregard, Staff Attorney/Coordinator of Victims' Compensation (since departed); Joseph Onofrio, Senior Monitoring and Evaluation Specialist; Kathryn Cortes, Chief Field Investigator; and Marianna Almeida, Office Manager.

The Office Manager, **Marianna Almeida**, is a graduate of the Community College of Rhode Island. She is responsible for office administration, scheduling and docketing, maintaining the OCA website, insuring all financial procedures are adhered to by the office and coordinating the OCA Training Institute. In addition, she handles inquiries received during the business day.

Jametta O. Alston, Esq., is the Child Advocate. Appointed by Governor Donald Carcieri to a five year term, Ms. Alston has headed the agency since June 2005. One of the primary goals of the OCA is to maintain involvement with all of the stakeholders involved with child welfare and juvenile justice. Since starting the job as Child Advocate, Ms. Alston has tirelessly striven to attend meetings, gatherings, seminars and when requested to present information to any and all groups.

Staff Attorney, **Karl Beauregard, Esq.**, Mr. Beauregard joined the OCA staff in May of 2008. Prior to coming to the OCA, Mr. Beauregard served as a staff attorney for the Office of Child Support Services, which handles a variety of cases from initial paternity actions to establishing child support orders. Prior to that, Mr. Beauregard was a staff attorney at Rhode Island Legal Services, in the Family Preservation Project handling abuse, neglect and dependency petitions, and also in the Responsible Parent Project, assisting parents with child support issues. Mr. Beauregard is a 1994 graduate of Harvard University where he concentrated in governmental studies, and a 1998 graduate of the University Of Connecticut School Of Law.

Chief Field Investigator, **Kathryn Cortes**, is a graduate of Salve Regina University. She is responsible for investigating allegations of abuse and neglect for children in DCYF custody. Ms. Cortes assists in the investigation of institutional abuse complaints and assists in the preliminary investigations of child fatalities. She also participates in permanency planning for children voluntarily placed in state care. She is a former program director of a residential drug treatment program at the Rhode Island Training School.

Assistant Child Advocate, **Kelly Monteiro, Esq.**, is a graduate of Howard University Law School. She represents children who are voluntarily placed with DCYF in Family Court and assists and supervises the court duties of the OCA. Prior to coming to the OCA, Attorney Monteiro worked in the Family Preservation Project handling abuse, neglect and dependency petitions at RI Legal Services. As former assistant public defender in the

Appellate Division of the Rhode Island Office of Public Defender, Attorney Monteiro handled criminal and DCYF appeals.

The Senior Monitoring and Evaluation Specialist, **Joseph Onofrio, LICSW**, is a graduate of the Boston College Graduate School of Social Work. Prior to joining the Office of the Child Advocate in 2009, Mr. Onofrio served as a child sexual abuse evaluator, court investigator, and Guardian *ad Litem*. He previously worked in protective services and residential care. His responsibilities at the OCA include: conducting reviews of the policies, procedures and facilities of residential care providers serving children placed by the Family Court or DCYF; making clinical assessments and recommendations on behalf of children in voluntary state care; receiving inquiries and referrals; assisting in reviews and investigations conducted by the OCA; and providing training to professionals who work with children and families.

The Interns

The OCA gratefully acknowledges the contributions of its volunteer lawyer and student interns during the FY'2008-2009 year. A thank you to:

Katy Essington, Volunteer Lawyer

Jessica Russillo, from Rhode Island College

Ryan Lackey from Roger Williams Law School

Angela Alexander, Roger Williams Law School

First Mandate

Each child in protective care, custody or in treatment; and authorities interested in the child's welfare are apprised of the child's rights.

Community Involvement

The OCA engaged in a variety of public education activities in 2008-2009. In an effort to promote public awareness of issues impacting children in care the OCA has placed all OCA publications on the website. The OCA staff planned and/or coordinated training workshops and seminars on child abuse reporting laws, child fatality reviews and institutional abuse prevention. The OCA responded to individual inquiries from callers and the media seeking information relating to the rights of children in 2008-2009. The OCA developed plans for an OCA Training Institute to facilitate coordination and management of the training sessions offered by the OCA. Copies of the OCA's Training Institute's Speaker Request Forms are available on the OCA's website. In 2008-2009, the Child Advocate and/or staff accepted invitations to speak in a number of forums, including: Girl Scouts of Rhode Island: Project Undercover, Roger Williams University Law School, Rhode Island Training School, Panel: John Hope Settlement House and Training: Preventing Institutional Child Abuse.

Policy Development

OCA continues to support efforts to develop a system of care that accommodates the needs of children placed in DCYF custody both in residential facilities and in the community. In furtherance of the same, the OCA plays an integral role in numerous policy initiatives involving children's issues. The OCA is a member and/or participant in the following:

- Adoption & Foster Care Task Force
- Children's Policy Coalition
- Permanent Legislative Commission on Child Care
- Presidential Initiative Youth at Risk – Rhode Island
- Rhode Island Child Death Review Team
- Rhode Island Children & Family Trust Fund
- Rhode Island Coalition for Mental Health
- Rhode Island Partnership for Youth in Transition

- Rhode Island Training School New Facility Committee
- United Way of Rhode Island Impact Group Tool
- United Way Investment Committee
- Women & Minorities in Courts
- Child Welfare Advisory Panel
- Continuity of Care
- National Association of Social Work
- Juvenile Justice Risk Assessment Development Committee
- Over-representation of Children of Color in Child Welfare and Juvenile Justice

Legislative Advocacy

Children's issues are directly tied to their parents' strengths and weaknesses. With the pressing economic issues facing Rhode Island, the OCA focused on legislation that was family-centered.

OCA elected to work in collaboration with the Institute of Poverty, Children's Policy and Mental Health Alliance to address the legislative concerns that affect children in the State of Rhode Island. As a member of the Medicare Waiver Coalition, the OCA has monitored the effects the change in Medicare will have on children in care. Additionally, the OCA has supported the campaign to address the cut-offs of RI Work and the food stamp application issues by working with different coalitions and community groups.

Second Mandate

Investigate institutional abuse complaints

Rhode Island Training School

The OCA has been addressing concerns of the RITS residents and working to increase its accessibility to the residents and its visibility on the grounds. To this end, the OCA attended a number of events and activities at the RITS over the past year, including but not limited to the following:

- High School Graduation Exercise
- Holiday Parties
- The Summer Family Day Outing on the RITS Grounds
- Group with the Female Unit
- Program Planning Committee Meetings
- Project Outreach
- Tour of the Youth Assessment Facility
- Tour of the Youth Detention Center
- Meetings with Special Master Michael Lewis, Esq. and Monitoring Counsel Amy Fettig, Esq.
- Planning for Career/College Fairs

OCA attempts to maintain a presence on the campus of the RITS. Members of the OCA staff have visited the RITS repeatedly throughout the year. Visits are often unannounced. We offer ground support for the Monitoring Counsel, Amy Fettig, by notifying her of pending issues and concerns the OCA may have.

In January 2009, the RITS occupied the new 96 bed Youth Assessment Center (YAC) and subsequently, the new 52 bed Youth Detention Center (YDC). Despite the plant issues that always occur in new buildings, the facilities are a definite improvement over the old buildings. Programming continues to be a concern due to the change of environment. The RITS plan to develop more activities for the youth now that they have less movement and require additional stimulation.

The Rhode Island Training School received heightened scrutiny from the OCA during 2008 because the institution remains under the nation's oldest, continuous federal consent decree covering a correctional facility. While the RITS administration continues to make improvements in some areas, there are still several areas in which the RITS is not in compliance with the federal Consent Decree. Notwithstanding, the advances made toward compliance of the Federal Consent Order, the OCA continued to be concerned about allegations of institutional abuse; the lack of appropriate and permanent housing for the

female residents; inadequate gender specific programming; violations of residents' privacy rights; inappropriate practices with respect to mail, telephone, and visitation, inadequate transition planning for residents who are being discharged; inadequately trained and overly burdened staff performing overtime due to lingering staff vacancies, inadequate educational and vocational training opportunities; and special education programs which fail to meet federal IDEA. Many of the alleged practices at the RITS, for which the OCA has received complaints, if true, may be directly attributable to budgetary constraints. Nonetheless, many of them impact upon safety and place the residents at risk.

First and foremost, all JPWs need to be provided comprehensive and regularly scheduled training by experienced and trained professionals knowledgeable about (1) emotional, behavioral sexual abuse; (2) substance abuse and mental health needs of children in the RITS; (3) proper and adequate supervision of residents; (4) suicide and risk prevention; (5) de-escalation techniques; (6) the effects of trauma on children and the brain; (7) common mental health diagnoses in children at the RITS; and (8) the behaviors which may be prevalent in children with these diagnoses. OCA acknowledges that basic CPR and Restraint training are being implemented by the RITS, still more training is necessary to promote professionalism and safety for both staff and residents. Moreover, the daily milieu of the RITS should be focused on rehabilitation and training rather than punishment and corrections. It is important to remember that the children and youth at the RITS are not adults.

During 2008-2009, the OCA monitored 19 Institutional Abuse or Neglect Investigations of allegations of incidents at the RITS. This amount is reduced from the Twenty-four (24) of these allegations of last year. We still have concerns about the remediation of staff when findings indicate staff involvement. The OCA still holds that any staff that is Indicated by Child Protective Service (CPS) should have a comprehensive corrective plan of action to address the area of need identified by the indicated allegation. Such a corrective plan would ensure that the RITS addresses the seriousness of the breach of protocol and protect its investment in its workforce.

Third Mandate

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

Child Protective Investigations

The overwhelming majority of investigations the OCA is called to undertake are prompted by complaints. The sources of the complaints are calls from parents and/or guardians, case workers, other family members, neighbors, service providers, school personnel, doctors, attorneys and even children. In addition, the OCA is also asked by the Court to conduct investigations. We received complaints that alleged improper procedures by DCYF and allegations of abuse of residents by other residents or RITS' staff. We also received allegations from residents of the RITS regarding problems in the holding cells of the Garrahy Courthouse. Unfortunately, two youths did attempt suicide at the Garrahy Courthouse.

The OCA had the opportunity to investigate over 382 cases. These cases derived from both CANTS reports and telephone complaints, emails, and correspondence received. Normally, we would see an increase in numbers during late summer. This year the increase came in late summer and late autumn. This raises concerns of the stresses that appear to be growing within at-risk families.

Fourth Mandate

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.

Facilities Reviews

Since 1989, the OCA has conducted a review of residential child-placement facilities contracting with DCYF in accordance with its statutory duties. From time to time, over the years, the OCA has revised its protocol and site-review checklists as the number, diversity and range of child placement facilities grew from fifty in 1989 to one hundred twenty in 2007.

Site visits were limited in the 2008-2009 time periods. As mentioned earlier, the previous Senior Monitor and Evaluation Specialist left the agency in July 2008. The OCA was unable to replace the position until late February 2009. Accordingly, eight (8) facilities, some which included four or five placements were inspected. OCA documented one hundred percent (100%) compliance with propounded recommendations.

Fifth Mandate

Review periodically the procedures established by DCYF.

Sixth Mandate

Recommend the procedural changes for dealing with juvenile justice and child welfare and the systems for providing childcare and treatment.

Children's Policy Developments

This year was one of change for DCYF. With the implementation of the Family Care Community Partnership ("FCCP") Practice Standards, rules were promulgated and a comment period was open to the community. The OCA responded with both written and oral comment to the issues presented with the new rules. The final rules appeared to include the suggestions and meet the concerns of the OCA and the community.

The comments included, yet were not limited to, issues regarding, appeals by families, oversight by DCYF of the four regional Lead Agencies and the job responsibilities of the new job titles, i.e., Coaches, Family Service Care Coordinator and Family Support Partner. The OCA comments also addressed the relationship between payment of a Lead Agency and noncompliance of said Lead Agency.

Despite the implementations of the new rules for the FCCP; there are still concerns that must be addressed. The OCA still has reservations regarding the time period placed on funding a family in need; and the failure to establish grievance policies at the onset of the process; and the need for on-going training in the principles of wraparound process for providers, families and DCYF employees.

Second, the OCA was involved with the development of the Risk Assessment tool currently being tested by the agency. The goal of the tool is to prevent youth from being transferred to the Rhode Island Training School. Instead, the youth may be diverted to suitable placements.

With the advent of the Child Welfare Advisory Committee, the OCA sits with other interested community partners to advance policies which may be instrumental in limiting the reliance on residential placements. Since Rhode Island has over eight hundred (800) children placed in residential/institutional care, there is great need to discover more efficient, effective, and economical ways to care for children.

Finally, the overrepresentation of children of color in both the child welfare and juvenile justice branches of DCYF are staggering. The OCA is active in addressing the

policies and behaviors that have created these issues. In addition to meeting with providers and foundations, we have reached out to programs in Washington, D.C. to determine how to address the issues facing Rhode Island.

Seventh Mandate

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

Litigation

The OCA brought suit against DCYF and government officials regarding the lack of safety, permanency and stability for youth in care. The recent dismissal by the United States District Court was a disappointment, yet the OCA plans to proceed to the United States Court of Appeal with viable issues, which may result in the matter being remanded back to the United States District Court.

Public Education

The Child Advocate has attended public functions to discuss the issues that face children in the State of Rhode Island. Speaking engagements have included, yet were not limited to: The Rhode Island Girl Scouts, Project Undercover Kickoff, Roger Williams Diversity Dinner, NAACP Dinner, AKA Scholarship Tea, Parent Support Network Multicultural Event and Committee on Funding at Roger Williams Law School.

Guardian Ad Litem Services

Rhode Island Gen. Laws Sec. 42-17-14 provides that the DCYF director may in her discretion, admit to the department on a voluntary basis any child who, in her opinion, could benefit from any of the services offered in foster care or residential facilities administered by or under contract with, or otherwise available to, the department. Within one hundred twenty (120) days of admitting a child on a voluntary basis, the DCYF must file a petition in family court for a determination as to whether continuation in care is in the child's best interest and, if so, whether there is an appropriate case service plan. The family court is mandated by statute to assume jurisdiction over the case and schedule a hearing on the matter within sixty (60) days of the filing of the petition. The department is responsible for notifying the child, his or her parent or other guardian and the Office of the Child Advocate of the petition and the time of the scheduled hearing.

Although not a statutorily required act, once notified of the hearing date, the Office of the Child Advocate enters an appearance on behalf of the child as guardian *ad litem*. As guardian *ad litem* for children voluntarily placed by their parents in the care of DCYF, the Office of the Child Advocate speaks for the child in Family Court and makes recommendations to the Court on the child's care. In fulfilling its obligations as guardian *ad litem*, the Office gathers and reviews information from the child, the child's parents, treatment team members and service providers; using the information, the OCA reports to the Family Court on the following:

- The wishes of both the parents and the child regarding the child's placement;
- The interaction of the child with his or her parents and other family members;
- The extent of the parents' participation and compliance with the child's treatment plan;
- The child's adjustment to the placement;
- The child's progress under his or her treatment plan;
- The appropriateness of the child's care;
- The physical, emotional, educational, social and mental needs of the child;
- The opinion of the Office of the Child Advocate as to whether the child's case plan is in his or her best interests; and
- Final recommendations are expressed by the Office of the Child Advocate regarding the child's care.

The Office monitors the child's progress in placement. The Office staff is available to answer the child's questions and to handle any concerns or complaints the child may have about his or her care. The Office staff often attends service plan and treatment team meetings regarding the child as well as discharge planning meetings. The OCA staff meets with the child and his or her parents whenever possible. During 2008-2009, there were a number of instances in which the Office hosted meetings with the parent, social case worker and residential clinician to address and resolve concerns regarding the child's placement.

In 2008-2009, the Office received notice of 21 new miscellaneous petitions filed for children voluntarily placed in DCYF care and entered appearances on behalf of those children bringing the total number of children for which the Office served as Guardian *ad litem* to 136 in 2008-2009. The OCA was proactive in recommending the filing of formal dependency petitions in cases involving severely physically disabled or emotionally disturbed youth who will need to transition into the adult care system when they reach their 21st birthday. Twenty-four (24) miscellaneous petitions in the OCA caseload were dismissed in 2008-2009. The Office attended over 142 Court Reviews and/or Permanency Hearings in 2008-2009. The OCA caseload has increased by 20% in the last fiscal year.

Project Victim Services

Rhode Island General Laws Sec. 42-73-9.1 grants authority to the Office of the Child Advocate to file compensation claims for any child who is a victim of a crime and in the custody of the Department of Children, Youth, and Families (DCYF), any institution or agency under its control, or other private agency. Compensation awarded belongs to the estate of the child. The Office of the Child Advocate, acting as guardian *ad litem*, may receive and hold in trust the awarded funds for the benefit of the child until the child reaches the age of majority.

Approximately fifty percent (50%) of children who enter DCYF care are victims of criminal abuse, both physical and/or sexual. Many of these children are eligible for reimbursement under the Criminal Injuries Compensation Act. These children were not accessing crime victim funds until the Office of the Child Advocate, through its Project Victim Services, received grant funding to assist them. Since its inception, Project Victim Services has received over 5,409 referrals. Further, more than 667 of the cases referred met criteria for assistance.

During the 2008-2009 calendar year, Project Victim Services received 199 referrals with 30 instances of physical abuse, and 116 instances of sexual abuse. 146 of those cases were eligible for assistance through Project Victim Services.

In addition, we have started new procedures for outreach to social caseworkers in order to identify children who may be eligible for services. Currently, we have received 42 referrals.

Licensing Review

With the introduction of new Licensing laws, the Office of the Child Advocate is required to review placement of children in homes that have not received licenses. We have reviewed over fifty (50) homes. In many instances, we have concurred with DCYF; in other instances where unauthorized individuals were noted to be in the home, we have asserted the need to follow the fingerprinting process to insure the safety of the children.

It is disturbing that more than a few cases by the same investigator come before the court due to the failure to monitor the file for a doctor's note or fingerprinting appointment. Despite the overall improvement of the Licensing Unit, it is hope that in the future, DCYF can address the issue.

Eighth Mandate

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.

Fatality Reviews and Investigations

In accordance with the state statute, the OCA conducts reviews and investigates the circumstances surrounding the death of any child who dies while in the custody of DCYF, or who has had, personally, or through his or her family, recent involvement with the Department. In its preliminary stage, this review consists of gathering all available information regarding the deceased child and his or her family. This information includes autopsy reports, police and fire reports, court documents, DCYF files, medical records, and other social service agency records. If, after review of this material, the OCA determines that the fatality cannot be linked to some action or omission on the Department's part and that further investigation would not lead to constructive recommendations for improving the department's delivery of services, the OCA concludes its investigation at that point. The release of the OCA Report on the status of DCYF's implementation of a Child Fatality Review Panel's recommendations led to Senate Health Education problem of the staggering caseloads of the DCYF Family Service Unit case social workers.

The OCA also participates in the Statewide Child Death Review Team, co-chaired by the Medical Examiner and the Director of the Child Protection Team at Hasbro Hospital. This team meets quarterly to review all child deaths occurring in Rhode Island to identify special trends, hazards and patterns in child mortality that might be addressed through community services, outreach education, information or legislation.

Four children died in Rhode Island during 2008-2009. Only two of these children were in the custody of DCYF and have required a review by the OCA. The investigations are still ongoing at this time.

The Goals for 2009 -2010

The OCA takes seriously its charge to protect the legal rights of children in state care. In 2009-2010, the OCA shall continue to vigorously utilize its statutory powers to this end. Its small but diligent staff will collaboratively and cooperatively devote their energies to the following tasks.

- Seek systemic child welfare reforms to improve safety, welfare and permanency outcomes for children in care.
- Expand the OCA Training Institute.
- Expand its review of foster homes.
- Continue its review of institutions.
- Continue to vigorously represent children voluntarily placed in DCYF care.
- Continue to review abuse and neglect investigations.
- Monitor the care of children at the RITS and the repercussions of the cap placed on the RITS.
- Advocate for successful community programming for youths returning to the Community.
- Advocate for Appropriate Housing and Gender Specific Programming for the Female Unit at the RITS.
- Increase its legislative advocacy through community involvement.
- Seek grants to support advocacy among youth and their families both in child welfare and juvenile justice.

The Recommendations

As lawmakers continue to grapple with the massive and unprecedented budget deficits, it is hoped that any Federal Stimulus Funds can be directed towards services that can assist children who need food, housing, medical care and clothing. It always bears repeating that: Rhode Island cannot afford to fail to meet the needs of its children. It is important to remember that failing our children means failing Rhode Island's future.

The OCA is grateful that the Governor requested and maintained the necessary funds for the OCA. The Child Advocate is the voice for the child in care who needs safety, permanency and stability. As such, the Child Advocate is compelled to argue for proposals that will better and uplift the children in our care.

Although the opening and use of the new buildings for juvenile justice has been successful, the staffing requirements and programming for the youths at the RITS are still a concern. While the diversion plans that are being developed by DCYF and community partners are admirable, it is the OCA's hope that quality assurance and assessment tools are fully developed to ensure the safety and viability of the programs offered to the youth.

Appropriate and permanent housing must be secured for the female unit at the RITS if it becomes necessary for the unit to vacate Mathias. The OCA supports any plan that will develop a facility and programming for females sent to the RITS. The OCA believes that Rhode Island can ill afford to wait another day to fully implement gender specific programming for its young women at the RITS.

The OCA presents this report to encourage all stakeholders both public and private to continue to care and develop our future – the children. All children, youth and young adults are ours to care for and nurture, to train and encourage, to protect and to guide. We cannot help our children unless we are willing to make the necessary sacrifices to ensure their safety, permanency and stability. It is not too much to ask that all arms of government, judicial, executive and legislative, be focused and determined that all the children of Rhode Island must and will succeed in the future.