

2011 -- H 5855

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LC02079
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

H O U S E R E S O L U T I O N

**CREATING THE RHODE ISLAND HOUSE OF REPRESENTATIVES EMERGENCY
OVERSIGHT COMMISSION ON THE DEPARTMENT OF CHILDREN, YOUTH, AND
FAMILIES**

Introduced By: Representatives Handy, Blazejewski, Valencia, Williams, and Tarro

Date Introduced: March 08, 2011

Referred To: House Health, Education & Welfare

1 WHEREAS, Over 10,000 Rhode Island children and adolescents, over 4 percent of the
2 population of the state, are in the care of the Department of Children, Youth, and Families
3 (DCYF); and

4 WHEREAS, The children and adolescents in the care of DCYF are entitled to the
5 protection and care of the state; and

6 WHEREAS, The children and adolescents in DCYF consistently experience an
7 elementary or secondary education that is markedly turbulent and intermittent; and

8 WHEREAS, The children and adolescents in DCYF care are entitled to a safe and
9 permanent placement that is conducive to meeting their emotional, academic, and medical needs;
10 and

11 WHEREAS, There is a contemporary concern regarding abuse and neglect in foster
12 homes, group homes, and treatment facilities; and

13 WHEREAS, The indelible imprint of abuse and neglect is intolerable upon any child or
14 adolescent; and

15 WHEREAS, The Office of the Child Advocate has filed a class action lawsuit alleging
16 abuse and neglect of youth in DCYF care; and

17 WHEREAS, The Children's Bill of Rights (RIGL 42-72-15), the United States
18 Constitution, and the Constitution of the State of Rhode Island and Providence Plantations must
19 be upheld, and children and adolescents in DCYF care must be apprised of their rights in order to

1 recognize abuse and/or neglect that may otherwise go undiscovered; and

2 WHEREAS, The constitutional right to acquire an attorney is often necessary in
3 navigating legal labyrinths, and children and adolescents are no exception; and

4 WHEREAS, DCYF social workers are overburdened with an inappropriately excessive
5 amount of cases; and

6 WHEREAS, The Office of the Child Advocate has consistently found that children and
7 adolescents in DCYF care are subjected to a disproportionate amount of incidents involving
8 abuse and neglect; and

9 WHEREAS, In July 2010 state officials shut down a Johnston group home due to its staff
10 confining five boys in a hot, stifling common room in an effort to coerce the boys to admit to a
11 theft of clothing. The same group home failed to provide a safe and habitable environment due to
12 dysfunctional toilets that generated backed-up waste, which, in turn, required staff to take the
13 boys to a local YMCA for showers. Although group homes are required to be visited by state
14 employees every three months, this particular group home wasn't visited in over a year; and

15 WHEREAS, The State of Rhode Island and Providence Plantations expended over
16 \$250,000 in fiscal year 2005 to a for-profit business, NASDAQ corporation in Florida, to care for
17 Rhode Island children and adolescents when said corporation faced a grand jury indictment, with
18 staff admitting to the rape of residents and constant physical, sexual, verbal, and emotional
19 assaults; and

20 WHEREAS, Nearly a decade ago, the Rhode Island House of Representatives demanded
21 an end to night-to-night placement, yet it is still being practiced; and

22 WHEREAS, Legislative oversight and federal court action has failed to ameliorate the
23 troubled condition of DCYF; and

24 WHEREAS, It is the steadfast opinion of this House that any form of abuse or neglect is
25 wholly intolerable, especially at the hands of those who receive taxpayer funds to provide care
26 and support for this distinct population of Rhode Islanders; and

27 WHEREAS, Action must be taken to bring an end to abuse and neglect; now, therefore
28 be it

29 RESOLVED, That this House of Representatives of the State of Rhode Island and
30 Providence Plantations hereby declares that abuse and neglect is unconstitutional and inhumane,
31 especially when inflicted upon children and adolescents already in DCYF care, thus a thorough
32 review of the policies and procedures of DCYF is necessary; and be it further

33 RESOLVED, That a House emergency oversight commission on DCYF be created
34 consisting of nine (9) members of this House, not more than five (5) from the same political

1 party, to be appointed by the Speaker of the House.

2 The purpose of said commission is to investigate any unconstitutional or unethical
3 activities, policies, procedures, or placements that pose an imminent threat of harm and danger to
4 any child or adolescent currently or previously in DCYF care, including those youth in
5 placements that are administered under the auspices of the Interstate Compact on the Placement
6 of Children (ICPC).

7 The members of the commission shall demand and be furnished any and all information,
8 documentary and otherwise, as it is deemed necessary or desirable to facilitate the purposes of
9 this resolution.

10 The Speaker of the House is hereby authorized and directed to provide suitable quarters
11 for said study commission; and be it further

12 RESOLVED, That the oversight commission on DCYF shall report its findings and
13 recommendations to the House of Representatives no later than June 7, 2011, and said study
14 commission shall expire on August 7, 2011.

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