

2011 -- S 0916

LC02448

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

SENATE RESOLUTION

CREATING THE RHODE ISLAND SENATE EMERGENCY OVERSIGHT COMMISSION  
ON THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Introduced By: Senators Maher, Tassoni, Algieri, and Ottiano

Date Introduced: April 28, 2011

Referred To: Senate Health & Human Services

1 WHEREAS, Over 10,000 Rhode Island children and adolescents, more than 4 percent of  
2 the 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 General Assembly demanded an end to night-to-  
21 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 Senate 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 Senate of the State of Rhode Island and Providence Plantations  
30 hereby declares that abuse and neglect is unconstitutional and inhumane, especially when  
31 inflicted upon children and adolescents already in DCYF care, thus a thorough review of the  
32 policies and procedures of DCYF is necessary; and be it further

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

1 to be appointed by the President of the Senate; and be it further

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

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

10 RESOLVED, That the President of the Senate is hereby authorized and directed to  
11 provide suitable quarters 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 Senate no later than June 7, 2011, and said study commission shall  
14 expire on August 7, 2011.

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