

2020 -- H 7639

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LC004707
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

HOUSE RESOLUTION

CREATING AN EMERGENCY OVERSIGHT COMMISSION ON THE DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

Introduced By: Representatives Hull, Lombardi, Bennett, and McLaughlin

Date Introduced: February 14, 2020

Referred To: House Judiciary

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

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

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

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

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

12 WHEREAS, The Children's Bill of Rights (RIGL § 42-72-15), the United States
13 Constitution, and the Constitution of the State of Rhode Island and Providence Plantations must
14 be upheld, and children and adolescents in DCYF care must be apprised of their rights in order to
15 recognize abuse and/or neglect that may otherwise go undiscovered; and

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

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

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

4 WHEREAS, Nearly two decades ago, the Rhode Island House of Representatives
5 demanded an end to night-to-night placement, yet it is still being practiced; and

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

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

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

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

17 RESOLVED, That a House emergency oversight commission on DCYF be created
18 consisting of nine (9) members: nine (9) of whom shall be members of the Rhode Island House of
19 Representatives, not more than five (5) from the same political party, to be appointed by the
20 Speaker of the House.

21 The purpose of said commission shall be to investigate any unconstitutional or unethical
22 activities, policies, procedures, or placements that pose an imminent threat of harm and danger to
23 any child or adolescent currently or previously in DCYF care, including those youth in
24 placements that are administered under the auspices of the Interstate Compact on the Placement
25 of Children (ICPC).

26 In lieu of any appointment of a member of the legislature to a permanent advisory
27 commission, a legislative study commission, or any commission created by a General Assembly
28 resolution, the appointing authority may appoint a member of the general public to serve in lieu
29 of a legislator, provided that the Majority Leader or the Minority Leader of the political party
30 which is entitled to the appointment, consents to the member of the general public.

31 Forthwith upon passage of this resolution, the members of the commission shall meet at
32 the call of the Speaker of the House and organize and shall select a chairperson.

33 Vacancies in said commission shall be filled in like manner as the original appointment.

34 All departments and agencies of the state shall furnish such advice and information,

1 documentary and otherwise, to said commission and its agents as is deemed necessary or
2 desirable by the commission to facilitate the purposes of this resolution.

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

5 RESOLVED, That the commission shall report its findings and recommendations to the
6 House of Representatives no later than January 7, 2021, and said commission shall expire on
7 March 7, 2021.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
HOUSE RESOLUTION
CREATING AN EMERGENCY OVERSIGHT COMMISSION ON THE DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

- 1 This resolution would create a nine (9) member special legislative emergency oversight
2 commission on the Department of Children, Youth, and Families, and who would report back to
3 the House no later than January 7, 2021, and whose life would expire on March 7, 2021.

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