

CHILDREN'S BILL OF RIGHTS (R.I.G.L. 42-72-15)

The Children's Bill of Rights protects the legal and civil rights of all children in state care. It provides in part:

No child in DCYF care shall be deprived of any personal property or civil rights without due process.

Each child shall receive humane and dignified treatment with full respect for his or her personal dignity and right to privacy.

Each child may communicate with any individual, group or agency, consistent with the child's treatment plan.

Regarding children in secure facilities, DCYF shall specify when restraint and seclusion may be used, and when and how communication by mail or phone may be restricted.

Each child in a secure facility may receive visitors, including his or her clergyman, attorney, guardian ad litem, special advocate, child advocate, physicians and mental health professionals.

A child is entitled to a free and appropriate education immediately upon being placed.

Child victims as witnesses are afforded statutory protections.

A child cannot be involuntarily placed outside the State of Rhode Island without a court hearing.

A child cannot be denied drug treatment solely because of DCYF placement.

Violations of the Children's Bill of Rights are handled exclusively by the Family Court.

The Children's Bill of Rights must be posted in a conspicuous place in all secure facilities and/or residential placement facilities.

To obtain a complete copy of the Children's Bill of Rights, contact the Office of the Child Advocate at 401-462-4300.

Project Victim Services

The Office of the Child Advocate is the only agency designed to provide assistance and representation to children in DCYF care, who may be entitled to victim's compensation. Monies awarded to child victims are held in trust by the Office of the Child Advocate until they reach age 18.

The goals of this project include:

- increasing the child victim's awareness regarding compensation laws and legal procedures;
- pursuing administrative claims on behalf of selected child victims of sexual and/or severe physical abuse;
- assuring that child victims have access to necessary support services;
- promoting the best interests of child victims in the criminal justice system.

**Project Victim Services is funded
by the Rhode Island
Justice Commission**

OFFICE OF THE CHILD ADVOCATE



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www.child-advocate.ri.gov



STATUTORY MANDATE

Under Rhode Island General Law 42-73-7 the Child Advocate performs the following duties:

- insures that children in DCYF's care and others interested in their welfare are informed of their rights;
- reviews periodically procedures established by DCYF;
- investigates circumstances relating to the death of any child who has received services from DCYF;
- reviews complaints and investigates when it appears that a child needs the assistance of the Child Advocate;
- reviews periodically the facilities and procedures of all institutions and/or residences where a child has been placed by Family Court or DCYF;
- recommends changes in child welfare policy;
- takes all possible action including, but not limited to, public education programs, legislative advocacy and formal legal action, to secure and ensure the legal, civil and special rights of children; and
- reviews orders for the Family Court relating to children and requests judicial hearings when in the best interests of the child.

CHILD ADVOCATE'S ROLE

The Office is a legal office that advocates for particular children whose legal, civil, and special rights in the DCYF system and/or Family Court proceedings are not being met. Special attention is given to children in care who are not entitled to appointed counsel, primarily voluntary admittees, and to children, who though represented in Family Court, need legal assistance in collateral matters such as public benefits, education, mental health and employment. In addition the Office advocates for a group of individuals as an identifiable class when system change for an entire class is necessary.

To accomplish this role, the Child Advocate has the following statutory rights and powers:

- to communicate privately, by mail or in person, with any child in DCYF care;
- to inspect, copy and/or subpoena records held by the clerk of the family court, law enforcement, agencies and institutions, public or private, where a particular child has been placed within or outside the state of Rhode Island;
- to subpoena persons with whom a particular child has been placed for care or has received treatment; and
- to take whatever steps are appropriate to publicize the services for the Child Advocate's Office, its purpose, and how it can be contacted.

CHILD ADVOCACY

LITIGATION - The office is empowered to initiate litigation on behalf of children in care, including litigation naming other state agencies as defendants. Past cases have brought suit against DCYF and placement facilities for violating the State Children's Bill of Rights on such issues as privacy and humane treatment of children in state care.

REVIEWING CHILD FATALITIES - For each child fatality in which the child victim has any connection with DCYF, the Office may convene a formal investigative commission and issue a public report which often results in system reform.

MONITORING PLACEMENT FACILITIES - The Office monitors public and private residential placement facilities and shelters. During an on-site visit, the Office checks that the facility is in compliance with health, safety and fire codes, assesses the quality of the program, interviews children and verifies any reports of institutional abuse.

LEGISLATIVE ADVOCACY - The Child Advocate sits on the General Assembly's Children's Code Commission which reviews all children's legislation, and routinely testifies in General Assembly on legislative proposals affecting children.

PUBLIC HEARINGS AND DOCUMENTS
The Office makes presentations at conferences, convenes public hearings and conducts studies released as public reports.