

## Settlement OK'd in decade-long lawsuit against DCYF

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But some advocates for children are already concerned about the underfunded agency meeting the goals of the agreement.

PROVIDENCE — In a small federal courtroom Wednesday, a decade-long lawsuit that compelled Rhode Island to improve its child welfare services officially ended with handshakes among lawyers.

“Let’s hope this goes well,” U.S. District Court Judge William E. Smith said as he approved the settlement agreement between the state and Children’s Rights Inc., a New York-based advocacy group.

But even as the judge finalized the agreement — dictating the strict path that the Department of Children, Youth and Families must now follow, with monitored checkpoints along the way — some of the DCYF’s contracted providers of child care cautioned that the agency’s perennially underfunded budget poses a roadblock.

In a letter to Smith, David Caprio, president of Providence-based Children’s Friend, which provides early-childhood and family-support services, wrote that “while we are happy to see the progress of a settlement, we are disappointed and concerned that there is no specific funding committed or identified in the settlement agreement.”

“The commitments contained in the settlement agreement will cost money to reach,” Caprio wrote. “The child welfare system in Rhode Island has been, and continues to be underfunded .... This means that any work to make improvements and to implement the settlement will come at the expense of other areas within the DCYF budget.”

The DCYF is on pace to spend about \$225 million by June 30, when the fiscal year ends. That’s \$16 million more than was budgeted for the year, and that’s after the department made more than \$7 million in cuts.

Meanwhile, child cases have increased over the last year: The department is caring for about 340 more children — bringing the total to about 3,200. Calls to the agency’s child-abuse hotline are up 41 percent, and child removals from homes are up 15 percent.

Much of the case-work increase, says DCYF Director Trista Piccola, stems from scores of new workers now on the frontlines performing the necessary social work — as well as a media spotlight on her department that has raised people’s awareness of issues.

**An investigation by** The Providence Journal last fall highlighted several DCYF operating deficiencies, including ignored calls to its child-abuse hotline and slack supervision of group homes. The Journal found that at least 12 children who were either in DCYF care or known to the department died in 2017 and at least another 12 were seriously injured.

Gov. Gina Raimondo has proposed level-funding the DCYF's budget for the next fiscal year at \$209 million, a total that some lawmakers, such as Sen. Louis DiPalma, D-Middletown, say is unrealistic.

"I don't see any way the budget as proposed allows us to responsibly be accountable to the kids we care for in the state," DiPalma said in an interview.

After years of mismanagement, the department is now transitioning to a different way of doing business, which requires a proper investment of money, says DiPalma, who serves on the Senate Finance Committee.

For instance, the department would like to use more foster homes rather than rely so heavily on group homes and other forms of so-called congregate care, which vulnerable children often find traumatic. But until a new foster-home system is properly established, with necessary community-service programs in place, the department must also continue funding group homes.

"We're talking about caring for kids. It's the state's responsibility," says DiPalma. "We're not talking about manufacturing widgets."

**For years, the state** has addressed shortfalls in the DCYF budget by reducing what it has agreed to pay private providers of services, says Ben Lessing, chairman of the Rhode Island Coalition for Children and Families, which includes 39 agencies offering a spectrum of services for kids in state care.

While lawmakers often end up giving the department a midyear budget supplement, often that money goes to other areas within the DCYF, not to the providers, says Lessing.

"I think what is critical to underscore is that there is plenty of information to suggest that reducing DCYF's budget from over \$300 million 10 years ago to \$209 million has been a recipe for negative consequences for children and families, and a depletion of the workforce at DCYF as well as within private agencies," Lessing says. "Where the coalition is concerned, this has to be about more than saving money."

Director Piccola said, "I believe we will have the support we'll need from the governor's office .... The state has a requirement to look after those kids."

And as of Thursday, the state has a little more breathing room: Budget analysts projected that state revenues this year and next would beat targets, giving lawmakers around \$121 million more to work into their budget proposal.

Children's Rights first sued Rhode Island in 2007, alleging systemic failures in how it cared for children.

Prompted by the beating death of a 3-year-old in an unlicensed foster home, the lawsuit forced the state to keep previous promises to improve basic services, such as performing timely and adequate investigations of child abuse and ensuring that children were not placed in dangerous environments.

Piccola says the settlement doesn't come with an expensive new price tag (although lawyer fees reached \$3.4 million) because it ultimately requires the DCYF to do what it is doing now: good children's social work.

"They were asking for things that are really very basic and fundamental to the child welfare system," she said.

All the agreement negotiations were focused on the timetable for those performance targets, Piccola says, "but they are predicated, or contingent, on us having a realistic budget. And success will be based, by and large, on whether or not we have the frontline staff here to actually execute."

When Piccola took over the department in February 2017, the vacancy rate of frontline social workers was 20 percent. It is now 5 percent, she said.

**Sara Bartosz**, the lead lawyer for Children's Rights, has handled similar cases around the country.

The answer to improving child welfare systems isn't just money, she says.

"Sometimes money can be spent more and more and more to no good end because things aren't managed appropriately," she says.

"This agreement is about building the right system with the right capacity, with the right policies and focus so that first and foremost kids and families are served well, but secondly the taxpayers of this state get a fair shake on their tax dollar."

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