

State of Rhode Island and Providence Plantations
Rhode Island Department of Children, Youth and Families
Donald L. Carcieri, Governor Patricia H. Martinez, Director



As active members of the community, we share a vision that all children, youth and families
reach their fullest potential in a safe and nurturing environment

July 22, 2008

Mr. Wilfred Beaudoin
and Ms. Maren McBride-Beaudoin
149 Oakland Avenue
Cranston, RI 02910

Dear Mr. Beaudoin and Ms. McBride-Beaudoin:

I have received and reviewed the copies of your correspondence to Senator Jack Reed regarding your son, Andre, and his prior placement at The Groden Center School and Groden Center Farnum Pike. I know that you are loving and nurturing parents and that you are very invested in ensuring that your son receives the most appropriate treatment available. I commend you for your advocacy for Andre and share the concerns you express in your letters regarding wanting to ensure programs are safe and responsive to the needs of their clients and the families of their clients.

I asked one of my senior managers, who is one of our in-house experts regarding the use of crisis intervention and restraints, to conduct an administrative review of the case file related to this matter and provide me with any recommendations as to other appropriate interventions on the part of the Department. Let me assure you that we are addressing those concerns you raised over which we have control and which merit further intervention.

As you noted in your letters, we did conclude an investigation into your son's case at the Groden Center last February and the investigator indicated the case for "Other Institutional Neglect". Specifically, the investigator centered his findings on the concerns you raised, and which he felt that he verified based on a preponderance of the evidence before him, regarding the Groden Center's lack of follow-through on the IEP and treatment/communication plan given them by Bradley Hospital. He did not, however, find evidence to support your suggestions that restraints were applied for inappropriate reasons or in an inappropriate manner.

Based on this investigation and the subsequent administrative review, our Licensing Staff is working with the Groden Center to ensure that such situations do not occur in the future. While we did not find concerns regarding the reporting and documentation of restraints within the residential program which we license, our staff will ensure that the Groden Center staff provides reports and documentation regarding restraints and seclusion as outlined in our Residential Child Care Regulations.

Your letter also suggests that the use of prone restraints is a practice which should be prohibited and describe them as "extremely dangerous". While there have been documented injuries and deaths from restraints across the country, these have not been limited to only the use of prone restraints. Unfortunately injuries and deaths in both children and adults have occurred in prone restraints, "baskethold" restraints, standing restraints, mechanical restraints and chemical restraints. While some of the findings of the investigations of these injuries/deaths led to modifications in actual physical restraint methods, many of the issues raised dealt with staff training and the application of restraint methods. These include how staff are trained in behavior management and crisis intervention so that the use of any type of restraint is minimized, how staff apply this training and, when a determination is made that

restraint is necessary, that it be carried out in the safest manner possible. This included a greater awareness of issues such as positional asphyxiation which underscored the need for frequently checking the vital signs and physical appearance of clients in restraints and the adjustment of the restraint holds to alleviate any physical abnormalities created by the restraint.

The Department recognized the need to address these issues and in 2000 worked with the then Child Advocate and current Family Court Judge Lauren D'Ambra to articulate in statute parameters regarding the use of restraint and seclusion in programs licensed by DCYF (Rhode Island General Law 42-72.9). We subsequently developed a comprehensive set of regulations regarding the use of restraint and seclusion to implement this new law. These regulations focus on the philosophy that restraint is to be used as a last resort when a child is in danger of hurting him/herself or others and that staff should be trained to utilize effective behavior management, de-escalation methods and crisis intervention methods to ensure that the use of restraint is minimized. Criteria are set for determining which types of crisis intervention/restraint models are approved by the Department. These regulations also allow for the use of seclusion and mechanical or chemical restraints but only in programs which seek specific approval for these interventions and DCYF grants such approval. These regulations also articulate client monitoring requirements during restraints as well as documentation and reporting requirements.

You suggest that DCYF social caseworkers failed to report instances of abuse and therefore should be appropriately disciplined. The administrative review found no evidence of this but did find that there may have been a disagreement as to whether situations you described to DCYF staff rose to the level of abuse/neglect for reporting purposes. It is my understanding that, while DCYF staff disagreed with you regarding these situations, they counseled you to call our Child Abuse Hotline if you felt that abuse/neglect may have occurred. This is an appropriate response on the part of our staff when, based on their professional judgment, they do not find that the facts presented to them constitute evidence that abuse/neglect may have occurred.

Finally, you raise several concerns which relate specifically to the Groden Center School, a program which does not fall under the regulatory jurisdiction of DCYF but rather falls under the regulatory jurisdiction of the RI Department of Elementary and Secondary Education (RIDE). You indicate as well that you have discussed your concerns with RIDE personnel. Normally I would ask your permission to share this letter with RIDE but, since you have already done so and opened conversations with them, I do not see the necessity of my doing so at this point.

I know a simple letter cannot allay all of your concerns, nor can it alleviate the frustration, anger and other emotions you feel about this situation. I hope that it at least helps to assure you that we have taken your concerns seriously and will do what we believe is necessary and appropriate to address them.

Sincerely,



Patricia H. Martinez
Director

pc: Hon. Jack Reed
Hon. Donald Carcieri
Hon. Elizabeth Roberts
David Abbott
Patricia Martinez
Mike Burk
Colleen Walters