

**Office of the Child Advocate  
Advisory Board Meeting Minutes  
January 31, 2014**

**Board Members or Designees Present:**

Chair: Gail Garinger (OCA)  
Olga Roche (DCF)  
Peter Forbes (DYS)  
Edward J. Dolan (DOP)  
Laurie McGrath (DOR/CSE)  
Marcia Fowler (DMH)  
Andrea Cabral (EOPSS)  
Ron Benham (DPH)  
Tom Weber (EEC)  
Zach Crowley (EOHHS)  
Robyn Kennedy (EOHHS)  
Anne Marie Ritchie (AOJC)  
Ilene Mitchell (Probate & Family Court)  
Maureen Ferris (Children's Trust)  
Janet George (DDS)  
Anthony Barrows, Governor's Appointee

**Other Attendees:**

Elizabeth Armstrong (OCA)  
Christine Palladino-Downs (OCA)  
Heather Porriello (OCA)

**Meeting Commenced: 3:10**

**Welcome from The Child Advocate, Gail Garinger**

The Child Advocate, Gail Garinger, welcomed attendees. OCA staff, Board members, and other attendees introduced themselves.

**OCA Press Coverage**

The OCA recently has received widespread media coverage due to its investigation into the disappearance of five year old Jeremiah Oliver whose family was receiving services from the Department of Children and Families (DCF). Judge Garinger put this investigation in the context of the OCA's mission, vision and focus.

**OCA Updates**

**Staffing:** The OCA has added two new full-time staff: Christine Palladino-Downs, as the Clinical Specialist, and Heather Porriello as the Program Assistant.

Christine Palladino-Downs, MSW, LCSW, worked in the Massachusetts child and adolescent mental health arena before gaining extensive knowledge of the child welfare and juvenile

justice system during her eight year tenure at a Children and Family Services agency in the San Francisco Bay Area. While there, she investigated, assessed and managed complex child welfare cases, including child fatalities. She also served on several committees within the child welfare agency, and was active in policy development and implementation. She received her BA-Psychology from Regis College and her Masters of Social Work from San Francisco State University.

Heather Porriello received her BS in Criminal Justice and Human Services from Northeastern University. The fall after graduating Heather committed herself to term of service with AmeriCorps NCCC, a national service organization, where she was based in Southwest region of the United States. Heather comes to the OCA with the direct service experience of working as an advocate for women at a domestic violence shelter and as a Direct Care Counselor at two Boston residential facilities for agency-involved children. She also brings administrative experience from working at Massachusetts Children's Alliance, Massachusetts Office for Victim Assistance and Legal Advocacy Resource Center.

### **Oliver Family Investigation**

The Child Advocate was asked by Governor Deval Patrick to conduct an investigation into the disappearance of Jeremiah Oliver, a five-year old boy whose family was receiving services from DCF. After conducting its investigation, the OCA filed its report with the Governor and released it to the public on January 23, 2014. The OCA report as well as the DCF report containing factual information about Jeremiah and his family, can be found on the OCA website, [www.mass.gov/childadvocate](http://www.mass.gov/childadvocate). Each Board member was provided a copy of the report. Judge Garinger went through the specifics of the report and asked if any there were any questions or comments. Discussion ensued around needing to take more preventive measures rather than waiting to react. As one Board member stated, "At the end of the day the adults who were victims as children are now raising children – this will not stop until we are as equally well intentioned before the fact as we are after the fact. "

Attendees talked about the need to start framing child abuse and neglect as a public health issue. The example of MADD (Mothers against Drunk Driving) was provided to emphasize that there needs to be better public messaging that would lead to people taking a measure of responsibility for their behavior.

Judge Garinger noted the continuum of services represented by members of the Advisory Board. She raised the possibility of getting together in smaller groups to take advantage of and build on current agency partnerships.

It was suggested that ITD assist in enhancing the data systems of the agencies. There is a current lack of information sharing between the agencies in real time. Miami Dade Child Welfare and Education was suggested as an example of a good system. When a child in that county misses a day of school, the ongoing social worker receives an alert by email. It was also noted that MA Criminal Justice Information Services (CJIS has this type of system but there needs to be further clarification as to which agencies would be entitled to what information and what the firewalls would be.

### **OCA Annual Report FY 2013**

The OCA released its fifth annual report to the public in November 2013. A copy of the annual report was handed out to each Board Member. Judge Garinger went through the report and highlighted key parts. Christine Palladino-Downs explained the helpline and the variety of calls and information given to callers. Elizabeth Armstrong explained OCA's role in looking into abuse or neglect reports of children placed in out-of-home settings. These reports have reinforced the OCA's commitment to the restraint reduction initiative.

Discussion ensued regarding the knowledge of trauma-informed care across the various child serving agencies and programs. It was stated that teachers and residential facility workers need to be better trained about trauma-informed care. The level of trauma-informed care varies depending on the population being served in particular programs and facilities. The MA Department of Corrections (DOC) is starting to advance the trauma-informed care model based on a belief that it will make prisons safer.

Elizabeth Armstrong explained critical incidents and the OCA's role in looking at fatalities, near fatalities and serious bodily injuries of children involved with state agencies.

### **Juvenile Justice Initiatives**

Judge Garinger celebrated the passing of House Bill 1432, "An Act Expanding Juvenile Jurisdiction," in September 2013 which rose the age of juvenile court jurisdiction from 17 years to 18 years. During the past three years, The Child Advocate has played a leading role in advocating for this legislation by testifying before legislative committees and speaking to numerous organizations and the media. It was noted that this new law has created some minor issues for DYS given that the law became effective immediately.

The discussion then turned to the issue of juvenile life without Parole. A major SJC case, [\*Diatchenko vs. District Attorney for the Suffolk District\*](#) abolished life without the possibility of parole sentences for those under 18 at the time of their offenses. This decision goes further than the U.S. Supreme Court in [\*Miller vs. Alabama\*](#) by prohibiting the imposition of such sentences under any circumstances. Much of the coverage of Diatchenko has focused on what it will actually mean for those who will now be eligible for parole. Massachusetts currently has 63 persons incarcerated for homicides committed before the age of 18 who are now eligible for parole. It is critical that the parole board recognize the differences between juvenile and adult offenders when reviewing cases and making parole decisions. There have been several bills filed to address the issue of sentencing and parole eligibility for youth charged with homicide moving forward. Much of the focus is on the length of time a person would have to serve before becoming eligible for parole consideration. The Governor's bill, House 51, would allow for parole eligibility after 10 to 25 years. Other bills propose timeframes ranging from 10 to 35 years before parole eligibility. The OCA is considering an education session for the legislature and staff regarding the rationale for the *Miller* and *Diatchenko* decisions to inform the debate on these bills and to emphasize the importance of fair sentencing for youth.

The meeting ended with a discussion regarding the impact of *Diatchenko* in ensuring fair parole hearings for the 63 individuals currently serving life without parole sentences while recognizing the significance of this ruling for victims' family members

**Meeting Adjourned** 5:05pm