

Title 42

State Affairs and Government

Chapter 72

Department of Children, Youth and Families

R.I. Gen. Laws § 42-72-5

§ 42-72-5. Powers and scope of activities.

(a) The department shall be the principal agency of the state to mobilize the human, physical, and financial resources available to plan, develop, and evaluate a comprehensive and integrated statewide program of services designed to ensure the opportunity for children to reach their full potential. The services shall include prevention, early intervention, outreach, placement, care and treatment, and after-care programs; provided, however, that the department shall notify the state police and cooperate with local police departments when it receives and/or investigates a complaint of sexual assault on a minor and concludes that probable cause exists to support the allegation(s). The department also shall serve as an advocate for the needs of children. Additionally, on or before October 1, 2023, the department shall implement the hiring process developed by the director pursuant to subsection (f) of this section.

(b) To accomplish the purposes and duties, as set forth in this chapter, the director is authorized and empowered:

(1) To establish those administrative and operational divisions of the department that the director determines is in the best interests of fulfilling the purposes and duties of this chapter;

(2) To assign different tasks to staff members that the director determines best suit the purposes of this chapter;

(3) To establish plans and facilities for emergency treatment, relocation, and physical custody of abused or neglected children that may include, but are not limited to, homemaker/educator child-case aides, specialized foster-family programs, daycare facilities, crisis teams, emergency parents, group homes for teenage parents, family centers within existing community agencies, and counseling services;

(4) To establish, monitor, and evaluate protective services for children including, but not limited to, purchase of services from private agencies and establishment of a policy and procedure manual to standardize protective services;

(5) To plan and initiate primary- and secondary-treatment programs for abused and neglected children;

(6) To evaluate the services of the department and to conduct periodic, comprehensive-needs assessment;

(7) To license, approve, monitor, and evaluate all residential and nonresidential group homes, foster homes, and programs;

- (8)** To recruit and coordinate community resources, public and private;
- (9)** To promulgate rules and regulations concerning the confidentiality, disclosure, and expungement of case records pertaining to matters under the jurisdiction of the department;
- (10)** To establish a minimum mandatory level of twenty (20) hours of training per year and provide ongoing staff development for all staff;
- (11)** To establish procedures for reporting suspected child abuse and neglect pursuant to chapter 11 of title 40;
- (12)** To promulgate all rules and regulations necessary for the execution of departmental powers pursuant to the administrative procedures act, chapter 35 of this title;
- (13)** To provide and act as a clearinghouse for information, data, and other materials relative to children;
- (14)** To initiate and carry out studies and analysis that will aid in solving local, regional, and statewide problems concerning children;
- (15)** To represent and act on behalf of the state in connection with federal-grant programs applicable to programs for children in the functional areas described in this chapter;
- (16)** To seek, accept, and otherwise take advantage of all federal aid available to the department, and to assist other agencies of the state, local agencies, and community groups in taking advantage of all federal grants and subventions available for children;
- (17)** To review and coordinate those activities of agencies of the state, and of any political subdivision of the state, that affect the full and fair utilization of community resources for programs for children, and initiate programs that will help ensure utilization;
- (18)** To administer the pilot juvenile-restitution program, including the overseeing and coordinating of all local community-based restitution programs, and the establishment of procedures for the processing of payments to children performing community service;
- (19)** To adopt rules and regulations that:
- (i)** For the twelve-month (12) period beginning on October 1, 1983, and for each subsequent twelve-month (12) period, establish specific goals as to the maximum number of children who will remain in foster care for a period in excess of two (2) years; and
- (ii)** Are reasonably necessary to implement the child-welfare services and foster-care programs;
- (20)** May establish and conduct seminars for the purpose of educating children regarding sexual abuse;
- (21)** To establish fee schedules by regulations for the processing of requests from adoption placement agencies for adoption studies, adoption study updates, and supervision related to interstate and international adoptions. The fee shall equal the actual cost of the service(s) rendered, but in no event shall the fee exceed two thousand dollars (\$2,000);

(22) To be responsible for the education of all children who are placed, assigned, or otherwise accommodated in out-of-home placement.. In fulfilling this responsibility, the department is authorized to enroll and pay for the education of students in the public schools or, when necessary and appropriate, to itself provide education in accordance with the regulations of the council on elementary and secondary education either directly or through contract;

[\(23\) Foster Care Liaison: all districts and RIDE must identify a foster care liaison. Liaisons must meet with a DCYF representative routinely to review and monitor this data outlined in Title 16 \(cite\). \[Should we add in DCYF access to the RIDE data portal?\]](#)

- a. [May require separate legislation to establish the foster care liaisons \(ask Leg. Counsel\).](#)
- b. [Should DCYF be required to collect any independent data on students in foster care?](#)

(23) To develop multidisciplinary service plans, in conjunction with the department of health, at hospitals prior to the discharge of any drug-exposed babies. The plan requires the development of a plan using all healthcare professionals;

(24) To be responsible for the delivery of appropriate mental health services to seriously emotionally disturbed children and children with functional developmental disabilities. Appropriate mental health services may include hospitalization, placement in a residential treatment facility, or treatment in a community-based setting. The department is charged with the responsibility for developing the public policy and programs related to the needs of seriously emotionally disturbed children and children with functional developmental disabilities.

In fulfilling its responsibilities the department shall:

(i) Plan a diversified and comprehensive network of programs and services to meet the needs of seriously emotionally disturbed children and children with functional developmental disabilities;

(ii) Provide the overall management and supervision of the state program for seriously emotionally disturbed children and children with functional developmental disabilities;

(iii) Promote the development of programs for preventing and controlling emotional or behavioral disorders in children;

(iv) Coordinate the efforts of several state departments and agencies to meet the needs of seriously emotionally disturbed children and children with functional developmental disabilities and to work with private agencies serving those children;

(v) Promote the development of new resources for program implementation in providing services to seriously emotionally disturbed children and children with functional developmental disabilities.

The department shall adopt rules and regulations that are reasonably necessary to implement a program of mental health services for seriously emotionally disturbed children.

Each community, as defined in chapter 7 of title 16, shall contribute to the department, at least in accordance with rules and regulations to be adopted by the department, at least its average per-pupil cost for special education for the year in which placement commences, as its share of the

cost of educational services furnished to a seriously emotionally disturbed child pursuant to this section in a residential treatment program that includes the delivery of educational services.

“Seriously emotionally disturbed child” means any person under the age of eighteen (18) years, or any person under the age of twenty-one (21) years, who began to receive services from the department prior to attaining eighteen (18) years of age and has continuously received those services thereafter; who has been diagnosed as having an emotional, behavioral, or mental disorder under the current edition of the Diagnostic and Statistical Manual and that disability has been ongoing for one year or more or has the potential of being ongoing for one year or more; and the child is in need of multi-agency intervention; and the child is in an out-of-home placement or is at risk of placement because of the disability.

A child with a “functional developmental disability” means any person under the age of eighteen (18) years or any person under the age of twenty-one (21) years who began to receive services from the department prior to attaining eighteen (18) years of age and has continuously received those services thereafter.

The term “functional developmental disability” includes autism spectrum disorders and means a severe, chronic disability of a person that:

- (A)** Is attributable to a mental or physical impairment or combination of mental physical impairments;
- (B)** Is manifested before the person attains age eighteen (18);
- (C)** Is likely to continue indefinitely;
- (D)** Results in age-appropriate, substantial, functional limitations in three (3) or more of the following areas of major life activity:
 - (I)** Self-care;
 - (II)** Receptive and expressive language;
 - (III)** Learning;
 - (IV)** Mobility;
 - (V)** Self direction;
 - (VI)** Capacity for independent living; and
 - (VII)** Economic self-sufficiency; and
- (E)** Reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of life-long or extended duration and are individually planned and coordinated.

Funding for these clients shall include funds that are transferred to the department of human services as part of the managed healthcare program transfer. However, the expenditures relating to

these clients shall not be part of the department of human services' caseload estimated for the semi-annual, caseload-estimating conference. The expenditures shall be accounted for separately;

(25) To provide access to services to any person under the age of eighteen (18) years, or any person under the age of twenty-one (21) years who began to receive child welfare services from the department prior to attaining eighteen (18) years of age, has continuously received those services thereafter, and elects to continue to receive such services after attaining the age of eighteen (18) years. The general assembly has included funding in the FY 2008 DCYF budget in the amount of \$10.5 million from all sources of funds and \$6.0 million from general revenues to provide a managed system to care for children serviced between 18 to 21 years of age. The department shall manage this caseload to this level of funding;

(26) To initiate transition planning in cooperation with the department of behavioral healthcare, developmental disabilities and hospitals and local school departments for any child who receives services through DCYF; is seriously emotionally disturbed or developmentally delayed pursuant to subsection (b)(24)(v); and whose care may or shall be administered by the department of behavioral healthcare, developmental disabilities and hospitals after the age of twenty-one (21) years; the transition planning shall commence at least twelve (12) months prior to the person's twenty-first birthday and shall result in a collaborative plan submitted to the family court by both the department of behavioral healthcare, developmental disabilities and hospitals and the department of children, youth and families and shall require the approval of the court prior to the dismissal of the abuse, neglect, dependency, or miscellaneous petition before the child's twenty-first birthday;

(27) To develop and maintain, in collaboration with other state and private agencies, a comprehensive continuum of care in this state for children in the care and custody of the department or at risk of being in state care. This continuum of care should be family centered and community based with the focus of maintaining children safely within their families or, when a child cannot live at home, within as close proximity to home as possible based on the needs of the child and resource availability. The continuum should include community-based prevention, family support, [educational supportive services pursuant to § 42-72-5\(b\)22](#) and crisis-intervention services, as well as a full array of foster care and residential services, including residential services designed to meet the needs of children who are seriously emotionally disturbed, children who have a functional developmental disability, and youth who have juvenile justice issues. The director shall make reasonable efforts to provide a comprehensive continuum of care for children in the care and custody of DCYF, taking into account the availability of public and private resources and financial appropriations and the director shall submit an annual report to the general assembly as to the status of the director's efforts in accordance with the provisions of § 42-72-4(b)(13);

(28) To administer funds under the John H. Chafee Foster Care Independence and Educational and Training Voucher (ETV) Programs of Title IV-E of the Social Security Act [42 U.S.C. § 677] and the DCYF higher education opportunity grant program as outlined in chapter 72.8 of this title, in accordance with rules and regulations as promulgated by the director of the department; and

(29) To process nationwide criminal record checks on prospective foster parents and any household member age 18 or older, prospective adoptive parents and any household member age 18 and older, operators of childcare facilities, persons seeking to act as volunteer court-appointed

special advocates, persons seeking employment in a childcare facility or at the training school for youth or on behalf of any person seeking employment at DCYF, who are required to submit to nationwide criminal background checks as a matter of law.

(c) In order to assist in the discharge of the director's duties, the director may request from any agency of the state information pertinent to the affairs and problems of children.

(d) [Deleted by P.L. 2008, ch. 9, art. 16, § 2.]

(e) [Deleted by P.L. 2008, ch. 9, art. 16, § 2.]

(f) On or before October 1, 2023, the director shall establish a process for hiring individuals seeking employment at the department as a social caseworker or child protective investigator. The department shall be provided with funding for one full-time employee, or the equivalent, to support the implementation of the hiring process. The process shall be in effect through March 15, 2026.

(1) Generally, the process shall include, but need not be limited to:

(i) Screening and reviewing candidates for eligibility criteria including education and experience;

(ii) Administering the requisite civil service examinations;

(iii) Conducting in-person interviews;

(iv) Determining which applicants will be offered employment; and

(v) Determining the order in which employment offers will be given.

(2) Specifically, the process shall include, but need not be limited to, the following elements:

(i) *Eligibility criteria.* Candidates must meet the minimum job requirements as defined in the specification with social caseworker IIs and child protective investigators as approved by the department of administration.

(ii) *Civil service examinations.*

(A) Examinations shall be offered by the department at least three (3) times per month to individuals who meet the eligibility criteria and at times that shall include a weekend, a weekday, and a weeknight option.

(B) The director shall determine the process and administration of the exam. The director is not obligated to schedule an examination if there are no current applicants for the position available by the deadline set by the director pursuant to this subsection.

(C) If an applicant does not pass the examination, the department shall notify the applicant as soon as is practicable. Applicants wishing to re-take the examination are not eligible to do so until sixty (60) days have passed from the date the notification was sent.

(iii) *In-person interviews.*

(A) Applicants who pass the civil service examination shall be invited to an in-person interview.

(B) The interview shall be conducted by at least two (2) current employees of the department.

- (I)** One of whom shall have a culturally or racially diverse background; and
- (II)** One of whom is currently in a supervisory role over social caseworkers or child protective investigators for at least three (3) years.
- (III)** Satisfying the requirements of subsections (f)(2)(iii)(B)(I) and (f)(2)(iii)(B)(II) of this section does not necessarily require two (2) individuals. One individual may satisfy both requirements.
- (C)** There shall be a good faith effort to accommodate the availability of the applicant and the individuals on the panel when scheduling the interview.
- (iv) Offering employment.**
 - (A)** Prior to offering employment, an applicant shall pass both the civil service exam and the in-person interview. Nothing herein is a guarantee of employment to an applicant who meets these criteria.
 - (B)** Determining whether an applicant successfully completes the in-person interview shall be based on criteria established by the director.
 - (I)** The department of administration shall score the civil service exams and provide a pass/fail listing of all candidates to DCYF within five (5) business days of receipt of the exams from DCYF.
 - (II)** The director may create a method of scoring interviews to provide objectivity and uniformity when assessing applicants.
 - (g)** On or before March 15, 2024, the department shall provide an interim report to the senate president and the speaker of the house regarding the hiring process developed and implemented pursuant to subsection (f) of this section. The report shall include, but is not limited to, the following data concerning social caseworkers and child protective investigators at the department:
 - (1)** The number of social caseworkers hired using the process developed pursuant to subsection (f) of this section;
 - (2)** The number of child protective investigators hired using the process developed pursuant to subsection (f) of this section;
 - (3)** The number of terminations or resignations since October 1, 2023;
 - (4)** The number of vacancies that existed on October 1, 2023, and the number of vacancies that exist as of the date of the report; and
 - (5)** Any identified barriers to hiring that exist in spite of, or because of, the process developed pursuant to subsection (f) of this section.

History of Section.

P.L. 1979, ch. 248, § 1; P.L. 1980, ch. 244, § 2; P.L. 1982, ch. 140, § 1; P.L. 1985, ch. 37, § 1; P.L. 1989, ch. 126, art. 25, § 1; P.L. 1989, ch. 126, art. 39, § 3; P.L. 1990, ch. 80, § 1; P.L. 1991, ch. 94, § 1; P.L. 1991, ch. 261, § 1; P.L. 1995, ch. 370, art. 40 § 142; P.L. 1997, ch. 73, § 1; P.L. 1997, ch. 107, § 1; P.L. 2004, ch. 304, § 1; P.L. 2004, ch. 415, § 1; P.L. 2006, ch. 216, § 45; P.L. 2007, ch. 73, art. 22, § 3; P.L. 2008, ch. 9, art. 16, § 2; P.L. 2008, ch. 475, § 12; P.L. 2015, ch. 118, § 3; P.L. 2015, ch. 130, § 3; P.L.

2016, ch. 147, § 4; P.L. 2016, ch. 154, § 4; P.L. 2017, ch. 127, § 2; P.L. 2017, ch. 147, § 2; P.L. 2019, ch. 88, art. 4, § 19; P.L. 2023, ch. 201, § 2, effective June 21, 2023; P.L. 2023, ch. 202, § 2, effective June 21, 2023; P.L. 2024, ch. 392, § 3, effective June 26, 2024; P.L. 2024, ch. 393, § 3, effective June 26, 2024.

Title 42

State Affairs and Government

Chapter 72

Department of Children, Youth and Families

R.I. Gen. Laws § 42-72-10

§ 42-72-10. Development of service plan.

(a) A written service plan for care and treatment shall be prepared for each child under the department's supervision. The service plan shall include, but not be limited to, a statement of the needs of each child together with the proposed treatment and placement. The service plan for treatment and placement of each child shall be reviewed at least every six (6) months to evaluate whether the service plan is in the best interest of the child and is also cost-effective.

(b) The child's health and safety shall be the paramount concern in making reasonable efforts toward reunification with parent(s).

(c) If the plan is one for adoption or placement in another permanent home, the plan shall include documentation of the steps the department is taking to find an adoptive family or other permanent placement, to place the child in such a family or placement, and to finalize permanency. The plan must specify the type of recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic adoption exchanges.

History of Section.

P.L. 1979, ch. 248, § 1; P.L. 1998, ch. 87, § 4.

Considerations for the Commission:

1. Consider adding section (d): The child's educational needs and efforts the Department will undertake to meet the needs shall be included in all school age children's service plan. The Department will obtain children's school records.
 - a. Considerations for federal requirements around service plans – does this fit here or should it be added to another section?
2. Commission to consider and discuss if Uninterrupted Scholars Act (Public Law 112-278) language should be included in statute (similar to Connecticut and Massachusetts).