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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES -- THE POWERS AND SCOPE OF ACTIVITIES

Introduced By: Representatives Casimiro, Cruz, Shallcross Smith, Noret, Donovan,
Cotter, Roberts, Read, Serpa, and Chippendale

Date Introduced: February 26, 2025

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-72-5 of the General Laws in Chapter 42-72 entitled "Department
2 of Children, Youth and Families" is hereby amended to read as follows:

3 **42-72-5. Powers and scope of activities.**

4 (a) The department shall be the principal agency of the state to mobilize the human,
5 physical, and financial resources available to plan, develop, and evaluate a comprehensive and
6 integrated statewide program of services designed to ensure the opportunity for children to reach
7 their full potential, including prevention and interventions for child welfare, children's behavioral
8 health, children with disabilities, and youth development/juvenile justice. The services shall include
9 prevention, early intervention, outreach, placement, care and treatment, and after-care programs;
10 provided, however, that the department shall notify the state police and cooperate with local police
11 departments when it receives and/or investigates a complaint of sexual assault on a minor and
12 concludes that probable cause exists to support the allegation(s). The department shall have primary
13 responsibility for overseeing and administering behavioral health services for children including,
14 but not limited to, services for children in DCYF care, children with serious emotional disturbances,
15 and children with developmental or functional disabilities. This responsibility includes ensuring
16 the development, oversight, and maintenance of a comprehensive, integrated home and
17 community-based continuum of care tailored to meet the developmental, emotional, and behavioral
18 needs of children and families. The department shall ensure that all behavioral health services for

1 children are delivered through a comprehensive system of care. This system shall be child-centered,
2 family-driven, and designed to meet the individual needs of children, ensuring that services are
3 accessible, coordinated, and culturally responsive. The system of care shall include a continuum of
4 services provided in the least restrictive settings, and emphasize collaboration across child-serving
5 systems, including health, education, juvenile justice, and family support services. The department
6 also shall serve as an advocate for the needs of children. Additionally, on or before October 1, 2023,
7 the department shall implement the hiring process developed by the director pursuant to subsection
8 (f) of this section.

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

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

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

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

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

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

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

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

29 (8) To recruit and coordinate community resources, public and private;

30 (9) To promulgate rules and regulations concerning the confidentiality, disclosure, and
31 expungement of case records pertaining to matters under the jurisdiction of the department;

32 (10) To establish a minimum mandatory level of twenty (20) hours of training per year and
33 provide ongoing staff development for all staff;

34 (11) To establish procedures for reporting suspected child abuse and neglect pursuant to

1 chapter 11 of title 40;

2 (12) To promulgate all rules and regulations necessary for the execution of departmental
3 powers pursuant to the administrative procedures act, chapter 35 of this title;

4 (13) To provide and act as a clearinghouse for information, data, and other materials
5 relative to children;

6 (14) To initiate and carry out studies and analysis that will aid in solving local, regional,
7 and statewide problems concerning children;

8 (15) To represent and act on behalf of the state in connection with federal-grant programs
9 applicable to programs for children in the functional areas described in this chapter;

10 (16) To seek, accept, and otherwise take advantage of all federal aid available to the
11 department, and to assist other agencies of the state, local agencies, and community groups in taking
12 advantage of all federal grants and subventions available for children;

13 (17) To review and coordinate those activities of agencies of the state, and of any political
14 subdivision of the state, that affect the full and fair utilization of community resources for programs
15 for children, and initiate programs that will help ensure utilization;

16 (18) To administer the pilot juvenile-restitution program, including the overseeing and
17 coordinating of all local community-based restitution programs, and the establishment of
18 procedures for the processing of payments to children performing community service;

19 (19) To adopt rules and regulations that:

20 (i) For the twelve-month (12) period beginning on October 1, 1983, and for each
21 subsequent twelve-month (12) period, establish specific goals as to the maximum number of
22 children who will remain in foster care for a period in excess of two (2) years; and

23 (ii) Are reasonably necessary to implement the child-welfare services and foster-care
24 programs;

25 (20) May establish and conduct seminars for the purpose of educating children regarding
26 sexual abuse;

27 (21) To establish fee schedules by regulations for the processing of requests from adoption
28 placement agencies for adoption studies, adoption study updates, and supervision related to
29 interstate and international adoptions. The fee shall equal the actual cost of the service(s) rendered,
30 but in no event shall the fee exceed two thousand dollars (\$2,000);

31 (22) To be responsible for the education of all children who are placed, assigned, or
32 otherwise accommodated for residence by the department in a state-operated or -supported
33 community residence licensed by a Rhode Island state agency. In fulfilling this responsibility, the
34 department is authorized to enroll and pay for the education of students in the public schools or,

1 when necessary and appropriate, to itself provide education in accordance with the regulations of
2 the council on elementary and secondary education either directly or through contract;

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

6 (24) ~~To be responsible for the delivery of appropriate mental health services to seriously~~
7 ~~emotionally disturbed children and children with functional developmental disabilities.~~
8 ~~Appropriate mental health services may include hospitalization, placement in a residential~~
9 ~~treatment facility, or treatment in a community-based setting.~~ To be responsible for a system of
10 care framework for children’s behavioral health services. This framework will ensure that children
11 and families have access to comprehensive community-based services that are flexible,
12 coordinated, child centered, trauma-informed and culturally responsive. The system of care shall
13 emphasize prevention, early intervention strategies, and the provision of behavioral health
14 treatment in the least restrictive community settings ensuring children and families are involved in
15 the decision-making and have access to the resources they need to thrive. The department is charged
16 with the responsibility for developing the public policy and programs related to the needs of
17 seriously emotionally disturbed children and children with functional developmental disabilities- ;

18 (25) To ensure access to comprehensive behavioral health services, DCYF shall collaborate
19 with the state Medicaid agency to ensure adherence to the Early and Periodic Screening, Diagnostic
20 and Treatment (EPSDT) provisions.

21 In fulfilling its responsibilities the department shall:

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

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

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

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

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

1 (vi) The department shall retain the authority to manage and oversee the delivery of
2 children's behavioral health services, DCYF will establish a governance structure to ensure
3 seamless coordination with other state agencies such as the department of health, the department
4 of human services, the department of behavioral healthcare, developmental disabilities and
5 hospitals, the executive office of health and human services and the department of education, while
6 maintaining a child-centered focus in service delivery.

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

10 Each community, as defined in chapter 7 of title 16, shall contribute to the department, at
11 least in accordance with rules and regulations to be adopted by the department, at least its average
12 per-pupil cost for special education for the year in which placement commences, as its share of the
13 cost of educational services furnished to a seriously emotionally disturbed child pursuant to this
14 section in a residential treatment program that includes the delivery of educational services.

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

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

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

29 (A) Is attributable to a mental or physical impairment or combination of mental physical
30 impairments;

31 (B) Is manifested before the person attains age eighteen (18);

32 (C) Is likely to continue indefinitely;

33 (D) Results in age-appropriate, substantial, functional limitations in three (3) or more of
34 the following areas of major life activity:

- 1 (I) Self-care;
- 2 (II) Receptive and expressive language;
- 3 (III) Learning;
- 4 (IV) Mobility;
- 5 (V) Self direction;
- 6 (VI) Capacity for independent living; and
- 7 (VII) Economic self-sufficiency; and
- 8 (E) Reflects the person's need for a combination and sequence of special, interdisciplinary,
- 9 or generic care, treatment, or other services that are of life-long or extended duration and are
- 10 individually planned and coordinated.

11 Funding for these clients shall include funds that are transferred to the department of human
12 services as part of the managed healthcare program transfer. However, the expenditures relating to
13 these clients shall not be part of the department of human services' caseload estimated for the semi-
14 annual, caseload-estimating conference. The expenditures shall be accounted for separately; and

15 (vii) The department shall retain the authority to manage and oversee the delivery of
16 children's behavioral health services. DCYF will establish a governance structure to ensure
17 seamless coordination with other state agencies such as the department of health, the department
18 of human services, the department of behavioral healthcare, developmental disabilities and
19 hospitals, and the executive office of health and human services and the department of education,
20 while maintaining a child-centered focus in service delivery.

21 ~~(25)~~(26) To provide access to services to any person under the age of eighteen (18) years,
22 or any person under the age of twenty-one (21) years who began to receive child welfare services
23 from the department prior to attaining eighteen (18) years of age, has continuously received those
24 services thereafter, and elects to continue to receive such services after attaining the age of eighteen
25 (18) years. The general assembly has included funding in the FY 2008 DCYF budget in the amount
26 of \$10.5 million from all sources of funds and \$6.0 million from general revenues to provide a
27 managed system to care for children serviced between 18 to 21 years of age. The department shall
28 manage this caseload to this level of funding;

29 ~~(26)~~(27) To initiate transition planning in cooperation with the department of behavioral
30 healthcare, developmental disabilities and hospitals and local school departments for any child who
31 receives services through DCYF; is seriously emotionally disturbed or developmentally delayed
32 pursuant to subsection (b)(24)(v); and whose care may or shall be administered by the department
33 of behavioral healthcare, developmental disabilities and hospitals after the age of twenty-one (21)
34 years; the transition planning shall commence at least twelve (12) months prior to the person's

1 twenty-first birthday and shall result in a collaborative plan submitted to the family court by both
2 the department of behavioral healthcare, developmental disabilities and hospitals and the
3 department of children, youth and families and shall require the approval of the court prior to the
4 dismissal of the abuse, neglect, dependency, or miscellaneous petition before the child's twenty-
5 first birthday;

6 ~~(27)~~(28) To develop and maintain, in collaboration with other state and private agencies, a
7 comprehensive continuum of care in this state for children in the care and custody of the department
8 or at risk of being in state care. This continuum of care should be family centered and community
9 based with the focus of maintaining children safely within their families or, when a child cannot
10 live at home, within as close proximity to home as possible based on the needs of the child and
11 resource availability. The continuum should include community-based prevention, family support,
12 and crisis-intervention services, as well as a full array of foster care and residential services,
13 including residential services designed to meet the needs of children who are seriously emotionally
14 disturbed, children who have a functional developmental disability, and youth who have juvenile
15 justice issues. The director shall make reasonable efforts to provide a comprehensive continuum of
16 care for children in the care and custody of DCYF, taking into account the availability of public
17 and private resources and financial appropriations and the director shall submit an annual report to
18 the general assembly as to the status of the director's efforts in accordance with the provisions of §
19 42-72-4(b)(13);

20 ~~(28)~~(29) To administer funds under the John H. Chafee Foster Care Independence and
21 Educational and Training Voucher (ETV) Programs of Title IV-E of the Social Security Act [42
22 U.S.C. § 677] and the DCYF higher education opportunity grant program as outlined in chapter
23 72.8 of this title, in accordance with rules and regulations as promulgated by the director of the
24 department; and

25 ~~(29)~~(30) To process nationwide criminal record checks on prospective foster parents and
26 any household member age 18 or older, prospective adoptive parents and any household member
27 age 18 and older, operators of childcare facilities, persons seeking to act as volunteer court-
28 appointed special advocates, persons seeking employment in a childcare facility or at the training
29 school for youth or on behalf of any person seeking employment at DCYF, who are required to
30 submit to nationwide criminal background checks as a matter of law.

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

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

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

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

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

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

8 (ii) Administering the requisite civil service examinations;

9 (iii) Conducting in-person interviews;

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

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

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

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

17 (ii) *Civil service examinations.*

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

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

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

27 (iii) *In-person interviews.*

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

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

32 (I) One of whom shall have a culturally or racially diverse background; and

33 (II) One of whom is currently in a supervisory role over social caseworkers or child
34 protective investigators for at least three (3) years.

1 (III) Satisfying the requirements of subsections (f)(2)(iii)(B)(I) and (f)(2)(iii)(B)(II) of this
2 section does not necessarily require two (2) individuals. One individual may satisfy both
3 requirements.

4 (C) There shall be a good faith effort to accommodate the availability of the applicant and
5 the individuals on the panel when scheduling the interview.

6 (iv) *Offering employment.*

7 (A) Prior to offering employment, an applicant shall pass both the civil service exam and
8 the in-person interview. Nothing herein is a guarantee of employment to an applicant who meets
9 these criteria.

10 (B) Determining whether an applicant successfully completes the in-person interview shall
11 be based on criteria established by the director.

12 (I) The department of administration shall score the civil service exams and provide a
13 pass/fail listing of all candidates to DCYF within five (5) business days of receipt of the exams
14 from DCYF.

15 (II) The director may create a method of scoring interviews to provide objectivity and
16 uniformity when assessing applicants.

17 (g) On or before March 15, 2024, the department shall provide an interim report to the
18 senate president and the speaker of the house regarding the hiring process developed and
19 implemented pursuant to subsection (f) of this section. The report shall include, but is not limited
20 to, the following data concerning social caseworkers and child protective investigators at the
21 department:

22 (1) The number of social caseworkers hired using the process developed pursuant to
23 subsection (f) of this section;

24 (2) The number of child protective investigators hired using the process developed pursuant
25 to subsection (f) of this section;

26 (3) The number of terminations or resignations since October 1, 2023;

27 (4) The number of vacancies that existed on October 1, 2023, and the number of vacancies
28 that exist as of the date of the report; and

29 (5) Any identified barriers to hiring that exist in spite of, or because of, the process
30 developed pursuant to subsection (f) of this section.

31 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES -- THE POWERS AND SCOPE OF ACTIVITIES

1 This act would expand the scope and power of the department of children, youth and
2 families (DCYF) to oversee and administer comprehensive behavioral health services for children
3 with serious emotional disturbances and children with developmental or functional disabilities.

4 This act would also require DCYF to create a framework for the children's behavioral health
5 services that adheres to Medicaid requirements.

6 This act would take effect upon passage.

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