

2025 -- S 0460

=====  
LC001513  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

—————  
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: Senators Bissaillon, Murray, DiMario, DiPalma, McKenney, Lawson,  
and Burke

Date Introduced: February 26, 2025

Referred To: Senate Health & Human Services

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.

=====  
LC001513  
=====

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.

=====  
LC001513  
=====