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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT

Introduced By: Senators DiPalma, Murray, Sosnowski, and DiMario

Date Introduced: March 14, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 14-1-6 of the General Laws in Chapter 14-1 entitled "Proceedings in
2 Family Court" is hereby amended to read as follows:

3 **14-1-6. Retention of jurisdiction.**

4 (a) When the court shall have obtained jurisdiction over any child prior to the child having
5 attained the age of eighteen (18) years by the filing of a petition alleging that the child is wayward
6 or delinquent pursuant to § 14-1-5, the child shall, except as specifically provided in this chapter,
7 continue under the jurisdiction of the court until he or she becomes nineteen (19) years of age,
8 unless discharged prior to turning nineteen (19).

9 (b) When the court shall have obtained jurisdiction over any child prior to the child's
10 eighteenth (~~18th~~) birthday by the filing of a miscellaneous petition or a petition alleging that the
11 child is [wayward, delinquent](#), dependent, neglected, ~~or~~ abused pursuant to §§ 14-1-5 and 40-11-7
12 or 42-72-14 [or any child in the care and custody of the state](#), the child shall, except as specifically
13 provided in this chapter, continue under the jurisdiction of the court until he or she becomes
14 eighteen (18) years of age; provided, that at least six (6) months prior to a child turning eighteen
15 (18) years of age, the court shall require the department of children, youth and families to provide
16 a description of the transition services including the child's housing, health insurance, education
17 and/or employment plan; available mentors and continuing support services, including workforce
18 supports and employment services afforded the child in placement; or a detailed explanation as to

1 the reason those services were not offered. As part of the transition planning, the child shall be
2 informed by the department of the opportunity to voluntarily agree to extended care and placement
3 by the department and legal supervision by the court until age ~~twenty-one (21)~~ twenty-six (26). The
4 details of a child's transition plan shall be developed in consultation with the child, wherever
5 possible, and approved by the court prior to the dismissal of an abuse, neglect, dependency, or
6 miscellaneous petition before the child's ~~twenty-first~~ twenty-sixth birthday.

7 (c) A child, who is in foster care on their eighteenth birthday due to the filing of a
8 miscellaneous petition or a petition alleging that the child is wayward, delinquent, dependent,
9 neglected, or abused pursuant to § 14-1-5, § 40-11-7, or § 42-72-14, may voluntarily elect to
10 continue responsibility for care and placement from DCYF and to remain under the legal
11 supervision of the court as a young adult until age ~~twenty-one (21)~~ twenty-six (26), provided:

12 (1) The young adult was in the legal custody of the department at age eighteen (18); and

13 (2) The young adult is participating in at least one of the following:

14 (i) Completing the requirements to receive a high school diploma or GED;

15 (ii) Completing a secondary education or a program leading to an equivalent credential;
16 enrolled in an institution that provides postsecondary or vocational education;

17 (iii) Participating in a job-training program or an activity designed to promote or remove
18 barriers to employment;

19 (iv) Is employed for at least eighty (80) hours per month; or

20 (v) Is incapable of doing any of the foregoing due to a medical condition that is regularly
21 updated and documented in the case plan.

22 (d) A former foster child who was adopted or placed in guardianship with an adoption
23 assistance agreement or a guardianship assistance agreement that was executed on or after his or
24 her sixteenth birthday and prior to his or her eighteenth birthday, or a former foster child who was
25 reunified prior to their eighteenth birthday and reunification is not successful, may voluntarily agree
26 to extended care and placement by the department and legal supervision by the court until age
27 ~~twenty-one (21)~~ twenty-six (26) if the young adult satisfies the requirements in subsection (c)(2).
28 Provided, however, the department retains the right to review the request and first attempt to
29 address the issues through the adoption assistance agreement by providing post adoptive or post
30 guardianship support services to the young adult and his or her adoptive or guardianship family.

31 (e) Upon the request of the young adult, who voluntarily agreed to the extension of care
32 and placement by the department and legal supervision by the court, pursuant to subsections (c)
33 and (d) of this section, the court's legal supervision and the department's responsibility for care
34 and placement may be terminated. Provided, however, the young adult may request reinstatement

1 of responsibility and resumption of the court's legal supervision at any time prior to his or her
2 ~~twenty-first~~ twenty sixth birthday if the young adult meets the requirements set forth in subsection
3 (c)(2). If the department wishes to terminate the court's legal supervision and its responsibility for
4 care and placement, it may file a motion for good cause. The court may exercise its discretion to
5 terminate legal supervision over the young adult at any time.

6 (f) With the consent of the person previously under the court's supervision, the court may
7 reopen, extend, or retain its jurisdiction beyond that person's twenty-first birthday until his or her
8 twenty-second birthday or until September 30, 2021, whichever date occurs first, under the
9 following circumstances:

10 (1) The person aged out of DCYF care or left foster care during the COVID-19 public
11 health emergency, defined as beginning on January 27, 2020, and is entitled to extended benefits
12 pursuant to the terms of the Consolidated Appropriations Act of 2021, Pub. L. No. 116-260; and

13 (2) The court has or had obtained jurisdiction over the person prior to his or her eighteenth
14 birthday by the filing of a miscellaneous petition or a petition alleging that the child is dependent,
15 abused, or neglected pursuant to § 14-1-5, § 40-11-7, or § 42-72-14 or after the person's eighteenth
16 birthday pursuant to a voluntary extension of care petition; and

17 (3) Court supervision is necessary for the department of children, youth and families to
18 access IV-E funding to support such benefits, in whole or in part; and

19 (4) Court supervision is required to continue transition planning and to ensure the safety,
20 permanency, and well-being of older youth who remain in or who age out of foster care and re-
21 enter foster care.

22 (g) The court may retain jurisdiction of any child who is seriously emotionally disturbed
23 or developmentally delayed pursuant to § 42-72-5(b)(24)(v) until that child turns age twenty-one
24 (21) when the court shall have obtained jurisdiction over any child prior to the child's eighteenth
25 birthday by the filing of a miscellaneous petition or a petition alleging that the child is dependent,
26 neglected, and/or abused pursuant to §§ 14-1-5, and 40-11-7, or 42-72-14.

27 (h) The department of children, youth and families shall work collaboratively with the
28 department of behavioral healthcare, developmental disabilities and hospitals, and other agencies,
29 in accordance with § 14-1-59, to provide the family court with a transition plan for those individuals
30 who come under the court's jurisdiction pursuant to a petition alleging that the child is dependent,
31 neglected, and/or abused and who are seriously emotionally disturbed or developmentally delayed
32 pursuant to § 42-72-5(b)(24)(v). This plan shall be a joint plan presented to the court by the
33 department of children, youth and families and the department of behavioral healthcare,
34 developmental disabilities and hospitals. The plan shall include the behavioral healthcare,

1 developmental disabilities and hospitals' community or residential service level, health insurance
2 option, education plan, available mentors, continuing support services, workforce supports and
3 employment services, and the plan shall be provided to the court at least twelve (12) months prior
4 to discharge. At least three (3) months prior to discharge, the plan shall identify the specific
5 placement for the child, if a residential placement is needed. The court shall monitor the transition
6 plan. In the instance where the department of behavioral healthcare, developmental disabilities and
7 hospitals has not made timely referrals to appropriate placements and services, the department of
8 children, youth and families may initiate referrals.

9 (i) The parent and/or guardian and/or guardian ad litem of a child who is seriously
10 emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v), and who is
11 before the court pursuant to §§ 14-1-5(1)(iii) through 14-1-5(1)(v), § 40-11-7, or § 42-72-14, shall
12 be entitled to a transition hearing, as needed, when the child reaches the age of twenty (20) if no
13 appropriate transition plan has been submitted to the court by the department of children, youth and
14 families and the department of behavioral healthcare, developmental disabilities and hospitals. The
15 family court shall require that the department of behavioral healthcare, developmental disabilities
16 and hospitals shall immediately identify a liaison to work with the department of children, youth
17 and families until the child reaches the age of twenty-one (21) and an immediate transition plan be
18 submitted if the following facts are found:

19 (1) No suitable transition plan has been presented to the court addressing the levels of
20 service appropriate to meet the needs of the child as identified by the department of behavioral
21 healthcare, developmental disabilities and hospitals; or

22 (2) No suitable housing options, health insurance, educational plan, available mentors,
23 continuing support services, workforce supports, and employment services have been identified for
24 the child.

25 (j) In any case where the court shall not have acquired jurisdiction over any person prior to
26 the person's eighteenth ~~(18th)~~ birthday by the filing of a petition alleging that the person had
27 committed an offense, but a petition alleging that the person had committed an offense that would
28 be punishable as a felony if committed by an adult has been filed before that person attains the age
29 of nineteen (19) years of age, that person shall, except as specifically provided in this chapter, be
30 subject to the jurisdiction of the court until he or she becomes nineteen (19) years of age, unless
31 discharged prior to turning nineteen (19).

32 (k) In any case where the court shall not have acquired jurisdiction over any person prior
33 to the person attaining the age of nineteen (19) years by the filing of a petition alleging that the
34 person had committed an offense prior to the person attaining the age of eighteen (18) years that

1 would be punishable as a felony if committed by an adult, that person shall be referred to the court
2 that had jurisdiction over the offense if it had been committed by an adult. The court shall have
3 jurisdiction to try that person for the offense committed prior to the person attaining the age of
4 eighteen (18) years and, upon conviction, may impose a sentence not exceeding the maximum
5 penalty provided for the conviction of that offense.

6 (l) In any case where the court has certified and adjudicated a child in accordance with the
7 provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the power and
8 authority to sentence the child to a period in excess of the age of nineteen (19) years. However, in
9 no case shall the sentence be in excess of the maximum penalty provided by statute for the
10 conviction of the offense.

11 (m) Nothing in this section shall be construed to affect the jurisdiction of other courts over
12 offenses committed by any person after he or she reaches the age of eighteen (18) years.

13 SECTION 2. Section 40-11-12.5 of the General Laws in Chapter 40-11 entitled "Abused
14 and Neglected Children" is hereby amended to read as follows:

15 **40-11-12.5. Review of young adults under the court's legal supervision and receiving**
16 **care and placement services from DCYF.**

17 (a) In the case of a young adult, between the ages of eighteen (18) and ~~twenty-one (21)~~
18 twenty-six (26), who has executed a voluntary placement agreement for continued care and
19 placement responsibility from the department and for legal supervision of the court, the
20 permanency plan shall document the reasonable efforts made by the department and the young
21 adult to finalize a permanency plan that addresses the goal of preparing the young adult for
22 independence and successful adulthood. This includes, but is not limited to, housing assistance to
23 obtain supervised independent living arrangements, shared living arrangements or extended foster
24 and kinship care; education, vocational assessment, job training and employment plan needed to
25 transition the young adult to self-sufficiency; assisting the young adult in obtaining educational
26 goals; a job, employment/vocational skills; any other services and supports that will assist the
27 young adult in accessing available services; applying for public benefits; acquiring important
28 documents, such as ID card, driver's license, birth certificate, social security card, health insurance
29 cards, medical records; attending to physical and mental health needs; maintaining relationships
30 with individuals who are important to them and acquiring information about siblings and other
31 maternal and paternal relatives.

32 (b) Initial judicial determination — The department must petition the court to make a
33 determination whether remaining in foster care is in the young adult's best interests.

34 The court must make a determination within one hundred eighty (180) days of the signing

1 of the voluntary placement agreement whether remaining in foster care is in the young adult's best
2 interest.

3 (c) The court shall conduct a permanency hearing within one year after the young adult and
4 the department execute a voluntary placement agreement and annually thereafter. At the
5 permanency hearing, the department shall present a written case plan to the court for approval that
6 details the necessary services, care and placement the young adult shall receive to assist the
7 transition to independence and successful adulthood.

8 The court must determine whether the department has made reasonable efforts to finalize
9 a permanency goal of preparing the young adult for successful transition to independence.

10 (d) Notice of the court hearings shall be served by the department upon all parties in interest
11 in accordance with the rules of child welfare procedure of the family court.

12 (e) Periodic formal reviews, shall be held not less than once every one hundred eighty (180)
13 days to assess the progress and case plan of any young adult under the court's legal supervision and
14 under the care and placement responsibility of DCYF pursuant to a voluntary agreement for
15 extension of care.

16 The permanency plan shall be reviewed by the court at least once every twelve (12) months
17 at a permanency hearing and by the department in an administrative review within one hundred
18 eighty (180) days after the permanency hearing. The young adult is expected to participate in case
19 planning and periodic reviews.

20 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would extend the voluntary extension of care (VEC) program pursuant to § 14-1-
2 6 to all children in the care and custody of the state including, but not limited to, children in the
3 juvenile justice system and children who attain reunification prior to their eighteenth birthday,
4 however, the reunification is not successful.

5 This act would take effect upon passage.

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