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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES

Introduced By: Senators Lauria, and DiMario

Date Introduced: March 04, 2026

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-72 of the General Laws entitled "Department of Children, Youth
2 and Families" is hereby amended by adding thereto the following section:

3 **42-72-5.4. Benefits owed to foster children.**

4 (a) Definitions. As used in this section, the following words and terms shall have the
5 following meanings unless the context shall clearly indicate another or different meaning or intent:

6 (1) "Benefits" means income and other services pursuant to Title XVI of the federal Social
7 Security Act, 42 U.S.C. §§ 1381–1383(f), also referred to as "supplemental security income" or
8 "SSI"; and benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401–434, also referred
9 to as "retirement, survivors or disability insurance benefits" or "RSDI"; or other federal benefits.

10 (2) "Representative payee or fiduciary" means any person or entity designated to receive
11 benefits for a minor child under the department rules governing such benefits.

12 (b) When a child is placed in foster care under a voluntary placement agreement or court-
13 ordered custody, the department shall make all reasonable efforts to identify within sixty (60) days
14 of the child being committed to custody of the department whether the child is already receiving or
15 may be eligible to receive benefits. In reviewing eligibility, the department shall consult with the
16 parents and others who may have information about the child's eligibility. If the department
17 determines, or has cause to believe, that the child may be eligible for benefits, it shall apply for
18 benefits on the child's behalf. If the agency administering such benefits denies the application, the

1 department may appeal the decision. The department shall review cases of children in foster care
2 annually to determine whether the child may have become eligible for benefits after the initial
3 assessment. The department shall only seek federal foster care reimbursement for a child if such
4 reimbursement will not impact the child's eligibility for benefits or the amount of benefits.

5 (c) If the child is already receiving benefits prior to entering department custody, the
6 department may apply to be the child's representative payee or fiduciary. If the department is
7 applying for benefits for the child, the department may also apply to be the representative payee or
8 fiduciary. Where the goal is reunification, the department shall consider whether applying to
9 become the child's representative payee or fiduciary will undermine the goal of reunification and
10 be contrary to the child's best interests.

11 (d)(1) On and after January 1, 2028, the department shall provide timely notice pursuant to
12 the provisions of subsection (d)(2) of this section for each of the following events:

13 (i) The department has submitted an application for benefits;

14 (ii) The department has submitted a request to become the child's representative payee;

15 (iii) The department has received notice of the agency's decision regarding benefits
16 including denial, termination or reduction in benefits;

17 (iv) The department has decided whether or not to appeal an adverse determination,
18 including the outcome of any appeal filed; and

19 (v) The department has received notice of an eligibility redetermination.

20 (2) Notice, pursuant to this subsection, shall be provided to the court appointed special
21 advocate (CASA) or a guardian ad litem (GAL) for the child, as well as counsel for the parent or
22 parents, except that no notice shall be provided to a parent for whom there has been an involuntary
23 termination of parental rights (TPR) pursuant to § 15-7-7.

24 Until January 1, 2028, the department shall make best efforts to ensure compliance with
25 the notice requirements of this subsection.

26 (e) When the department is the child's representative payee or fiduciary, the department
27 shall maintain an accounting of the child's benefits and shall make available to CASA or GAL
28 current accounting information electronically or by other means. The accounting information shall
29 include the following:

30 (1) The amount and source of benefits collected by the department and credited to any
31 account maintained on behalf of the child;

32 (2) The balance of any account maintained on behalf of the child;

33 (3) Any amounts deducted by the department and the reasons for the deductions; and

34 (4) Information regarding all the child's assets and resources, including benefits, insurance,

1 cash assets, trust accounts, and earnings if such assets or resources are controlled by the department.
2 The department shall provide such accounting information to the court, as necessary, or upon
3 request.

4 (5) If the department is the child's representative payee or fiduciary, the department shall
5 not use such benefits to reimburse the state for the child's placement in foster care. If the child is
6 receiving SSI benefits, the department shall ensure that any funds retained on the child's behalf are
7 kept in a manner that does not exceed any federal asset or resource limit that would affect the
8 child's eligibility to continue receiving SSI benefits. Benefits held by the department as a
9 representative payee or fiduciary may be spent on the child's unmet needs, which would not
10 ordinarily be funded by another source, or otherwise conserved for the child. Any funds
11 administered for SSI recipients above the federal asset or resource limits shall be conserved in an
12 Achieving a Better Life Experience (ABLE) account, authorized by Section 529A of the Internal
13 Revenue Code of 1986 (26 U.S.C. §529A), or another account for the child determined not to
14 interfere with federal asset or resource limits for any other federal means-tested benefit program.
15 If the child is not receiving SSI or other federal means-tested benefits with an asset or resource
16 limit, the department shall place excess funds in an interest-bearing account or other savings or
17 investment vehicle for the benefit of the child. If the department is the child's representative payee
18 or fiduciary and receives retroactive benefits for the child, those funds shall be kept as required by
19 the program rules of the agency administering such benefits.

20 (g) The department shall take steps to conserve the benefits of children receiving benefits
21 under this section to assist them in the transition to adulthood and living independently. The
22 department shall establish accounts as specified in subsection (f) of this section in conserving a
23 child's benefits. The department shall work actively with the agency administering such benefits
24 and the child to ensure that when the child leaves foster care, becomes eligible for direct payment,
25 or another representative payee is identified, all payments of benefits or conserved funds shall be:

- 26 (1) Returned to the agency following program rules; or
27 (2) Upon agreement by the agency, if necessary, transferred to the child or to a new
28 representative payee or fiduciary.

29 (h) The department shall provide the child with ongoing financial information regarding
30 the eligibility for benefits, as well as the existence, amount, availability, use, and limitations of
31 funds conserved for the child, beginning at fourteen (14) years of age and tailored to the individual
32 child. For youth ages seventeen (17) years of age or older, financial information shall also include
33 basic assistance with understanding budgeting and money management, checking and savings
34 accounts, tailored to the individual child.

1 (i) The department shall provide the child with ongoing financial literacy training and
2 support, beginning at fourteen (14) years of age and tailored to the individual child. This program
3 may include, but need not be limited to, topics such as: budgeting; money management; informed
4 decision-making; banking, checking and savings accounts; credit card counseling; managing debt;
5 planning for financial security and stability; financing post-secondary education or training; long
6 term asset-building; and community and agency services. Financial literacy resources concerning
7 the use of conserved funds shall also be made available to all parents, guardians, and adoptive
8 parents gaining access to funds conserved by the department. The financial literacy requirements
9 set forth in this subsection shall go into effect eighteen (18) months after the enactment of this
10 section. Until the effective implementation date, the department shall make best efforts to ensure
11 compliance with the financial literacy requirements set forth in this subsection.

12 (j) The department shall provide an annual report to the speaker of the house and senate
13 president, not later than December 31; provided, the report shall set forth:

14 (1) The numbers of children in the department's care and custody receiving benefits for
15 which the department is the representative payee or fiduciary;

16 (2) The numbers of children in the department's care or custody who are receiving SSI,
17 RSDI or other federal benefits;

18 (3) The amount of benefits being conserved by the department; and

19 (4) The number and type of accounts established by the department on behalf of such
20 children.

21 (k) To the extent such data is available, the report shall also set forth the numbers of
22 children in the department's care or custody:

23 (1) Who were screened for eligibility for benefits; and whether such screening occurred
24 within sixty (60) days of being committed to the department's custody, and if not, the date of the
25 screening and reasons for the delay;

26 (2) Who were already receiving benefits after screening; and

27 (3) For whom the department submitted applications for benefits, by type of application,
28 and the outcome of those applications, including the number of appeals filed; provided, however,
29 that if such data is not available, the department shall provide information as to its ongoing efforts
30 to be able to gather and report upon such information.

31 (l) In administering the benefits of young adults ages eighteen (18) to twenty-two (22) for
32 whom the department is acting as a representative payee or fiduciary, the department shall comply
33 with the requirements for children under subsections (b) through (k) of this section. The department
34 shall continue to provide financial literacy training under subsection (h) of this section to young

1 [adults who become eligible for direct payment of benefits and continue to receive young adult](#)
2 [services from the department.](#)

3 [\(m\) Not later than October 1, 2026, the secretary of the executive office of health and](#)
4 [human services \(EOHHS\) shall promulgate regulations as necessary to implement this section.](#)

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

7 **42-72-5. Powers and scope of activities.**

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

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

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

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

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

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

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

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

1 needs assessment;

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

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

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

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

9 (11) To establish procedures for reporting suspected child abuse and neglect pursuant to
10 chapter 11 of title 40;

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

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

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

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

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

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

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

28 (19) To adopt rules and regulations that:

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

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

34 (20) May establish and conduct seminars for the purpose of educating children regarding

1 sexual abuse;

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

6 (22) To be responsible for the education of all children who are placed, assigned, or
7 otherwise accommodated for residence by the department in a state-operated or -supported
8 community residence licensed by a Rhode Island state agency. In fulfilling this responsibility, the
9 department is authorized to enroll and pay for the education of students in the public schools or,
10 when necessary and appropriate, to itself provide education in accordance with the regulations of
11 the council on elementary and secondary education either directly or through contract;

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

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

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.

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

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

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

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

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

22 (A) Is attributable to a mental or physical impairment or combination of mental physical
23 impairments;

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

25 (C) Is likely to continue indefinitely;

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

28 (I) Self-care;

29 (II) Receptive and expressive language;

30 (III) Learning;

31 (IV) Mobility;

32 (V) Self direction;

33 (VI) Capacity for independent living; and

34 (VII) Economic self-sufficiency; and

1 (E) Reflects the person's need for a combination and sequence of special, interdisciplinary,
2 or generic care, treatment, or other services that are of life-long or extended duration and are
3 individually planned and coordinated.

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

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

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

27 (27) To develop and maintain, in collaboration with other state and private agencies, a
28 comprehensive continuum of care in this state for children in the care and custody of the department
29 or at risk of being in state care. This continuum of care should be family centered and community
30 based with the focus of maintaining children safely within their families or, when a child cannot
31 live at home, within as close proximity to home as possible based on the needs of the child and
32 resource availability. The continuum should include community-based prevention, family support,
33 and crisis-intervention services, as well as a full array of foster care and residential services,
34 including residential services designed to meet the needs of children who are seriously emotionally

1 disturbed, children who have a functional developmental disability, and youth who have juvenile
2 justice issues. The director shall make reasonable efforts to provide a comprehensive continuum of
3 care for children in the care and custody of DCYF, taking into account the availability of public
4 and private resources and financial appropriations and the director shall submit an annual report to
5 the general assembly as to the status of the director's efforts in accordance with the provisions of §
6 42-72-4(b)(13);

7 (28) To administer funds under the John H. Chafee Foster Care Independence and
8 Educational and Training Voucher (ETV) Programs of Title IV-E of the Social Security Act [42
9 U.S.C. § 677] and the DCYF higher education opportunity grant program as outlined in chapter
10 72.8 of this title, in accordance with rules and regulations as promulgated by the director of the
11 department; ~~and~~

12 (29) To process nationwide criminal record checks on prospective foster parents and any
13 household member age 18 or older, prospective adoptive parents and any household member age
14 18 and older, operators of childcare facilities, persons seeking to act as volunteer court-appointed
15 special advocates, persons seeking employment in a childcare facility or at the training school for
16 youth or on behalf of any person seeking employment at DCYF, who are required to submit to
17 nationwide criminal background checks as a matter of law; and

18 (30) To comply with § 42-72-5.4 by providing benefit management services to children
19 and young adults in the department's care, custody, or responsibility, including eligibility
20 screening, representative payee or fiduciary assistance, notice, benefits accounting, conservation of
21 benefits and other services related to benefits.

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

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

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

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

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

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

33 (ii) Administering the requisite civil service examinations;

34 (iii) Conducting in-person interviews;

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

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

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

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

8 (ii) *Civil service examinations.*

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

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

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

18 (iii) *In-person interviews.*

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

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

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

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

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

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

31 (iv) *Offering employment.*

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

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

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

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

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

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

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

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

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

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

22 SECTION 3. 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

1 This act would mandate DCYF protection for benefits owed to foster children, such as:

2 (1) Eligibility screening for federal benefits;

3 (2) Applying for benefits;

4 (3) Conserving benefits while assisting the child into adulthood, living independently;

5 (4) Providing financial information;

6 (5) Providing financial literacy training and support; and

7 (6) Providing annual reports to the general assembly and concerned parties.

8 This act would take effect upon passage.

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