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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Senators DiMario, DiPalma, and Lawson

Date Introduced: March 01, 2024

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

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

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

18 (2) To assign different tasks to staff members that the director determines best suit the

1 purposes of this chapter;

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

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

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

12 (6)(i) To evaluate the ~~services of the department and to conduct periodic~~, department's
13 child welfare, juvenile justice, and children's behavioral health services by conducting a
14 comprehensive-needs assessment; to be completed before each reprocurement period and no longer
15 than every five (5) years, with the initial assessment to be completed no later than March 31, 2026.
16 These assessments shall be completed by an in-state academic institution or in-state consulting firm
17 or, if one is not available with sufficient capacity, by an independent third party. The assessments
18 shall:

19 (A) Determine whether the department's programs and services meet the needs of children
20 and families in the care of the department;

21 (B) Assess client accessibility; and

22 (C) Collect data to develop goals and measurable objectives for new and existing programs
23 and services.

24 (ii) To assist the department in fulfilling its responsibilities pursuant to this subsection,
25 there is hereby established a committee that shall advise the entity conducting the comprehensive
26 needs assessments. The members of the committee shall consist of the DCYF director, or designee;
27 no more than eight (8) and no less than three (3) additional members of the DCYF staff, appointed
28 by the director; the child advocate, or designee; the executive director of Rhode Island Kids Count
29 or designee; two (2) designees from community provider agencies contracted with DCYF,
30 appointed by the RI Coalition for Children and Families; a state senator, or designee, appointed by
31 the senate president; a state representative, or designee, appointed by the speaker of the house; two
32 (2) individuals with experience in the Rhode Island child welfare system, one of whom was a youth
33 or parent (foster, adoptive or birth) formerly involved in the state child welfare system, appointed
34 by the DCYF director; and the chief judge of the family court, or designee. The committee may

1 appoint two (2) additional members by a majority vote of all members. The committee shall elect
2 a chair from the membership. Committee members shall serve three (3) year terms and may serve
3 more than one term. The department shall furnish space for the committee. All committee meetings
4 are subject to chapter 46 of title 42 ("open meetings").

5 (iii) The committee shall meet once a month throughout the time a comprehensive needs
6 assessment is being conducted, and as needed, to provide advice and guidance to the party or parties
7 conducting the assessment.

8 (iv) Upon completion of the comprehensive needs assessments, the department shall post
9 the report on its website and submit the report to the governor, the senate president, the speaker of
10 the house and the child advocate;

11 (7) To license, approve, monitor, and evaluate all residential and non-residential group
12 homes, foster homes, and programs;

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

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

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

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

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

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

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

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

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

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

34 (18) To administer the pilot juvenile-restitution program, including the overseeing and

1 coordinating of all local community-based restitution programs, and the establishment of
2 procedures for the processing of payments to children performing community service;

3 (19) To adopt rules and regulations that:

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

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

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

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

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

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

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

30 In fulfilling its responsibilities the department shall:

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

34 (ii) Provide the overall management and supervision of the state program for seriously

1 emotionally disturbed children and children with functional developmental disabilities;

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

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

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

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

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

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

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

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

31 (A) Is attributable to a mental or physical impairment or combination of mental physical
32 impairments;

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

34 (C) Is likely to continue indefinitely;

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

- 3 (I) Self-care;
- 4 (II) Receptive and expressive language;
- 5 (III) Learning;
- 6 (IV) Mobility;
- 7 (V) Self direction;
- 8 (VI) Capacity for independent living; and
- 9 (VII) Economic self-sufficiency; and

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

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

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

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

1 first birthday;

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

16 (28) To administer funds under the John H. Chafee Foster Care Independence and
17 Educational and Training Voucher (ETV) Programs of Title IV-E of the Social Security Act [42
18 U.S.C. § 677] and the DCYF higher education opportunity grant program as outlined in chapter
19 72.8 of this title, in accordance with rules and regulations as promulgated by the director of the
20 department; and

21 (29) To process nationwide criminal record checks on prospective foster parents and any
22 household member age 18 or older, prospective adoptive parents and any household member age
23 18 and older, operators of childcare facilities, persons seeking to act as volunteer court-appointed
24 special advocates, persons seeking employment in a childcare facility or at the training school for
25 youth or on behalf of any person seeking employment at DCYF, who are required to submit to
26 nationwide criminal background checks as a matter of law.

27 (c) In order to assist in the discharge of his or her duties, the director may request from any
28 agency of the state information pertinent to the affairs and problems of children.

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

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

31 (f) On or before October 1, 2023, the director shall establish a process for hiring individuals
32 seeking employment at the department as a social caseworker or child protective investigator. The
33 department shall be provided with funding for one full-time employee, or the equivalent, to support
34 the implementation of the hiring process. The process shall be in effect through September 30,

1 2024.

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

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

5 (ii) Administering the requisite civil service examinations;

6 (iii) Conducting in-person interviews;

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

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

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

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

14 (ii) *Civil service examinations.*

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

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

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

24 (iii) *In-person interviews.*

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

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

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

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

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

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

3 (iv) *Offering employment.*

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

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

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

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

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

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

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

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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

1 This act would require the department of children, youth and families (DCYF) to conduct
2 periodic comprehensive needs assessments to determine whether the department's programs and
3 services meet the needs of children and families in the care of the department, assess client
4 accessibility and collect data to develop goals and measurable objectives for new and existing
5 programs and services. The act would also create a committee that shall advise the entity conducting
6 the comprehensive needs assessments.

7 This act would take effect upon passage.

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