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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

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

Introduced By: Senators Kallman, Lauria, DiPalma, Zurier, DiMario, Bell, Ujifusa,
Miller, Valverde, and Burke

Date Introduced: January 18, 2023

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-72-15 of the General Laws in Chapter 42-72 entitled "Department
2 of Children, Youth and Families" is hereby amended to read as follows:

3 **42-72-15. Children's bill of rights.**

4 (a) No child placed or treated under the supervision of the department in any public or
5 private facility shall be deprived of any personal property or civil rights, except in accordance with
6 due process.

7 (b) Each child placed or treated under the supervision of the department in any public or
8 private facility shall receive humane and dignified treatment at all times, with full respect for the
9 child's personal dignity and right to privacy, consistent with the child's treatment plan.

10 (c) Each child placed in a secure facility under the supervision of the department shall be
11 permitted to communicate with any individual, group, or agency consistent with the child's
12 treatment objectives; shall be provided writing materials and postage; and shall be permitted to
13 make or receive telephone calls to or from his or her attorneys, guardians ad litem, special
14 advocates, or child advocate at any reasonable time.

15 (d) The department shall adopt rules and regulations pursuant to the Administrative
16 Procedures Act, chapter 35 of this title, regarding children placed in secure facilities to specify the
17 following:

18 (1) When a child may be placed in restraint or seclusion or when force may be used upon

1 a child;

2 (2) When the head of a facility may limit the use or receipt of mail by any child and a
3 procedure for return of unopened mail; and

4 (3) When the head of a facility may restrict the use of a telephone by any child.

5 (e) A copy of any order placing a child at a secure facility under the supervision of the
6 department in restraint or seclusion shall be made a part of the child's permanent clinical record.
7 In addition, any special restriction on the use or receipt of mail or telephone calls shall be noted in
8 writing; signed by the head of the facility or the facility head's designee; and made a part of the
9 child's permanent clinical record.

10 (f) Each child placed or treated in a secure facility under the supervision of the department
11 shall be permitted to receive visitors subject to reasonable restriction consistent with the child's
12 treatment plan. The head of each facility shall establish visiting hours and inform all children and
13 their families and other visitors of these hours. Any special restrictions shall be noted in writing;
14 signed by the head of the facility or his or her designee; and made a part of the child's permanent
15 clinical record.

16 (g) Each child may receive his or her clergyman, attorney, guardian ad litem, special
17 advocate, or child advocate at any reasonable time.

18 (h) No person shall be denied employment, housing, civil service rank, any license or
19 permit, including a professional license, or any other civil or legal right, solely because of a present
20 or past placement with the department except as otherwise provided by statute.

21 (i) Each child under the supervision of the department shall have the right to counsel and
22 the right to receive visits from physicians and mental health professionals.

23 (j) Each child, under the supervision of the department, shall be provided a team of
24 educational advocates to ensure the child's educational planning, progress and success. The team
25 shall include the following, who shall be required to attend meetings on a regular basis to ensure
26 success of the child's educational planning:

27 (1) The child's DCYF caseworker and/or the supervisor;

28 (2) The principal of the child's school, or designee;

29 (3) The child's teacher;

30 (4) Legal counsel for the school district;

31 (5) The child's clinician;

32 (6) An educational advocate for the child who shall be appointed by the department;

33 (7) The child's guardian ad litem;

34 (8) The child's parents;

1 (9) An attorney, if one is appointed for the child, from the office of the court appointed
2 special advocate (CASA); and

3 (10) The child, when the team determines he or she should attend any meeting of the team.

4 ~~(j)~~(k) Each child shall have a right to a hearing, pursuant to rules and regulations
5 promulgated by the department, if the child is involuntarily transferred by the department to any
6 facility outside of the state in accordance with the procedure set forth in § 42-72-14.

7 ~~(h)~~(l) The children’s bill of rights shall be posted in a conspicuous place within any secure
8 facility for the residential housing of children.

9 ~~(m)~~(m) Every deliverer of services with whom the department enters into a purchased
10 services agreement shall agree, in writing, to observe and post in a conspicuous place, the children’s
11 bill of rights.

12 ~~(n)~~(n) Any child aggrieved by a violation of the children’s bill of rights may petition the
13 family court for appropriate equitable relief. The family court shall have exclusive original
14 jurisdiction, notwithstanding any remedy contained in chapter 35 of this title.

15 ~~(o)~~(o) A child victim or witness shall be afforded the protections of § 12-28-9 under the
16 direction of the department of children, youth and families, and the department shall advise the
17 court and the police and the prosecutor on the capacity of the child victim to understand and
18 participate in the investigation and in the court proceedings and of the potential effect of the
19 proceedings on the child.

20 ~~(p)~~(p) Every child placed in the care of the department of children, youth and families shall
21 be entitled to a free appropriate education, in accordance with state and federal law. Immediately
22 upon the assumption of that care, the department shall provide for the enrollment of each child in
23 a school program. During the time that the child shall remain in that care, the department and
24 appropriate state and local education agencies shall coordinate their efforts in order to provide for
25 the timely initiation and continuation of educational services.

26 ~~(q)~~(q) No person shall be denied access to available treatment for an alcohol- or drug-
27 related condition solely because of a present or past placement with the department.

28 ~~(r)~~(r) No child shall be discriminated against on the basis of race, color, religion, ancestry,
29 national origin, gender, sexual orientation, gender identity or expression, socioeconomic status or
30 mental, physical, developmental, or sensory disability, or by association with an individual or group
31 who has, or is perceived to have one, or more of such characteristics.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would require that each child under the supervision of the department of children,
2 youth and families be provided a team of educational advocates to ensure the child's educational
3 planning, progress and success.

4 This act would take effect upon passage.

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