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ARTICLE 17

RELATING TO DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

SECTION 1. Sections 42-72-5 of the General Laws in Chapter 42-72 entitled “Department of Children, Youth and Families” is hereby amended to read as follows:

42-72-5. Powers and scope of activities. – (a) The department is the principal agency of the state to mobilize the human, physical and financial resources available to plan, develop, and evaluate a comprehensive and integrated statewide program of services designed to ensure the opportunity for children to reach their full potential. The services include prevention, early intervention, out-reach, placement, care and treatment, and after-care programs; provided, however, that the department notifies the state police and cooperates with local police departments when it receives and/or investigates a complaint of sexual assault on a minor and concludes that probable cause exists to support the allegations(s). The department also serves as an advocate for the needs of children.

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

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

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

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

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

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

(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 non-residential child
3 care institutions, group 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
8 and provide ongoing staff development for all staff; provided, however, all social workers hired
9 after June 15, 1991, within the department shall have a minimum of a bachelor's degree in social
10 work or a closely related field, and must be appointed from a valid civil service list;

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

13 (12) To promulgate all rules and regulations necessary for the execution of departmental
14 powers pursuant to the Administrative Procedures Act, chapter 35 of title 42;

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

17 (14) To initiate and carry out studies and analysis which will aid in solving local, regional
18 and statewide problems concerning children;

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

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

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

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

30 (19) To adopt rules and regulations which:

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

34 (ii) Are reasonably necessary to implement the child welfare services and foster care

1 programs;

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

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

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

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

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

23 In fulfilling its responsibilities the department shall:

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

27 (ii) Provide the overall management and supervision of the state program for seriously
28 emotionally disturbed children and children with functional developmental disabilities;

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

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

34 (v) Promote the development of new resources for program implementation in providing

1 services to seriously emotionally disturbed children and children with functional developmental
2 disabilities.

3 The department shall adopt rules and regulations, which are reasonably necessary to
4 implement a program of mental health services for seriously emotionally disturbed children.

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

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

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

22 The term "functional developmental disability" includes autism spectrum disorders and
23 means a severe, chronic disability of a person which:

- 24 (a) Is attributable to a mental or physical impairment or combination of mental physical
25 impairments;
26 (b) Is manifested before the person attains age eighteen (18);
27 (c) Is likely to continue indefinitely;
28 (d) Results in age- appropriate substantial functional limitations in three (3) or more of
29 the following areas of major life activity.
30 (i) Self-care;
31 (ii) Receptive and expressive language;
32 (iii) Learning;
33 (iv) Mobility;
34 (v) Self-direction;

- 1 (vi) Capacity for Independent Living; and
2 (vii) Economic self-sufficiency; and
3 (e) Reflects the person's need for a combination and sequence of special,
4 interdisciplinary, or generic care, treatment, or other services which are of life-long or extended
5 duration and are individually planned and coordinated.

6 Funding for these clients shall include funds that are transferred to the Department of
7 Human Services as part of the Managed Health Care program transfer. However, the expenditures
8 relating to these clients shall not be part of the Department of Human Services' Caseload
9 estimated for the semi-annual Caseload Estimating Conference. The expenditures shall be
10 accounted for separately.

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

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

33 (27) To administer funds under the John H. Chafee Foster Care Independence and
34 Educational And Training Voucher (ETV) Programs of Title IV-E of the Social Security Act, and

1 the DCYF Higher Education Opportunity Grant Program as outlined in RIGL § 42-72.8, in
2 accordance with rules and regulations as promulgated by the director of the department.

3 (28) In fulfilling the above responsibilities and subject to the provisions of chapter 3 of
4 title 35, the director of the department of children, youth and families shall have the authority to
5 reallocate line item expenditures within a bottom line appropriation for purposes of achieving
6 more effective outcomes for children, youth and families and for supporting productive and
7 efficient operational practices through program innovation practices and performance-based
8 contracting through June 30, 2017. The director's authority to reallocate line item expenditures is
9 intended to provide the department with the flexibility to implement initiatives that include but
10 are not limited to the following:

11 (i) Support program innovation, either through new or existing high performing
12 programs;

13 (ii) Expand the utilization of home-based and/or community-based services;

14 (iii) Enhance direct service support for children placed in foster homes and adoption; and

15 (iv) Strengthen the use of assessment tools and protocols for children, youth and families
16 involved with the department.

17 (29) The director of the department of children, youth and families shall identify and
18 implement fiscal controls to achieve savings throughout the department's operations and, subject
19 to the approval of the office of management and budget, may reinvest such savings in technology,
20 infrastructure and other related services through June 30, 2017.

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

23 SECTION 2. This article shall take effect upon passage.