

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LICENSING AND MONITORING OF CHILD PLACING AGENCIES, CHILD CARING AGENCIES, FOSTER AND ADOPTIVE HOMES, AND CHILDREN'S BEHAVIORAL HEALTH PROGRAMS

Introduced By: Representatives Donovan, Casimiro, Carson, Speakman, McNamara, Ajello, Cortvriend, Morales, McGaw, and Bennett

Date Introduced: January 11, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-72.1-3 of the General Laws in Chapter 42-72.1 entitled "Licensing
2 and Monitoring of Child Placing Agencies, Child Caring Agencies, Foster and Adoptive Homes,
3 and Children's Behavioral Health Programs" is hereby amended to read as follows:

4 **42-72.1-3. Powers and scope of activities.**

5 (a) The department shall issue, deny, and revoke licenses for, and monitor the operation of,
6 facilities and programs by child-placing agencies, child caring agencies, foster and adoptive homes,
7 and children's behavioral health programs as defined in § 42-72.1-2 or assess administrative
8 penalties under the provisions of chapter 72.11 of this title relating to licensed childcare centers,
9 family childcare homes, and group family childcare homes.

10 (b) The department shall adopt, amend, and rescind regulations in accordance with this
11 chapter and implement its provisions. The regulations shall be promulgated and become effective
12 in accordance with the provisions of the administrative procedures act, chapter 35 of this title.

13 (c) The department through its licensing unit shall administer and manage the regulations
14 pertaining to the licensing and monitoring of those agencies, and shall exercise all statutory and
15 administrative powers necessary to carry out its functions.

16 (d) The administrator shall investigate complaints of noncompliance, and shall take
17 licensing action as required.

18 (e) Regulations formulated pursuant to the foregoing authority shall include, but need not

1 be limited to, the following:

2 (1) Financial, administrative and organizational ability, and stability of the applicant;

3 (2) Compliance with specific fire and safety codes and health regulations;

4 (3) Character, health suitability, qualifications of child-placing agencies, child caring
5 agencies, foster and adoptive homes, and children's behavioral health programs;

6 (4) Staff/child ratios and workload assignments of staff providing care or supervision to
7 children;

8 (5) Type and content of records or documents that must be maintained to collect and retain
9 information for the planning and caring for children;

10 (6) Procedures and practices regarding placing services to ensure protection to the child
11 regarding the manner and appropriateness of placement;

12 (7) Service to families of children in care;

13 (8) Program activities, including components related to physical growth, social, emotional,
14 educational, and recreational activities, social services and habilitative or rehabilitative treatment;
15 and

16 (9) Investigation of previous employment, criminal record check and department records
17 check.

18 (10) [Deleted by P.L. 2019, ch. 88, art. 4, § 21].

19 (f) The administrator may:

20 (1) Prescribe any forms for reports, statements, notices, and other documents deemed
21 necessary;

22 (2) Prepare and publish manuals and guides explaining this chapter and the regulations to
23 facilitate compliance with and enforcement of the regulations;

24 (3) Prepare reports and studies to advance the purpose of this chapter;

25 (4) Provide consultation and technical assistance, as requested, to assist licensees in
26 maintaining compliance; and

27 (5) Refer to the advisory council for children and families for advice and consultation on
28 licensing matters.

29 (g) [Deleted by P.L. 2019, ch. 88, art. 4, § 21].

30 (h) When the department is otherwise unsuccessful in remedying noncompliance with the
31 provisions of this chapter and the regulations promulgated under it, it may petition the family court
32 for an order enjoining the noncompliance or for any order that equity and justice may require.

33 (i) [Deleted by P.L. 2019, ch. 88, art. 4, § 21].

34 (j) The department shall adopt, amend, and rescind regulations in the same manner as set

1 forth above in order to permit the placement of a pregnant minor in a group residential facility
2 which provides a shelter for pregnant adults as its sole purpose.

3 (k) Notwithstanding the transfer of licensing to and the licensing and monitoring of day
4 and childcare facilities to the department of human services, pursuant to chapter 12.5 of this title,
5 the department of children, youth and families will continue to be the agency responsible for
6 investigating any complaint of abuse and neglect that is alleged to have occurred at a daycare or
7 childcare facility. Any appeal of an investigative finding of abuse or neglect against a staff member,
8 paid or otherwise, including managerial or contract personnel, or visitor may be appealed to the
9 Rhode Island family court.

10 (l) The Rhode Island family court shall retain jurisdiction over those complaints
11 investigated by the department of children, youth and families, pursuant to this chapter, regardless
12 of whether licensing and monitoring is performed under chapter 12.5 of this title or this chapter.

13 (m) The department of children, youth and families, in conjunction with the department of
14 environmental management, division of parks, shall provide yearly passes giving free access to
15 state parks and to state beaches to:

16 (1) Resident foster homes, which shall include up to two (2) foster caregivers per foster
17 home, along with any foster child of the foster caregiver residing in that foster home at the time of
18 the use of the pass; and

19 (2) Adoptive homes, which shall include up to two (2) adoptive caregivers per adoptive
20 home, along with any adoptive child of the adoptive caregiver residing in that adoptive home. The
21 department of children, youth and families, in conjunction with the department of environmental
22 management, division of parks, may promulgate rules and regulations to carry out the provisions
23 of this section.

24 SECTION 2. This act shall take effect on July 1, 2023.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT -- LICENSING AND
MONITORING OF CHILD PLACING AGENCIES, CHILD CARING AGENCIES, FOSTER
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1 This act would direct the department of children, youth and families, in conjunction with
2 the department of environmental management, division of parks, to provide yearly passes giving
3 free access to state parks and to state beaches to persons residing in foster and adoptive homes.

4 This act would take effect on July 1, 2023.

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