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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- THE YOUNG ADULT
VOLUNTARY EXTENSION OF CARE ACT

Introduced By: Representatives Ruggiero, McNamara, Blazejewski, Ranglin-Vassell,
and Jacquard

Date Introduced: March 01, 2017

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 14-1-3 and 14-1-6 of the General Laws in Chapter 14-1 entitled
2 "Proceedings in Family Court" are hereby amended to read as follows:

3 **14-1-3. Definitions.**

4 The following words and phrases when used in this chapter shall, unless the context
5 otherwise requires, be construed as follows:

6 (1) "Adult" means a person eighteen (18) years of age or older, except that "adult"
7 includes any person seventeen (17) years of age or older who is charged with a delinquent offense
8 involving murder, first-degree sexual assault, first-degree child molestation, or assault with intent
9 to commit murder, and that person shall not be subject to the jurisdiction of the family court as set
10 forth in §§ 14-1-5 and 14-1-6 if, after a hearing, the family court determines that probable cause
11 exists to believe that the offense charged has been committed and that the person charged has
12 committed the offense.

13 (2) "Appropriate person", as used in §§ 14-1-10 and 14-1-11, except in matters relating to
14 adoptions and child marriages, means and includes:

15 (i) Any police official of this state, or of any city or town within this state;

16 (ii) Any duly qualified prosecuting officer of this state, or of any city or town within this
17 state;

18 (iii) Any director of public welfare of any city or town within this state, or his or her duly

1 authorized subordinate;

2 (iv) Any truant officer or other school official of any city or town within this state;

3 (v) Any duly authorized representative of any public or duly licensed private agency or
4 institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or

5 (vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those
6 cases in which one parent is deceased, is an unfit and improper person to have custody of any
7 child or children.

8 (3) "Child" means a person under eighteen (18) years of age.

9 (4) "The court" means the family court of the state of Rhode Island.

10 (5) "Delinquent", when applied to a child, means and includes any child who has
11 committed any offense that, if committed by an adult, would constitute a felony, or who has on
12 more than one occasion violated any of the other laws of the state or of the United States or any
13 of the ordinances of cities and towns, other than ordinances relating to the operation of motor
14 vehicles.

15 (6) "Dependent" means any child who requires the protection and assistance of the court
16 when his or her physical or mental health or welfare is harmed, or threatened with harm, due to
17 the inability of the parent or guardian, through no fault of the parent or guardian, to provide the
18 child with a minimum degree of care or proper supervision because of:

19 (i) The death or illness of a parent; or

20 (ii) The special medical, educational, or social-service needs of the child which the parent
21 is unable to provide.

22 (7) "Extended care support navigator" means the caseworker who is providing case
23 management to a young adult in the voluntary extension of care program. Support navigators
24 shall be specialized in primarily providing services for young adults in the extended services
25 program or shall, at minimum, have specialized training in providing transition services and
26 support to young adults.

27 ~~(7)~~(8) "Justice" means a justice of the family court.

28 ~~(8)~~(9) "Neglect" means a child who requires the protection and assistance of the court
29 when his or her physical or mental health or welfare is harmed, or threatened with harm, when the
30 parents or guardian:

31 (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though
32 financially able to do so or offered financial or other reasonable means to do so;

33 (ii) Fails to provide the child proper education as required by law; or

34 (iii) Abandons and/or deserts the child.

1 (10) "Supervised independent living setting" means an independent supervised setting,
2 consistent with 42 U.S.C.A. 672(c) and shall include, but not be limited to, single or shared
3 apartments, houses, host homes, college dormitories, or other postsecondary educational or
4 vocational housing.

5 (11) "Transition plan" means the plan that is developed beginning at age fourteen (14)
6 and describes the services and supports that the youth or young adult needs to make a successful
7 transition to adulthood as described in 42 U.S.C.A. 675(1)(D) and includes goals and services to
8 achieve those goals in at least the following areas: housing, living arrangements, managing and
9 meeting behavioral and physical health care needs, managing health insurance, education,
10 employment and workforce supports, connections with mentors and supports in the community.
11 The transition plan is part of the case plan and must be developed in consultation with the youth
12 or young adult.

13 (12) "Transition exit plan" means the plan that is developed in accordance with 42
14 U.S.C.A. 675(5)(H) at least six (6) months prior to the young adult's planned discharge from
15 foster care or extended care, is personalized at the direction of the youth or young adult, and
16 includes, at least, specific options on housing, health, health insurance, health care decision-
17 making, education, employment, assistance with accessing and applying for public benefits as
18 appropriate, connections with mentors and caring adults, and continuing support services. The
19 transition exit plan must include documentation that the youth or young adult has been notified of
20 their eligibility and the process for re-establishing jurisdiction and documentation that the young
21 adult has been provided with the original or certified copy of the following documents: birth
22 certificate, social security card, state identification card/driver's license, health insurance
23 information, including any cards needed to access care, and medical records in accordance with
24 42 U.S.C.A. 675(5)(I)

25 (13) "Voluntary extension of care agreement/voluntary placement agreement (VPA)"
26 means the agreement as defined in 42 U.S.C.A. 672 that is entered into by the young adult as their
27 own guardian and the department with respect to the young adult voluntary extension of care
28 program.

29 (14) "Young adult" means an individual who has attained eighteen (18) years of age, but
30 who has not attained twenty-one (21) years of age.

31 (15) "The young adult voluntary extension of care program" means the extended services
32 and support available to a young adult under § 14-1-6.

33 ~~(16)~~ (16) "Wayward", when applied to a child, means and includes any child:

34 (i) Who has deserted his or her home without good or sufficient cause;

- 1 (ii) Who habitually associates with dissolute, vicious, or immoral persons;
- 2 (iii) Who is leading an immoral or vicious life;
- 3 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her
4 parent or parents, guardian, or other lawful custodian;
- 5 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually
6 absents himself or herself from school or habitually violates the rules and regulations of the
7 school when he or she attends;
- 8 (vi) Who has, on any occasion, violated any of the laws of the state or of the United
9 States or any of the ordinances of cities and towns, other than ordinances relating to the operation
10 of motor vehicles; or
- 11 (vii) Any child under seventeen (17) years of age who is in possession of one ounce (1
12 oz.) or less of marijuana, as defined in § 21-28-1.02, and who is not exempted from the penalties
13 pursuant to chapter 28.6 of title 21.

14 ~~(10)~~(17) The singular shall be construed to include the plural, the plural the singular, and
15 the masculine the feminine, when consistent with the intent of this chapter.

16 ~~(11)~~(18) For the purposes of this chapter, "electronic surveillance and monitoring
17 devices" means any "radio frequency identification device (RFID)" or "global positioning device"
18 that is either tethered to a person or is intended to be kept with a person and is used for the
19 purposes of tracking the whereabouts of that person within the community.

20 **~~14-1-6. Retention of jurisdiction~~ Retention and re-establishment of jurisdiction.**

21 (a) The purpose of the young adult voluntary extension of care program is to support
22 young adults, ages eighteen (18) through twenty-one (21), formerly in the care of the department
23 of children, youth and families, in transitioning to adulthood, achieving permanency, becoming
24 self-sufficient, and creating permanent connections to supportive and caring adults and the
25 community. The extension of care program shall at all times recognize and respect the autonomy
26 of the young adult. Nothing in the chapter shall be construed to abrogate any other rights that a
27 person who has attained eighteen (18) years of age may have as an adult under state law. The
28 court shall retain or re-establish jurisdiction over a young adult who has attained the age of
29 eighteen (18), who meets the requirements described in subsections (b)(1) and (b)(2) of this
30 section.

31 ~~(a)~~(b)(1) When the court shall have obtained jurisdiction over any child prior to the child
32 having attained the age of eighteen (18) years by the filing of a petition alleging that the child is
33 wayward or delinquent pursuant to § 14-1-5, the child shall, except as specifically provided in
34 this chapter, continue under the jurisdiction of the court until he or she becomes nineteen (19)

1 years of age, unless discharged prior to turning nineteen (19). When the court shall have obtained
2 jurisdiction over any child prior to the child's eighteenth (18th) birthday by the filing of a
3 miscellaneous petition or a petition alleging that the child is dependent, neglected, and abused
4 pursuant to §§ 14-1-5 and 40-11-7 or 42-72-14, including any child under the jurisdiction of the
5 family court on petitions filed and/or pending before the court prior to July 1, 2007, the child
6 shall, except as specifically provided in this chapter, continue under the jurisdiction of the court
7 until he or she becomes ~~eighteen (18)~~ twenty-one (21) years of age; ~~provided, that at least six (6)~~
8 ~~months prior to a child turning eighteen (18) years of age, the court shall require the department~~
9 ~~of children, youth and families to provide a description of the transition services including the~~
10 ~~child's housing, health insurance, education and/or employment plan, available mentors and~~
11 ~~continuing support services, including workforce supports and employment services afforded the~~
12 ~~child in placement or a detailed explanation as to the reason those services were not offered. The~~
13 ~~details of a child's transition plan shall be developed in consultation with the child, wherever~~
14 ~~possible, and approved by the court prior to the dismissal of an abuse, neglect, dependency, or~~
15 ~~miscellaneous petition before the child's twenty-first birthday. The court shall extend or re-~~
16 establish jurisdiction consistent with the process described below.

17 (2) Eligibility for voluntary extension of care. A young adult may continue to receive
18 services and support until age twenty-one (21) under this section if the young adult was:

19 (i) Under the permanent or foster custody of the department at the time the young adult
20 attained the age of eighteen (18) or any time thereafter; or

21 (ii) A former foster child who was adopted or placed in guardianship after attaining the
22 age of sixteen (16) and has experienced a disruption from their guardian or adoptive family after
23 age eighteen (18); and

24 (iii) The young adult voluntarily consents to participate in the young adult voluntary
25 extension of care program; and

26 (iv) The young adult must be participating in at least one of the following:

27 (A) Complete requirements to receive a high school diploma or GED;

28 (B) Complete a secondary education or a program leading to an equivalent credential;

29 (C) Enroll in an institution that provides postsecondary or vocational education;

30 (D) Participate in a program or activity designed to promote or remove barriers to
31 employment;

32 (E) Be employed for at least eighty (80) hours per month;

33 (F) Is incapable of doing any of the activities described in subsections (A) through (E) of
34 this section due to a mental or physical health condition, which incapability is supported by

1 regularly updated information in the case plan of the young adult; and

2 (G) A young adult shall maintain eligibility for extension of care services past age
3 twenty-one (21) if they are in the process of completing a program under §§ 14-1-6(b)(2)(iv)(A)
4 through (b)(2)(iv)(E).

5 (c) Re-establishment of jurisdiction.

6 (1) At any time prior to reaching the age of twenty-one (21), a young adult may request
7 the court to re-establish jurisdiction if:

8 (i) The young adult was under the court's jurisdiction at age eighteen (18) and meets the
9 eligibility requirements listed in this section and has entered into a voluntary extension of care
10 agreement; or

11 (ii) The young adult was adopted or placed in guardianship after attaining the age of
12 sixteen (16) has experienced a disruption from their guardian or adoptive family at age eighteen
13 (18), or any time thereafter, up until the age of twenty-one (21), meets the participation eligibility
14 requirements listed in this section, and has entered into a voluntary extension of care agreement;

15 (2) The court shall open an extended care case, re-establish jurisdiction for eligible young
16 adults and make a finding whether re-establishing jurisdiction is in the young adult's best interest.

17 (3) Young adults for whom jurisdiction is re-established shall enter the voluntary
18 extension of care program and engage in case planning and court reviews.

19 (d) Voluntary extended care agreement.

20 (1) A youth shall be informed of the opportunity to enter the extended care program no
21 later than age seventeen (17).

22 (2) The department shall assist the youth in entering a voluntary extended care agreement
23 prior to the youth turning age eighteen (18).

24 (3) If a young adult chooses to participate in the young adult voluntary extension of care
25 program and meets the eligibility criteria set forth in this section, the department and the young
26 adult shall enter into a voluntary care agreement that shall include, at a minimum, the following:

27 (i) The obligation for the young adult to continue to meet the conditions for eligibility for
28 the duration of the voluntary care agreement;

29 (ii) The services and supports the young adult will receive through the extended care
30 program;

31 (iii) The voluntary nature of the young adult's participation in the young adult voluntary
32 extension of care program;

33 (iv) The young adult's right to terminate the voluntary care agreement at any time; and

34 (v) The conditions that may result in the termination of the voluntary extended care

1 agreement and early discharge from the extended of care program.

2 (e) Provision of temporary extended care services. The department shall procure the
3 provision of extended care services, supports and case management services through the state
4 procurement rules and regulations as referenced in chapter 2 of title 37. As soon as the
5 department determines that a young adult is eligible for the extension of care program and the
6 young adult signs the voluntary extended care agreement, prior to the filing of the petition
7 requesting the jurisdiction of the court, the department shall provide extended foster care services
8 to the young adult:

9 (1) Provision of extended care services and supports. The services and supports provided
10 under the extension of care program includes, but are not limited to:

11 (i) The provision or arrangement of physical or behavioral health care;

12 (ii) The provision of housing, placement, living arrangements and support in the form of
13 continued foster care maintenance payments. As decided by and with the young adult, young
14 adults may reside in a foster family home or a supervised independent living setting. Continued
15 placement in an institution or a foster care facility should only occur if necessary due to a young
16 adult's developmental needs or medical condition. For young adults residing in a supervised
17 independent living setting:

18 (A) The department may send all or part of the foster care maintenance payments directly
19 to the young adult. This should be decided on a case-by-case basis by and with the young adult in
20 a manner that respects the independence of the young adult; and

21 (B) Rules and restrictions regarding housing options should be respectful of the young
22 adult's autonomy and developmental maturity. Specifically, safety assessments of the living
23 arrangements shall be age-appropriate and consistent with federal guidance on a supervised
24 setting in which the individual lives independently. A clean background check shall not be
25 required for an individual residing in the same residence as the young adult;

26 (iii) Case management services provided by an extended care support navigator that are
27 young-adult driven. Case management shall be a continuation of the permanency and transition
28 plans, including a written description of additional resources that will help the young adult in
29 creating permanent relationships and preparing for the transition to adulthood. Case management
30 shall include the development of a case plan, developed jointly by the department and the young
31 adult, that includes a description of the identified housing situation or living arrangement and the
32 resources to assist the young adult in the transition from the extended services program to
33 adulthood. The case plan shall incorporate the transition plan. Case management shall also
34 include, but not be limited to, documentation that assistance has been offered and provided that

1 would help the young adult meet their individual goals, if such assistance is appropriate and if the
2 young adult is eligible and consents to receive such assistance. This shall include, but not be
3 limited to, assisting the young adult to:

- 4 (A) Obtain employment or other financial support;
- 5 (B) Obtain a government-issued identification card;
- 6 (C) Open and maintain a bank account;
- 7 (D) Obtain appropriate community resources, including physical health, mental health,
8 developmental disability, and other disability services and support;
- 9 (E) When appropriate, satisfy any juvenile justice system requirements and assist with
10 sealing the young adult's juvenile court record or expungement if eligible;
- 11 (F) Complete secondary education;
- 12 (G) Apply for admission and aid for postsecondary education or vocational courses;
- 13 (H) Obtain the necessary state court findings and then apply for special immigrant
14 juvenile status as defined in 8 U.S.C.A. 1101(a)(27)(J) or apply for other immigration relief that
15 the young adult may be eligible for;
- 16 (I) Create a health care power of attorney as required by the federal patient protection and
17 affordable care act;
- 18 (J) Obtain a copy of health and education records of the young adult;
- 19 (K) Apply for any public benefits or benefits that they may be eligible for or may be due
20 through their parents or relatives, including, but not limited to, aid to dependent children,
21 supplemental security income, social security disability insurance, social security survivors
22 benefits, the special supplemental nutrition program for women, infants, and children, the
23 supplemental nutrition assistance program, and low-income home energy assistance programs;
- 24 (L) Maintain relationships with individuals who are important to the young adult,
25 including searching for individuals with whom the young adult has lost contact;
- 26 (M) Access information about maternal and paternal relatives, including any siblings;
- 27 (N) Access young adult empowerment opportunities, such as case management,
28 assistance locating safe and affordable housing, identifying employment, enrolling in educational
29 programs, and peer support groups; and
- 30 (O) Access pregnancy and parenting resources and services.

31 (f) Petition.

32 (1) Within fifteen (15) calendar days after the voluntary extension of care agreement is
33 signed, the department shall file with the family court in the county where the young adult resides
34 a petition requesting the extension or re-establishment of the jurisdiction of the court under this

1 section.

2 (2) The petition shall contain:

3 (i) The young adult's name, date of birth, and current address;

4 (ii) A statement of facts that supports the eligibility of the young adult for extension of

5 care services;

6 (iii) The reasonable efforts made to achieve permanency for the young adult;

7 (iv) The reasons why it is in the best interest of the young adult to receive extended care

8 services; and

9 (v) A copy of the signed voluntary extension of care agreement and case plan, including

10 the transition plan.

11 (3) Upon the filing of the petition, the court shall open a young adult voluntary extension

12 of care case.

13 (4) The court shall conduct a hearing and make its determination as soon as practicable

14 but no later than fifteen (15) calendar days after the filing of the petition and shall set a periodic

15 review to be held within one hundred eighty (180) days after the signing of the voluntary

16 extension of care agreement and shall make the best interests determination.

17 (5) The court shall conduct a hearing for permanency review consistent with 42 U.S.C.A.

18 675(5)(C) regarding the voluntary extension of care agreement at least every one hundred eighty

19 (180) days and at additional times at the request of the young adult, the department, or any other

20 party to the proceeding and periodic reviews consistent with 42 U.S.C.A. 675(5)(B).

21 (g) Permanency reviews. The primary purpose of the permanency review is to ensure that

22 the young adult is getting the needed services and support to help the young adult move toward

23 permanency and self-sufficiency. This shall include the procedural safeguards described in 42

24 U.S.C.A. 675(5)(C), including that, in all permanency reviews or hearings regarding the transition

25 of the young adult from foster care to adulthood, the court shall consult, in an age-appropriate

26 manner, with the young adult regarding the proposed permanency or transition plan for the young

27 adult and any other procedural safeguards that apply under existing state law. The young adult

28 shall have a clear self-advocacy role in the permanency review, and the hearing shall support the

29 active engagement of the young adult in key decisions.

30 (h) Periodic reviews. Periodic reviews consistent with 42 U.S.C.A. 675(5)(B) shall be

31 held not less than once every one hundred eighty (180) days to evaluate progress made toward

32 meeting the goals set forth in the case plan and shall begin not less than once every one hundred

33 eighty (180) days after the signing of the voluntary extension of care agreement and may be

34 conducted either by court hearing or court review.

1 (i) Required findings and orders for permanency and periodic reviews. In addition to all
2 existing requirements for permanency and periodic reviews for extension of care cases, the court
3 shall make the following additional findings and orders:

4 (1) Whether the young adult continues to meet the eligibility requirement described in
5 subsection (b)(2) of this section;

6 (2) The appropriateness of the case plan;

7 (3) Whether the young adult continues to work with the case planning team to meet the
8 goals established in the case plan developed in collaboration between the department and the
9 young adult;

10 (4) The young adult's progress toward achieving the case plan goals;

11 (5) Whether DCYF or its designee continues to provide appropriate services to the youth;
12 and

13 (6) If the court believes that the young adult requires additional services and support to
14 achieve the goals documented in the case plan or under the department's policies or state or
15 federal law, the court may order the department to take action to ensure that the young adult
16 receives the identified services and support.

17 (j) Notice of hearings and reviews. Notice of hearings and reviews shall be provided in
18 writing to all involved parties, including the young adult. Notice of hearings or reviews shall be
19 served no less than fourteen (14) calendar days before the scheduled hearing, or as otherwise
20 determined by the court.

21 (k) Court report to be submitted by the department or its designee. The department shall
22 prepare and present to the family court a report that has been developed in collaboration with the
23 young adult and includes:

24 (1) The progress made in achieving the goals of the permanency plan, including the
25 transition plan;

26 (2) Any barriers preventing the young adult from achieving the goals of the case plan and
27 the actions taken to reduce those barriers;

28 (3) Proposed revisions to the goals of the case plan and reasons for the revisions;

29 (4) Proposed revisions to the methods for achieving the goals of the case plan and the
30 reasons for the revisions;

31 (5) The court shall determine whether the department or its designee is providing the
32 appropriate services and supports as provided in the voluntary extension of care agreement to
33 carry out the case plan;

34 (6) If the court believes that the young adult requires additional services and support to

1 achieve the goals documented in the case plan or under the department's policies or state or
2 federal law, the court may order the department to take action to ensure that the young adult
3 receives the identified services and supports; and

4 (7) The report shall be submitted to the court seven (7) days prior to a scheduled periodic
5 review hearing date and a copy shall be provided to the young adult.

6 (l) Court proceedings.

7 (1) The general public shall be excluded from these proceedings. Only parties found by
8 the court to have a direct interest in the case shall be admitted to the proceeding.

9 (2) The young adult may request to identify support persons, mentors, peers or caring
10 adults to be present at the proceeding.

11 (3) Except with respect to the department or the young adult, the court may limit a party's
12 right to participate in any proceeding if the court deems the limitation to be consistent with the
13 best interests of the young adult.

14 (4) All documents, reports, and records under this part shall be confidential and shall not
15 be released to any third party without the consent of the young adult or the consent of the court
16 for good cause shown.

17 (5) Copies of all documents, reports and records under this part shall be released to the
18 young adult upon written request to the court.

19 (m) Court-appointed attorneys.

20 (1) The young adult shall be informed at all proceedings where their case is reviewed,
21 including a hearing on re-establishment of jurisdiction, that they are entitled to request and be
22 appointed an attorney.

23 (2) The court may appoint an attorney, sua sponte, or at the request of any party including
24 the young adult.

25 (3) The court shall appoint an attorney to represent the young adult if the young adult is
26 the party to make the request.

27 (4) An attorney appointed to represent a young adult in an extension of care proceeding
28 shall provide the counsel for the young adult.

29 (n) Termination of jurisdiction. Jurisdiction under this part shall terminate when:

30 (1) The young adult has reached the age of twenty-one (21) years;

31 (2) The young adult chooses to terminate the voluntary care agreement and stop receiving
32 extension of care services if the young adult:

33 (i) Has voluntarily signed a document attesting to the fact that the young adult no longer
34 consents to the court's jurisdiction; and

1 (ii) Has been informed in writing of the effects of terminating voluntary extension care
2 early; and

3 (iii) Has been informed in writing of the option and instructions on how to re-establish
4 jurisdiction; and

5 (iv) A transition plan has been approved by the court; or

6 (3) After a court finds that the young adult no longer meets the eligibility requirements or
7 the department or its designee has demonstrated that it has made ongoing reasonable efforts to
8 provide the young adult with services, the young adult is in material noncompliance with the case
9 plan; and

10 (i) Has been informed in writing of the option to re-establish jurisdiction before reaching
11 age twenty-one (21) and the procedures to do so; and

12 (ii) A transition exit plan has been approved by the court.

13 (o) Rights of the young adult.

14 (1) Young adults have a right to meaningful court reviews, including the right to:

15 (i) Receive written notice of any court hearings and reviews and any other case-related
16 proceedings and meetings at least fourteen (14) days prior to the proceeding;

17 (ii) Be meaningfully involved in the development of a personalized case plan;

18 (iii) Be present at all court hearings and reviews and be able to address the court during
19 those hearings; provided, however, that the young adult may waive their right to be present at the
20 court hearings and reviews or may request to participate in the court hearings and reviews by
21 phone; and

22 (iv) Request and receive the appointment of an attorney who acts as legal counsel.

23 (2) Nothing in this section shall be construed to abrogate any other rights that a person
24 who has attained eighteen years (18) of age may have as an adult under state law.

25 (p) Establishment of an implementation committee.

26 The young adult voluntary extension of care program will take effect on July 1, 2018.
27 The department of children, youth and families shall appoint an implementation committee upon
28 passage of the voluntary extension of care program consisting of members from the department of
29 children, youth and families, family court, the office of the child advocate, advocates, community
30 partners and youth members. The implementation committee will operate for eighteen (18)
31 months until January 1, 2019, and members shall provide input and feedback throughout
32 implementation of the young adult voluntary extension of care act. At its discretion the
33 department may continue the term of the implementation committee beyond eighteen (18)
34 months.

1 (q) Data collection and dissemination.

2 The department shall collect demographic, implementation, and outcome data on the
3 voluntary extension of care program. Data shall be reported quarterly to the legislature and posted
4 on the department of children, youth and families website.

5 ~~(b)~~(r) The court ~~may~~ shall retain jurisdiction of any child and/or young adult who is
6 seriously emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v) until
7 ~~that child turns the~~ age of twenty-one (21) when the court shall have obtained jurisdiction over
8 any child and/or young adult prior to the child's and/or young adult's eighteenth birthday by the
9 filing of a miscellaneous petition or a petition alleging that the child is dependent, neglected and
10 or abused pursuant to §§ 14-1-5, and 40-11-7, or 42-72-14.

11 (s) If a suitable transition plan is not submitted, the family court shall require that the
12 department of children, youth and families shall immediately identify a liaison to work with the
13 young adult in collaboration with the court to determine next steps for the young adult. The
14 transition plan must be person centered, must involve the young adult and other individuals who
15 know the young adult well, and must be facilitated by a neutral and unbiased individual,
16 appointed by the court. The transition plan must describe the transition activities and hopes for
17 the young adult's future.

18 ~~(e)~~(t) The department of children, youth and families shall work collaboratively with the
19 young adult, the department of behavioral healthcare, developmental disabilities and hospitals,
20 and other agencies, in accordance with § 14-1-59, to provide the family court with a transition
21 plan for those individuals who come under the court's jurisdiction pursuant to a petition alleging
22 that the child is dependent, neglected, and/or abused and who are seriously emotionally disturbed
23 or developmentally delayed pursuant to § 42-72-5(b)(24)(v). This plan shall be a joint plan
24 presented to the court by the department of children, youth and families and the department of
25 behavioral healthcare, developmental disabilities and hospitals. The plan shall include the
26 behavioral healthcare, developmental disabilities and hospitals' community or residential service
27 level, health insurance option, education plan, available mentors, continuing support services,
28 workforce supports and employment services, and the plan shall be provided to the court at least
29 twelve (12) months prior to discharge. At least three (3) months prior to discharge, the plan shall
30 identify the specific placement for the child, if a residential placement is needed. The court shall
31 monitor the transition plan. In the instance where the department of behavioral healthcare,
32 developmental disabilities and hospitals has not made timely referrals to appropriate placements
33 and services, the department of children, youth and families may initiate referrals.

34 ~~(d)~~(u) The parent and/or guardian and/or guardian ad litem of a child who is seriously

1 emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v), and who is
2 before the court pursuant to §§ 14-1-5(1)(iii) through 14-1-5(1)(v), 40-11-7 or 42-72-14, shall be
3 entitled to a transition hearing, as needed, when the child reaches the age of twenty (20) if no
4 appropriate transition plan has been submitted to the court by the department of children, ~~person~~
5 youth and families and the department of behavioral healthcare, developmental disabilities and
6 hospitals. The family court shall require that the department of behavioral healthcare,
7 developmental disabilities, and hospitals shall immediately identify a liaison to work with the
8 department of children, youth, and families until the ~~child~~ young adult reaches the age of twenty-
9 one (21) and an immediate transition plan be submitted if the following facts are found:

10 (1) No suitable transition plan has been presented to the court addressing the levels of
11 service appropriate to meet the needs of the child as identified by the department of behavioral
12 healthcare, developmental disabilities and hospitals; or

13 (2) No suitable housing options, health insurance, educational plan, available mentors,
14 continuing support services, workforce supports, and employment services have been identified
15 for the child.

16 ~~(v)~~ (v) Provided, further, that any youth who comes within the jurisdiction of the court by
17 the filing of a wayward or delinquent petition based upon an offense that was committed prior to
18 July 1, 2007, including youth who are adjudicated and committed to the Rhode Island training
19 school and who are placed in a temporary community placement as authorized by the family
20 court, may continue under the jurisdiction of the court until he or she turns twenty one (21) years
21 of age.

22 ~~(w)~~ (w) In any case where the court shall not have acquired jurisdiction over any person
23 prior to the person's eighteenth (18th) birthday by the filing of a petition alleging that the person
24 had committed an offense, but a petition alleging that the person had committed an offense that
25 would be punishable as a felony if committed by an adult has been filed before that person attains
26 the age of nineteen (19) years of age, that person shall, except as specifically provided in this
27 chapter, be subject to the jurisdiction of the court until he or she becomes nineteen (19) years of
28 age, unless discharged prior to turning nineteen (19).

29 ~~(x)~~ (x) In any case where the court shall not have acquired jurisdiction over any person
30 prior to the person attaining the age of nineteen (19) years by the filing of a petition alleging that
31 the person had committed an offense prior to the person attaining the age of eighteen (18) years
32 which would be punishable as a felony if committed by an adult, that person shall be referred to
33 the court that had jurisdiction over the offense if it had been committed by an adult. The court
34 shall have jurisdiction to try that person for the offense committed prior to the person attaining

1 the age of eighteen (18) years and, upon conviction, may impose a sentence not exceeding the
2 maximum penalty provided for the conviction of that offense.

3 ~~(h)~~(y) In any case where the court has certified and adjudicated a child in accordance
4 with the provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the
5 power and authority to sentence the child to a period in excess of the age of nineteen (19) years.
6 However, in no case shall the sentence be in excess of the maximum penalty provided by statute
7 for the conviction of the offense.

8 ~~(h)~~(z) Nothing in this section shall be construed to affect the jurisdiction of other courts
9 over offenses committed by any person after he or she reaches the age of eighteen (18) years.

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

12 **42-72-5. Powers and scope of activities.**

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

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

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

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

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

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

- 1 (5) To plan and initiate primary- and secondary-treatment programs for abused and
2 neglected children;
- 3 (6) To evaluate the services of the department and to conduct periodic, comprehensive-
4 needs assessment;
- 5 (7) To license, approve, monitor, and evaluate all residential and non-residential child
6 care institutions, group homes, foster homes, and programs;
- 7 (8) To recruit and coordinate community resources, public and private;
- 8 (9) To promulgate rules and regulations concerning the confidentiality, disclosure, and
9 expungement of case records pertaining to matters under the jurisdiction of the department;
- 10 (10) To establish a minimum mandatory level of twenty (20) hours of training per year
11 and provide ongoing staff development for all staff; provided, however, all social workers hired
12 after June 15, 1991, within the department shall have a minimum of a bachelor's degree in social
13 work or a closely related field, and must be appointed from a valid, civil-service list;
- 14 (11) To establish procedures for reporting suspected child abuse and neglect pursuant to
15 chapter 11 of title 40;
- 16 (12) To promulgate all rules and regulations necessary for the execution of departmental
17 powers pursuant to the Administrative Procedures Act, chapter 35 of title 42;
- 18 (13) To provide and act as a clearinghouse for information, data, and other materials
19 relative to children;
- 20 (14) To initiate and carry out studies and analysis that will aid in solving local, regional,
21 and statewide problems concerning children;
- 22 (15) To represent and act on behalf of the state in connection with federal-grant programs
23 applicable to programs for children in the functional areas described in this chapter;
- 24 (16) To seek, accept, and otherwise take advantage of all federal aid available to the
25 department, and to assist other agencies of the state, local agencies, and community groups in
26 taking advantage of all federal grants and subventions available for children;
- 27 (17) To review and coordinate those activities of agencies of the state, and of any
28 political subdivision of the state, that affect the full and fair utilization of community resources
29 for programs for children, and initiate programs that will help ensure utilization;
- 30 (18) To administer the pilot, juvenile-restitution program, including the overseeing and
31 coordinating of all local, community-based restitution programs, and the establishment of
32 procedures for the processing of payments to children performing community service; and
- 33 (19) To adopt rules and regulations that:
34 (i) For the twelve-month (12) period beginning on October 1, 1983, and for each

1 subsequent twelve-month (12) period, establish specific goals as to the maximum number of
2 children who will remain in foster care for a period in excess of two (2) years; and

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

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

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

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

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

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

26 In fulfilling its responsibilities the department shall:

27 (i) Plan a diversified and comprehensive network of programs and services to meet the
28 needs of seriously, emotionally disturbed children and children with functional, developmental
29 disabilities;

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

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

34 (iv) Coordinate the efforts of several state departments and agencies to meet the needs of

1 seriously, emotionally disturbed children and children with functional, developmental disabilities
2 and to work with private agencies serving those children;

3 (v) Promote the development of new resources for program implementation in providing
4 services to seriously, emotionally disturbed children and children with functional, developmental
5 disabilities.

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

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

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

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

25 The term "functional, developmental disability" includes autism spectrum disorders and
26 means a severe, chronic disability of a person that:

27 (A) Is attributable to a mental or physical impairment or combination of mental physical
28 impairments;

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

30 (C) Is likely to continue indefinitely;

31 (D) Results in age-appropriate, substantial, functional limitations in three (3) or more of
32 the following areas of major life activity.

33 (I) Self-care;

34 (II) Receptive and expressive language;

- 1 (III) Learning;
- 2 (IV) Mobility;
- 3 (V) Self direction;
- 4 (VI) Capacity for independent living; and
- 5 (VII) Economic self-sufficiency; and

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

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

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

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

33 (27) To develop and maintain, in collaboration with other state and private agencies, a
34 comprehensive continuum of care in this state for children in the care and custody of the

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

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

18 (29) To process nationwide, criminal-record checks on prospective foster parents and any
19 household member age 18 or older, prospective adoptive parents and any household member age
20 18 and older, operators of child-care facilities, persons seeking employment in a child-care
21 facility or at the training school for youth or on behalf of any person seeking employment at the
22 department of children, youth and families, who are required to submit to nationwide, criminal-
23 background checks as a matter of law.

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

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

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

28 SECTION 3. This act shall take effect on July 1, 2018.

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LC001903
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- THE YOUNG ADULT
VOLUNTARY EXTENSION OF CARE ACT

1 This act would create the young adult voluntary extension of care program that would
2 extend the age of foster care from age eighteen (18) to age twenty-one (21) and would provide a
3 range of programs and services to carry out the purpose of the act.

4 This act would take effect on July 1, 2018.

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