

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

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

Introduced By: Senators DiPalma, Miller, McCaffrey, Conley, and Satchell

Date Introduced: March 29, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-72-36 and 42-72-36.1 of the General Laws in Chapter 42-72
2 entitled "Department of Children, Youth and Families" are hereby amended to read as follows:

3 **42-72-36. Residential placement capacity. Residential placement.**

4 Effective January 1, 2009, and for any day thereafter, the department's approved capacity
5 for out-of-home residential placements, excluding foster homes, shall not exceed the total of one
6 thousand (1,000) out-of-home residential placements. The department is authorized to reinvest
7 any savings that result from reductions in out-of-home residential placements, into developing
8 additional community-based services for children and their families. For the purposes of this
9 section, out-of-home residential placements shall exclude foster and kinship placements.

10 (b) The department shall create a process overseen by the director or their designee for
11 reviewing a determination that out-of-home residential placement is appropriate to meet a
12 specified treatment need in an effort to ensure that a child is placed in the least restrictive
13 placement. Said process shall include a level of needs assessment, when available, trauma
14 screening, when available, a determination that out-of-home residential placement is necessary to
15 meet treatment needs of the child, and a timeframe in which the department will approve or deny
16 the out-of-home residential placement.

17 (c) Out-of-home residential placements shall be prohibited for children under the age of
18 thirteen (13) years unless in rare case that the child's specific needs cannot be met in kinship or

1 foster care and the director approves the placement.

2 (d) Nothing in this section shall prohibit the department from utilizing out-of-home
3 residential placements when:

4 (1) An immediate limited-time placement is necessary and no family-based placements
5 are available, including appropriate kinship or foster homes, so long as approval for the
6 placement is granted pursuant to the process described in subsection (b) of this section; or

7 (2) An out-of-home residential placement is specifically ordered by the court to meet a
8 specified treatment need not able to be met in a family-based setting.

9 (e) The department shall have the affirmative duty to continue to diligently pursue an
10 appropriate kinship or foster home placement when a child is placed in an out-of-home residential
11 placement pursuant to subsection (d)(l) of this section.

12 (f) The department shall provide quarterly reports to the president of the senate and
13 speaker of the house detailing the number of children within the care and custody of the
14 department, the number and percentage of children in foster care, kinship care and out-of-home
15 residential placements, in-state and out-of-state, by age, race, ethnicity and gender. The
16 department shall provide additional performance measures, including, but not limited to, length of
17 stay in out-of-home residential placement; the number of removals of children that result in
18 setting that matches treatment needs evidenced by assessments, incidents of maltreatment while
19 in care, rates of achieving permanent homes, reunification and return to state care, and school
20 attendance, performance and graduation rate.

21 **42-72-36.1. System reform and rebalancing goal.**

22 (a) On or before October 1, 2016, the department of children, youth and families shall
23 begin to implement a strategy to transition from reliance on congregate-care placements to greater
24 use of foster homes with community-based services for children and families. Said strategy shall
25 ensure quality outcomes, performance measures, and incentives that promote service excellence
26 and improve the system's overall stability by reinvesting the benefits that accrue from the more
27 efficient and effective utilization of congregate care, foster homes, and community-based
28 services. Attaining systemwide reform of the magnitude set forth herein shall require rebalancing
29 the system by making significant changes in the organization, financing, and delivery of services
30 that must be implemented incrementally.

31 (b) The department, in consultation with service providers, shall develop an annual plan
32 for public and private recruitment of foster families that is strategic in targeting the communities
33 from which children are most frequently removed and in identifying the probable needs of those
34 children. The department shall develop comprehensive supports and services that are easily

1 accessible to kinship and foster parents. Supports and services shall include, but are not limited
2 to, the following: a method to quickly and adequately respond to kinship and foster parent's
3 questions, issues or concerns; assistance to kinship caregivers throughout licensing process; and
4 assisting kinship and foster parents in referring and accessing appropriate services and supports
5 needed by the child.

6 (c) The department shall annually report to the president of the senate and the speaker of
7 the house the number of foster homes who have had a child placement within the last twelve (12)
8 months, the number of foster homes who have not had a child placement within the last twelve
9 (12) months; the number and percentage of foster homes who voluntarily ceased to accept
10 children; a description of recruitment efforts in communities with high removal rates of children
11 and number of foster homes in that community; a description of recruitment efforts and the
12 number of foster parents by race and ethnicity; a description of recruitment efforts and the
13 number of foster parents whose home is appropriate for developmentally or otherwise disabled
14 children, sexually exploited youth, youth who identify as lesbian, gay, bisexual, transgender or
15 questioning, minority youth and other special populations; the recruitment efforts and the number
16 of foster homes that are able to accept sibling groups; and any other relevant information
17 regarding the recruitment and development of a robust public and private foster family system.

18 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 create a process within DCYF for reviewing a determination that out-of-
2 home residential placement is appropriate in an effort to ensure that a child is placed in the least
3 restrictive placement. This act would also require DCYF to develop a plan for recruiting foster
4 families.

5 This act would take effect upon passage.

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