

2014 -- S 2385

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

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

Introduced By: Senators Goldin, Cool Rumsey, Miller, Pichardo, and Sosnowski

Date Introduced: February 12, 2014

Referred To: Senate Judiciary

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  
2 "Department of Children, Youth, and Families" is hereby amended to read as follows:

3 **42-72-15. Children's bill of rights.** -- (a) No child placed or treated under the  
4 supervision of the department in any public or private facility shall be deprived of any personal  
5 property or civil rights, except in accordance with due process.

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

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

14 (d) The department shall adopt rules and regulations pursuant to the Administrative  
15 Procedures Act, title 42, chapter 35, regarding children placed in secure facilities to specify the  
16 following:

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

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

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

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

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

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

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

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

22           (j) Each child shall have a right to a hearing pursuant to rules and regulations  
23 promulgated by the department if the child is involuntarily transferred by the department to any  
24 facility outside of the state in accordance with the procedure set forth in section 42-72-14.

25           (k) The children's bill of rights shall be posted in a conspicuous place within any secure  
26 facility for the residential housing of children.

27           (l) Every deliverer of services with whom the department enters into a purchased  
28 services agreement shall agree, in writing, to observe and post in a conspicuous place, the  
29 children's bill of rights.

30           (m) Any child aggrieved by a violation of the children's bill of rights may petition the  
31 family court for appropriate equitable relief. The family court shall have exclusive original  
32 jurisdiction, notwithstanding any remedy contained in chapter 35 of this title.

33           (n) A child victim or witness shall be afforded the protections of section 12-28-9 under  
34 the direction of the department of children, youth, and families, and the department shall advise

1 the court and the police and the prosecutor on the capacity of the child victim to understand and  
2 participate in the investigation and in the court proceedings and of the potential effect of the  
3 proceedings on the child.

4 (o) Every child placed in the care of the department of children, youth, and families shall  
5 be entitled to a free appropriate education, in accordance with state and federal law. Immediately  
6 upon the assumption of that care, the department shall provide for the enrollment of each child in  
7 a school program. During the time that the child shall remain in that care, the department and  
8 appropriate state and local education agencies shall coordinate their efforts in order to provide for  
9 the timely initiation and continuation of educational services.

10 (p) No person shall be denied access to available treatment for an alcohol or drug related  
11 condition, solely because of a present or past placement with the department.

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

16 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

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- 1           This act would create a nondiscriminatory clause under the children's bill of rights for all
- 2 children who are under the supervision of the department of children, youth, and families.
- 3           This act would take effect upon passage.

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