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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

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

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 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           ~~(9)~~(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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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

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- 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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