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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT--VOLUNTARY EXTENSION OF CARE ACT

Introduced By: Representatives Ruggiero, Ranglin-Vassell, Shekarchi, Kazarian, and
McNamara

Date Introduced: January 11, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 14-1-3, 14-1-6 and 14-1-11.1 of the General Laws in Chapter 14-1
2 entitled "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) "Justice" means a justice of the family court.

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

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

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

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

30 (9) "Wayward", when applied to a child, means and includes any child:

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

32 (ii) Who habitually associates with dissolute, vicious, or immoral persons;

33 (iii) Who is leading an immoral or vicious life;

34 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her

1 parent or parents, guardian, or other lawful custodian;

2 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually
3 absents himself or herself from school or habitually violates the rules and regulations of the
4 school when he or she attends;

5 (vi) Who has, on any occasion, violated any of the laws of the state or of the United
6 States or any of the ordinances of cities and towns, other than ordinances relating to the operation
7 of motor vehicles; or

8 (vii) Any child under seventeen (17) years of age who is in possession of one ounce (1
9 oz.) or less of marijuana, as defined in § 21-28-1.02, and who is not exempted from the penalties
10 pursuant to chapter 28.6 of title 21.

11 (10) "Young adult" means an individual who has attained the age of eighteen (18) years
12 but has not reached the age of twenty-one (21) years and was in the legal custody of the
13 department on their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or
14 was a former foster child who was adopted or placed in a guardianship after attaining age sixteen
15 (16).

16 (11) "Voluntary placement agreement for extension of care" means a written agreement
17 between the state agency and a young adult who meets the eligibility conditions specified in § 14-
18 1-6(c), acting as their own legal guardian, that is binding on the parties to the agreement. At a
19 minimum, the agreement must recognize the voluntary nature of the agreement, the legal status of
20 the young adult, and the rights and obligations of the young adult, as well as the services and
21 supports the agency agrees to provide during the time that the young adult consents to giving the
22 department legal responsibility for care and placement.

23 (12) "Supervised independent living setting" means a supervised setting in which a young
24 adult is living independently, that meets any safety and or licensing requirements established by
25 the department for this population, and is paired with a supervising agency or a supervising
26 worker, including, but not limited to, single or shared apartments or houses, host homes, relatives'
27 and mentors' homes, college dormitories or other post-secondary educational or vocational
28 housing. All or part of the financial assistance that secures an independent supervised setting for a
29 young adult may be paid directly to the young adult if there is no provider or other child placing
30 intermediary, or to a landlord, a college, or to a supervising agency, or to other third parties on
31 behalf of the young adult in the discretion of the department.

32 ~~(10)~~ (13) The singular shall be construed to include the plural, the plural the singular, and
33 the masculine the feminine, when consistent with the intent of this chapter.

34 ~~(11)~~ (14) For the purposes of this chapter, "electronic surveillance and monitoring

1 devices" means any "radio frequency identification device (RFID)" or "global positioning device"
2 that is either tethered to a person or is intended to be kept with a person and is used for the
3 purposes of tracking the whereabouts of that person within the community.

4 **14-1-6. Retention of jurisdiction.**

5 (a) When the court shall have obtained jurisdiction over any child prior to the child
6 having attained the age of eighteen (18) years by the filing of a petition alleging that the child is
7 wayward or delinquent pursuant to § 14-1-5, the child shall, except as specifically provided in
8 this chapter, continue under the jurisdiction of the court until he or she becomes nineteen (19)
9 years of age, unless discharged prior to turning nineteen (19).

10 (b) When the court shall have obtained jurisdiction over any child prior to the child's
11 eighteenth (18th) birthday by the filing of a miscellaneous petition or a petition alleging that the
12 child is dependent, neglected, ~~and or~~ abused pursuant to §§ 14-1-5 and 40-11-7 or 42-72-14,
13 ~~including any child under the jurisdiction of the family court on petitions filed and/or pending~~
14 ~~before the court prior to July 1, 2007,~~ the child shall, except as specifically provided in this
15 chapter, continue under the jurisdiction of the court until he or she becomes eighteen (18) years of
16 age; provided, that at least six (6) months prior to a child turning eighteen (18) years of age, the
17 court shall require the department of children, youth and families to provide a description of the
18 transition services including the child's housing, health insurance, education and/or employment
19 plan, available mentors and continuing support services, including workforce supports and
20 employment services afforded the child in placement or a detailed explanation as to the reason
21 those services were not offered. As part of the transition planning, the child shall be informed by
22 the department of the opportunity to voluntarily agree to extended care and placement by the
23 department and legal supervision by the court until age twenty-one (21). The details of a child's
24 transition plan shall be developed in consultation with the child, wherever possible, and approved
25 by the court prior to the dismissal of an abuse, neglect, dependency, or miscellaneous petition
26 before the child's twenty-first birthday.

27 (c) A child, who is in foster care on their eighteenth birthday due to the filing of a
28 miscellaneous petition or a petition alleging that the child is dependent, neglected, or abused
29 pursuant to §§ 14-1-5, 40-11-7 or 42-72-14, may voluntarily elect to continue responsibility for
30 care and placement from DCYF and to remain under the legal supervision of the court as a young
31 adult until age twenty-one (21), provided:

32 (1) The young adult was in the legal custody of the department at age eighteen (18); or

33 (2) Was a former foster child who was adopted or placed in a guardianship with an
34 adoption assistance agreement that was effective upon attaining age sixteen (16); and

1 (3) The young adult is participating in at least one of the following:
2 (i) Completing the requirements to receive a high school diploma or GED;
3 (ii) Completing a secondary education or a program leading to an equivalent credential;
4 enrolled in an institution that provides post-secondary or vocational education;
5 (iii) Participating in a job training program or an activity designed to promote or remove
6 barriers to employment;
7 (iv) Be employed for at least eighty (80) hours per month; or
8 (v) Incapable of doing any of the foregoing due to a medical condition that is regularly
9 updated and documented in the case plan;
10 (4) Upon the request of the young adult, the court's legal supervision and the department's
11 responsibility for care and placement may be terminated. Provided, however, the young adult may
12 request reinstatement of responsibility and resumption of the court's legal supervision at any time
13 prior to their twenty-first birthday if the young adult meets the requirements set forth in § 14-1-
14 6(c)(3). If the department wishes to terminate the court's legal supervision and its responsibility
15 for care and placement, it may file a motion for good cause. The court may exercise its discretion
16 to terminate legal supervision over the young adult at any time.

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

22 ~~(c)~~ (e) The department of children, youth and families shall work collaboratively with the
23 department of behavioral healthcare, developmental disabilities and hospitals, and other agencies,
24 in accordance with § 14-1-59, to provide the family court with a transition plan for those
25 individuals who come under the court's jurisdiction pursuant to a petition alleging that the child is
26 dependent, neglected, and/or abused and who are seriously emotionally disturbed or
27 developmentally delayed pursuant to § 42-72-5(b)(24)(v). This plan shall be a joint plan
28 presented to the court by the department of children, youth and families and the department of
29 behavioral healthcare, developmental disabilities and hospitals. The plan shall include the
30 behavioral healthcare, developmental disabilities and hospitals' community or residential service
31 level, health insurance option, education plan, available mentors, continuing support services,
32 workforce supports and employment services, and the plan shall be provided to the court at least
33 twelve (12) months prior to discharge. At least three (3) months prior to discharge, the plan shall
34 identify the specific placement for the child, if a residential placement is needed. The court shall

1 monitor the transition plan. In the instance where the department of behavioral healthcare,
2 developmental disabilities and hospitals has not made timely referrals to appropriate placements
3 and services, the department of children, youth and families may initiate referrals.

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

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

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

20 ~~(e) Provided, further, that any youth who comes within the jurisdiction of the court by the~~
21 ~~filing of a wayward or delinquent petition based upon an offense that was committed prior to July~~
22 ~~1, 2007, including youth who are adjudicated and committed to the Rhode Island training school~~
23 ~~and who are placed in a temporary community placement as authorized by the family court, may~~
24 ~~continue under the jurisdiction of the court until he or she turns twenty one (21) years of age.~~

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

32 ~~(g)~~ (h) In any case where the court shall not have acquired jurisdiction over any person
33 prior to the person attaining the age of nineteen (19) years by the filing of a petition alleging that
34 the person had committed an offense prior to the person attaining the age of eighteen (18) years

1 which would be punishable as a felony if committed by an adult, that person shall be referred to
2 the court that had jurisdiction over the offense if it had been committed by an adult. The court
3 shall have jurisdiction to try that person for the offense committed prior to the person attaining
4 the age of eighteen (18) years and, upon conviction, may impose a sentence not exceeding the
5 maximum penalty provided for the conviction of that offense.

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

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

13 **14-1-11.1. Commitment of voluntary placements.**

14 (a) The department of children, youth, and families shall petition the family court and
15 request the care, custody, and control of any child who is voluntarily placed with the department
16 for the purpose of foster care by a parent or other person previously having custody and who
17 remains in foster care for a period of twelve (12) months. However, there shall be no requirement
18 for the department to seek custody of any child with an emotional, behavioral or mental disorder
19 or developmental or physical disability if the child is voluntarily placed with the department by a
20 parent or guardian of the child for the purpose of accessing an out-of-home program for the child
21 in a program which provides services for children with disabilities, including, but not limited to,
22 residential treatment programs, residential counseling centers, and therapeutic foster care
23 programs.

24 (b) In a hearing on a petition alleging that a child is dependent, competent and creditable
25 evidence that the child has remained in foster care for a period of twelve (12) months shall
26 constitute prima facie evidence sufficient to support the finding by the court that the child is
27 "dependent" in accordance with § 14-1-3.

28 (c) In those cases where a young adult who meets the eligibility criteria in § 14-1-6(c)
29 wishes to continue in foster care after the age of eighteen (18) years, the young adult and an
30 authorized representative of DCYF shall, before the youth reaches the age of eighteen (18) years,
31 discuss the terms of a voluntary placement agreement for extension of care to be executed upon
32 or after the young adult's eighteenth birthday.

33 (d) In those cases where a young adult who meets the eligibility criteria in § 14-1-6(c)
34 exits foster care at or after the age of eighteen (18) years, but wishes to return to foster care before

1 [age twenty-one \(21\) years, DCYF shall file a petition for legal supervision of the young adult,](#)
2 [with a voluntary placement agreement for extension of care, executed by the young adult and an](#)
3 [authorized representative of DCYF attached.](#)

4 SECTION 2. Section 28-45-1 of the General Laws in Chapter 28-45 entitled
5 "Apprenticeship Programs in Trade and Industry" is hereby amended to read as follows:

6 **28-45-1. Purposes.**

7 The purposes of this chapter are:

8 (1) To encourage employers, associations of employers, and organizations of employees
9 to voluntarily establish apprenticeship programs and the making of apprenticeship agreements;

10 (2) To create opportunities for young people to obtain employment and adequate training
11 in trades and industry with parallel instructions in related and supplementary education under
12 conditions that will equip them for profitable employment and citizenship. [Young adults from](#)
13 [diverse populations and young adults who have aged out of foster care, as defined in § 14-1-6,](#)
14 [shall receive preference in the selection of candidates;](#)

15 (3) To cooperate with the promotion and development of apprenticeship programs and
16 systems in other states and with the federal committee on apprenticeship appointed under 29
17 U.S.C. § 50 et seq.;

18 (4) To provide for the registration and approval of apprenticeship programs and
19 apprenticeship agreements and for the issuance of state certificates of completion of
20 apprenticeship.

21 SECTION 3. Section 40-11-14 of the General Laws in Chapter 40-11 entitled "Abused
22 and Neglected Children" is hereby amended to read as follows:

23 **40-11-14. Right to representation in court proceedings.**

24 (a) Any child who is alleged to be abused or neglected as a subject of a petition filed in
25 family court under this chapter, shall have a guardian ad litem appointed by the court to represent
26 this child. [In addition, any young adult, who is eligible for extended foster care pursuant to § 14-](#)
27 [1-6\(c\) and who has executed a voluntary agreement for extension of care may request the](#)
28 [appointment of a guardian ad litem or court-appointed counsel. An appointment shall be in the](#)
29 [discretion of the court. The cost of counsel in those instances shall be paid by the state.](#)

30 (b) A volunteer court-appointed special advocate may be assigned to assist the guardian
31 ad litem, in the court-appointed special advocate's office (CASA):

32 (1) In order to assist the family court with the ability to ensure that these volunteers,
33 whose activity involves routine contact with minors, are of good moral character, all persons
34 seeking to volunteer for CASA shall be required to undergo a national criminal records check for

1 the purpose of determining whether the prospective volunteer has been convicted of any crime.

2 (i) A national criminal records check shall include fingerprints submitted to the Federal
3 Bureau of Investigation (FBI) by the department of children, youth and families (DCYF) for a
4 national criminal records check. The national criminal records check shall be processed prior to
5 the commencement of volunteer activity.

6 (ii) For the purposes of this section, "conviction" means, in addition to judgments of
7 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
8 where the defendant has entered a plea of nolo contendere and has received a sentence of
9 probation and that sentence has not expired and those instances where a defendant has entered
10 into a deferred sentence agreement with the attorney general.

11 (iii) For the purposes of this section, "disqualifying information" means information
12 produced by a national criminal records check pertaining to conviction for the offenses
13 designated as "disqualifying information" pursuant to DCYF policy.

14 (iv) The department of children, youth and families (DCYF) shall inform the applicant, in
15 writing, of the nature of the disqualifying information; and, without disclosing the nature of the
16 disqualifying information, shall notify the family court, in writing, that disqualifying information
17 has been discovered.

18 (v) In those situations in which no disqualifying information has been found, DCYF shall
19 inform the applicant and the family court, in writing, of this fact.

20 (vi) The family court shall maintain on file evidence that national criminal records checks
21 have completed on all volunteer court-appointed special advocates.

22 (vii) The criminal record check shall be conducted without charge to the prospective
23 CASA volunteers. At the conclusion of the background check required pursuant to this section,
24 DCYF shall promptly destroy the fingerprint record of the applicant obtained pursuant to this
25 chapter.

26 (2) All persons seeking to volunteer for CASA must submit a satisfactory DCYF
27 clearance and participate in a program of training offered by the CASA office.

28 (c) If the parent or other person responsible for the child's care is financially unable to
29 engage counsel as determined by the court, the court may, at the request of that person, and in its
30 discretion, appoint the public defender, or other counsel, to represent the person. The cost of other
31 counsel in those instances shall be paid by the state. In every court proceeding under this chapter
32 in which it is a party, the department shall be represented by its legal counsel.

33 SECTION 4. Sections 42-102-10 and 42-102-11 of the General Laws in Chapter 42-102
34 entitled "Governor's Workforce Board Rhode Island" are hereby amended to read as follows:

1 **42-102-10. State Career-Pathways System.**

2 The workforce board ("board") shall support and oversee statewide efforts to develop and
3 expand career pathways that enable individuals to secure employment within a specific industry
4 or occupational sector and to advance over time to successively higher levels of education and
5 employment in that sector. Towards this purpose, the board shall convene an advisory committee
6 comprised of representatives from business, labor, adult education, secondary education, higher
7 education, the department of corrections, the executive office of health and human services, [the](#)
8 [department of children, youth and families](#), the department of behavioral healthcare,
9 developmental disabilities and hospitals, the office of library and information services,
10 community-based organizations, consumers, and the public-workforce system. [The advisory](#)
11 [council shall meet quarterly and report annually to the legislature regarding statewide efforts to](#)
12 [develop and expand career pathways](#). Included in the state career-pathways system, shall be the
13 creation of pathways and workforce training programs to fill skill gaps and employment
14 opportunities in the clean-energy sector.

15 **42-102-11. State Work Immersion Program.**

16 (a) (1) The workforce board ("board") shall develop a state, work-immersion program
17 and a non-trade, apprenticeship program. For the purposes of this section, work-immersion shall
18 mean a temporary, paid, work experience that provides a meaningful learning opportunity and
19 increases the employability of the participant. The programs shall be designed in order to provide
20 post-secondary school students, recent college graduates, [young adults who have aged out of](#)
21 [foster care, as defined in § 14-1-6](#), and unemployed adults with a meaningful work experience,
22 and to assist employers by training individuals for potential employment.

23 (2) Funding for the work immersion program will be allocated from the job development
24 fund account and/or from funds appropriated in the annual appropriations act. Appropriated funds
25 will match investments made by employers in providing meaningful work immersion positions
26 and non-trade apprenticeships.

27 (b) For each participant in the work immersion program, the program shall reimburse
28 eligible employers up to fifty percent (50%) of the cost of not more than four hundred (400) hours
29 of work experience and during a period of ten (10) weeks. If an eligible employer hires a program
30 participant at the completion of such a program, the state may provide reimbursement for a total
31 of seventy-five percent (75%) of the cost of the work-immersion position.

32 (c) The board shall create a non-trade apprenticeship program and annually award
33 funding on a competitive basis to at least one new initiative proposed and operated by the
34 governor's workforce board industry partnerships. This program shall meet the standards of

1 apprenticeship programs defined pursuant to § 28-45-9. The board shall present the program to
2 the state apprenticeship council, established pursuant to chapter 45 of title 28, for review and
3 consideration.

4 (d) An eligible participant in programs established in subsections (b) and (c) must be at
5 least eighteen (18) years of age and must be a Rhode Island resident. Young adults from diverse
6 populations, young adults who have aged out of foster care as defined in § 14-1-6, and
7 unemployed adults and shall receive preference in the selection of candidates. ~~Provided, however,~~
8 ~~any non-Rhode Island resident, who is enrolled in a college or university located in Rhode Island,~~
9 ~~is eligible to participate while enrolled at the college or university.~~

10 (e) In order to fully implement the provisions of this section, the board is authorized to
11 promulgate rules and regulations. The rules and regulations shall define eligible employers that
12 can participate in the programs created by this section.

13 SECTION 5. Chapter 40-11 of the General Laws entitled "Abused and Neglected
14 Children" is hereby amended by adding thereto the following section:

15 **40-11-12.5. Review of young adults under the court's legal supervision and receiving**
16 **care and placement services from DCYF.**

17 (a) In the case of a young adult, between the ages of eighteen (18) and twenty-one (21)
18 years of age, who has executed a voluntary placement agreement for continued care and
19 placement responsibility from the department and for legal supervision of the court, the
20 permanency plan shall document the reasonable efforts made by the department and the young
21 adult to finalize a permanency plan that addresses the goal of preparing the young adult for
22 independence and successful adulthood. This includes, but is not limited to: housing assistance to
23 obtain supervised independent living arrangements, shared living arrangements or extended foster
24 and kinship care; education, vocational assessment, job training and employment plan needed to
25 transition the young adult to self-sufficiency; assisting the young adult in obtaining educational
26 goals, a job, and employment/vocational skills; any other services and supports that will assist the
27 young adult in accessing available services; applying for public benefits; acquiring important
28 documents, such as ID card, driver's license, birth certificate, social security card, health
29 insurance cards, and medical records; attending to physical and mental health needs; maintaining
30 relationships with individuals who are important to them and acquiring information about siblings
31 and other maternal and paternal relatives.

32 (b) Initial judicial determination - Within one hundred eighty (180) days of signing the
33 voluntary placement agreement, the department must petition the court to make a determination
34 whether remaining in foster care is in the young adult's best interests.

1 (c) The court shall conduct a permanency hearing within one year after the young adult
2 and the department execute a voluntary placement agreement and annually thereafter. At the
3 permanency hearing, the department shall present a written case plan to the court for approval
4 that details the necessary services, care and placement the young adult shall receive to assist the
5 transition to independence and successful adulthood. The court shall also review the efforts made
6 to assist the youth in forming permanent connections with caring adults, or otherwise establish
7 positive, supportive relationships. The young adult is expected to be present at each permanency
8 hearing, except for good cause shown. The young adult shall be expected to guide the
9 development of the permanency plan. The court shall determine permanency plan for the young
10 adult and whether continued care and placement responsibility from the department is in the best
11 interests of the young adult. The best interests of the young adult shall be paramount.

12 (d) Notice of the court hearings shall be served by the department upon all parties in
13 interest in accordance with the rules of child welfare procedure of the family court.

14 (e) Periodic formal reviews, shall be held not less than once every one hundred eighty
15 (180) days to assess the progress and case plan of any young adult under the court's legal
16 supervision and under the care and placement responsibility of DCYF pursuant to a voluntary
17 agreement for extension of care.

18 The permanency plan shall be reviewed by the court at least once every twelve (12)
19 months at a permanency hearing and by the department in an administrative review within one
20 hundred eighty (180) days after the permanency hearing. The young adult is expected to
21 participate in case planning and periodic reviews.

22 (f) At the administrative review and the permanency hearing the department and the court
23 shall ascertain:

24 (1) Whether the young adult continues to be compliant with the conditions for eligibility
25 for extended care and placement responsibility;

26 (2) Whether the department has made reasonable efforts to finalize a permanency plan
27 that prepares the young adult for a successful transition to independence;

28 (3) Whether the young adult is safe in their placement and continued foster care is
29 appropriate;

30 (4) Whether the young adult has been provided appropriate services or requires additional
31 services and support to achieve the goals documented in the case plan for a successful transition
32 under state or federal law; and

33 (5) Whether progress has been made to achieve independence on a projected date.

34 (g) The court may order the department or any other department of state government,

1 consistent with the provisions of § 14-1-59, to take action to access transition services,
2 particularly those necessary to secure affordable housing, to provide vocational testing,
3 assessment and guidance, to acquire job training opportunities and apprenticeships and to apply
4 for any applicable state or federal benefits to ensure that the young adult receives the support and
5 care necessary to achieve independence and successful adulthood.

6 SECTION 6. This act shall take effect upon passage, and shall apply retroactively to
7 January 1, 2018.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT--VOLUNTARY EXTENSION OF CARE ACT

1 This act would provide that a child, who is in foster care on their eighteenth birthday due
2 to the filing of a miscellaneous petition or a petition alleging that the child is dependent,
3 neglected, or abused, may voluntarily elect to continue responsibility for care and placement from
4 DCYF and to remain under the legal supervision of the court as a young adult until age twenty-
5 one (21), provided certain circumstances are met.

6 This act would take effect upon passage, and would apply retroactively to January 1,
7 2018.

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LC003216
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