

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Title of Rule: PROBATION AND PAROLE

Rule Identifier: 214-RICR-70-00-1

Rulemaking Action: Proposed Adoption

Important Dates:

Date of Public Notice: 09/17/2018

End of Public Comment: 10/17/2018

Authority for this Rulemaking:

R.I. Gen. Laws § 14-1-33

Summary of Rulemaking Action:

The Department of Children, Youth and Families ensures that each youth placed on probation by order of the Family Court receives a level of supervision that is consistent with orders of the Family Court, as well as youth and public safety.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed adoption until October 17, 2018 by contacting the appropriate party at the address listed below:

Sarah St. Jacques
Department of Children, Youth, and Families
101 Friendship Street
Providence, RI 02903
sarah.stjacques@dcyf.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

Regulatory Analysis: Probation and Parole

Introduction

The Department of Children, Youth and Families (Department) proposes to amend the existing Rules and Regulations for the Probation and Parole chapter of the Department to be consistent with updated statutory requirements of the Administrative Procedures Act (APA), R.I. Gen. Laws § 42352.9. Pursuant to § 42-352.9, the Department has conducted a regulatory analysis for the proposed regulation. The Department used the best available information at the time of publication to estimate the benefits and costs of the proposed regulatory provisions. The following analysis examines the costs and benefits of the discretionary decisions made by the Department.

The following regulations have been amended and consolidated into the singular regulation known as Probation and Parole: Transfer and Dual Supervision of Youth by Juvenile Probation and Family Services (ERLID 5577); Electronic Monitoring (ERLID 6598)

Background

Pursuant to the Governor's initiative to reduce the regulatory footprint by fifteen percent (15%) the Department reviewed the Probation and Parole rules and regulations and removed non-regulatory language and redundancies, repealed sections in which the regulations exceeded its mandate and replaced in more appropriate formats, such as Department Operating Procedures or Practice Guidance documents. The project to rewrite the Probation and Parole Regulations was, therefore, established to improve the regulations, make them more accessible and to ensure that they are reflective of industry standards and actual required practice.

Regulatory Development

In considering what constitutes "regulation," the Department's Policy Office regularly asked the following questions before committing the rule to the regulatory document:

- is it regulatory in nature;
- does it meet the standard of requiring the "force and effect of law;" and
- is it within the mandate of these regulations?

Their revisions were presented to a select group of DCYF staff for comment. The Department's legal team reviewed the completed drafts.

Main Changes to Status Quo

Overall the proposed changes cover three (3) areas.

First, the most significant change to the regulations is that they have been modernized to conform with current practice, industry standards and best practice in the delivery of juvenile justice services. Evidenced based and community based themes and language were addressed throughout the document. Safety of staff and clients was also a major focus.

The second significant focus is on clearly defining the types of services associated with the levels of care provided by social workers and juvenile probation workers and ensuring alignment with best practice standards established by nationally recognized bodies.

The final significant changes were to remove redundancies and language that is nonregulatory in nature. The policy office worked to ensure that rules were only stated once in the document. Language in the regulations governing the Department was removed to be addressed under the Department's Operating Procedures as regulations are not intended for agencies to regulate themselves. Similarly, all language in the regulations that exceeds the Department's regulatory mandate was

removed. The changes are documented and references are made on how those changes are addressed to maintain appropriate safeguards for the population served by these regulations.

Key Alternatives Considered

During the regulatory revision process described above, the Department and considered a number of options that would meet the goals for updating the regulations to meet the current required standards, practices and federal requirements. It was vitally important that the final regulations would be evidence based and person-centered and that remained a guiding force throughout the process.

Determination

The Department has determined through its internal work and this analysis that the benefits of the proposed juvenile Probation and Parole Regulation justify the costs, and that the proposed rule has greater net benefits than other regulatory alternatives.

For full regulatory analysis or supporting documentation see agency contact person above.