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TITLE 214 – DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

CHAPTER 30 – CASE MANAGEMENT

SUBCHAPTER 00 – N/A

Part 1 - Case Management

1.1 Purpose

- A. The Rhode Island Department of Children, Youth and Families (hereinafter the Department) is mandated by federal and state law and Department policy to make reasonable efforts to prevent a child's removal from his/her home, to reunify the child and family, and to make and finalize an alternate permanent placement when the child and family cannot be reunited. The Department utilizes a comprehensive assessment and service planning process for each child and family receiving services from the initial point of contact throughout case closure. This process is guided by principles of family-centered, culturally competent practice and utilizes standardized tools at various points throughout the Department's involvement with a family. Family represents the focus of all work and family members are engaged through the development and implementation of any plan. The family is defined broadly and includes biological parents, adoptive families, kin, fictive kin, legal guardians, and foster families.
- B. The Department's assessment and service planning process identifies, considers, and assesses factors that affect child safety, permanency and well-being. This process recognizes patterns in behavior over time and examines family strengths and protective factors to identify resources to support the family's ability to protect the child(ren). A child is considered safe when evaluation of all available information leads to the conclusion that the child in his or her current living arrangement is not in immediate danger of harm and no interventions are necessary to ensure the child's safety. If the child is not safe, immediate interventions must be taken to ensure the child's safety. Safety interventions are responsive to the present and impending danger of harm to the child and are not expected to impact identified risks of future harm. Impending danger address the likelihood of future maltreatment; meanwhile, present danger concerns require immediate interventions to ensure that children are protected, risk of future harm is addressed over time with services that result in long-term positive behavioral changes.

C. Every child under the Department's supervision must have a written service plan. Each service plan for a child placed in substitute care must include specific information to determine the appropriateness of and necessity for out-of-home placement. The Department places siblings removed from their home in the same foster care, adoption or guardianship placement unless there is an acceptable exception. If siblings cannot be placed together, the Department facilitates visitation or ongoing contact, unless it is contrary to the safety or well-being of any of the siblings. The Department must develop a transition plan for youth leaving the Department's care which is a written description of the programs and services that will help the youth prepare for the transition from foster care to successful adulthood.

1.2 Authority

These regulations are promulgated pursuant to R.I Gen. Laws §§ 14-1-34, 15-7-25, 23-28.13, 23-28.13-27, 23-28.13-28, 23-28.13-29, 23-28.13-30, 23-28.13-31, 23-28.13-32, 23-28.13-33, 23-28.13-34, 40-13.2-31, 42-72-2, 42-72-3, 42-72-5, 42-72-10, 42-72-13, 42-72-14, and Adoption Assistance and Child Welfare Act of 1980, Pub. Laws No. 96-272, Foster Care Maintenance Payments Program, 42 U.S.C. § 672(g)(2), Adoption Assistance and Child Welfare Act of 1980, Pub. Laws No. 96-272, The Adoption and Safe Families Act (ASFA), Pub. Laws No. 105-89, Social Security Act, 42 U.S.C. § 475, Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 U.S.C. § 1305, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. Laws No. 104-193 § 401(a), Foster Care Maintenance Payments Program Implementation Requirements, 45 C.F.R. § 1356.21, The Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. Laws No. 110-351, Patient Protection and Affordable Care Act, Pub. Laws No. 111-148, Indian Child Welfare Act, 25 U.S.C §§ 1901-1963.

1.3 Application

The terms and provisions of these regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals and policies.

1.4 Severability

If any provision of these regulations or application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

1.5 Definitions

- A. "Another Planned Permanent Living Arrangement (APPLA)" means a living arrangement for a youth age sixteen (16) or older whom the Department maintains care and custody of the youth and in which the youth is expected to remain until adulthood. APPLA is a permanency option only when other options such as reunification, relative placement, adoption, or legal guardianship have been ruled out. APPLA placements must follow the reasonable and prudent parent standard, ensuring the youth has regular, ongoing opportunities to engage in age or developmentally-appropriate activities.
- B. "Caregiver" means a parent or legal guardian or other person responsible for the child's welfare.
- C. "Case activity note" or "CAN" means a window in RICHIST where case-related notes and comments can be entered into the electronic case record.
- D. "Child Protective Services Clearance " means a check of the Department's Child Protective Services (CPS) records for many individuals, including minors and adults, who provide care to children and youth. The Department's Child Protective Services clearance is also known as a Clearance of Agency Activity.
- E. "Child welfare services" means preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible, Pub. Laws No. 96-272 § 45.
- G. "CPI" means the Department's Field Child Protective Investigator.
- H. "CPS" means the Department's Child Protective Services division.
- I. "CPS Hotline" means the Department's Child Protective Services (CPS) Hotline that provides a statewide, toll-free phone number to receive child abuse and neglect (CA/N) reports 24 hours per day, seven days per week.
- J. "Department" means Rhode Island's Department of Children, Youth and Families.
- K. "Family" means two or more persons who interact and provide one another with physical, emotional, social and/or economic care. This may include a person(s) not legally related to the individual. Members of a family may include, but is not limited to, children, parents, spouses, domestic partners, different-sex and same-sex spouses and/or domestic partners, and siblings (including sister, brother, stepbrother, stepsister, half-brother, half-sister).

"Sibling" means one of two or more individuals having a common parent through a biological, adoptive or other current or former legal relationship. This includes an individual who is considered by state or tribal law to be a sibling of a child or youth or an individual who would have been considered a sibling of a child or youth but for the termination of or other disruption of parental rights, including the death of a parent.

L. "Foster care" means substitute care for a child who is placed away from the child's parents or guardians and for whom the Department has placement and care responsibility through either court order pursuant to a dependent, neglect and/or abuse petition or voluntary placement agreement.

1. Foster care does not include placement in a training school or any other facility operated primarily for the detention of children who are determined to be wayward or delinquent.

M. "FSU" means the Department's Family Services Unit.

N. "High risk" means a child or youth who is missing from care has one or more of the following factors present:

1. Has been or is believed to have been abducted.

2. Is age thirteen (13) or younger.

3. One or more medical or behavioral conditions that if not treated may place him/her at increased risk.

4. Is pregnant and/or parenting and the infant/child is believed to be with him/her.

5. A developmental disability that impairs the child's/youth's/young adult's ability to care for themselves.

6. A history of criminal activity and/or gang involvement

7. A history of fleeing the state.

8. A serious alcohol and or/substance misuse problem; and/or

9. A history of or vulnerability to sexual exploitation or sex trafficking.

O. "Indian child" means any unmarried person who is under the age of eighteen (18) and is either:

1. a member of a federally recognized Indian tribe; or

2. is eligible for membership in a federally recognized Indian tribe and is the biological child of a member of an Indian tribe.

P. “Kin” means an individual who is related to the child by blood, marriage or adoption.

Q. “Person responsible for the child’s welfare” means the child’s parent or guardian, any individual, 18 years of age or older, who resides in the home of a parent or guardian and has unsupervised access to a child, a foster parent (relative or non-relative), an employee of a public or private residential home or facility or any staff person providing out-of-home care, which includes family child care, group child care and center-based child care.

R. “Primary worker” means the Department worker with primary responsibility for the case management of a child open to the Department.

S. "Reasonable and prudent parent standard" means careful and sensible parental decisions that maintain the child’s health, safety, and best interest.

T. “Relative” means a grandparent, great grandparent, great-great grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, first cousin, first cousin once removed, niece, great niece, great-great niece, nephew, great nephew or great-great nephew.

1. Spouses of any of the persons in the above group continue to meet this relationship requirement even after the marriage is terminated by death or divorce.

U. “RICHIST” means the Rhode Island Children's Information System. It is the Department's automated information system to document case work on behalf of clients and the state.

V. “RITS” means the Rhode Island Training School.

W. “Service plan” means a written plan that identifies safety and permanency requirements of the Adoption and Safe Families Act (ASFA) and addresses the needs of children and their families through a coordination of services as determined through various standardized assessments.

X. “Standardized screening tool” means an assessment instrument that is developed based on statistical analysis of identifying factors that statistically predict child maltreatment. The assessment tool is utilized to screen reports made to the central intake center for purposes of screening in CPS reports for an investigation or a family assessment response.

Y. "Wayward" means any child who has deserted their home without good or sufficient cause; or who habitually associates with dissolute, vicious, or immoral persons; or who is leading an immoral or vicious life; or who is habitually disobedient to the reasonable and lawful commands of his parent(s), guardian, or other lawful custodian; or who being required to attend school (ages seven (7) to sixteen (16)) willfully or habitually absents themselves therefrom or habitually violates rules and regulation of the school where they attend; or who has on occasion violated any of the ordinances of cities and towns, other than ordinances relating to the operation of motor vehicles.

Z. "Young adult" means an individual who has attained 18 years of age but has not reached the age of 21, and was in the legal custody of the Department on his or her 18th birthday due to:

1. the filing of a miscellaneous or dependency petition, or
2. the filing of a petition alleging child abuse, neglect, or
3. was in foster care and adopted or placed in a legal guardianship where the adoption or guardianship agreement was executed on or after the youth's 16th birthday and prior to the young adult's 18th birthday.

1.6 Preventative Services

A. The Department provides services to prevent the unnecessary removal of a child from his or her natural home. The desirable service goal is to maintain a child at home through the remediation of family issue(s) which contributes to the risk of harm to the child that brought the family into the Department. Reasonable efforts are made:

1. prior to the placement of a child in out of home care to prevent or eliminate the need for removal of the child from his home, and
2. to make it possible for the child to return home.

B. The Department's primary service worker serves as a case manager, coordinating services and monitoring progress toward the achievement of the service plan goal.

C. The intensity of involvement of services is based on the needs of the family. The services provided by the Department can be decreased as services provided by natural support systems and community agencies are established and as the family begins to function as an autonomous and stable unit and provide a safe environment for their child(ren).

- D. The primary service worker must conduct an initial visit with the family within five (5) working days of the case assignment. This visit must occur in the family's home. Subsequent visits may occur in the family's home, the Department's office, or a community setting.
- E. The primary service worker must meet with the child, who is older than an infant, not in the presence of the parent(s) to discuss any problems or issues the child may be having. Additionally, the primary service worker is to observe the child and parent(s) together to observe the parent/child relationship.
- F. The primary service worker must have face-to-face contact with the child at a minimum of once a month. The frequency and length of face-to-face visits must be sufficient to address issues pertaining to the safety, permanency, and well-being of the child and to promote the achievement of case goals.
- G. Telephone Contact:
1. Family, including members of extended family, if appropriate, are encouraged to have frequent telephone contact with the primary service worker.
 2. The primary service worker ensures that children in the family, of appropriate age, are aware of the primary service worker's office address and telephone number.
- H. Should the family refuse services and one or more of the conditions listed below, exists, the primary service worker must schedule a consult with the Department's Office of Legal Counsel.
1. A Child Protective Services (CPS) report of abuse or neglect has been indicated; and
 2. A Report of Examination was filed suggesting abuse or neglect either initiating CPS intervention, during an investigation, or subsequent to the case opening to the Family Services Unit (FSU).

1.7 Locating and Engaging Absent Parents

- A. The Department acknowledges and reinforces the role and responsibility of the parent as the primary source of support for a child. Department staff must make every effort to identify, locate, and engage the parents of a child in the earliest stages of Department involvement and continue to diligently search for absent parents and potential relative resources.

- B. As soon as an absent parent is located, the Department makes every effort to engage the parent during all Department processes, including throughout the child protective investigation, assessment, safety planning, service planning and administrative service plan reviews, visitation and Family Court custody and child support enforcement proceedings.
- C. If a putative father notifies the Department that he may be the father of a child in care, steps are taken to determine paternity. Once paternity is established, the father is included in the assessment and service planning and service delivery processes.

1.8 Kinship Care

- A. The Department maintains a child in his or her home whenever possible; however, certain events in a child's life may require consideration of placement outside the home. The Department must provide the child with an out-of-home placement which is least disruptive to the child and family, which offers the child the most familiar and family-like setting possible and which encourages and promotes stability and permanency for the child. Therefore, the Department gives first consideration to a relative, kinship or fictive kinship placement for the child prior to seeking a non-relative placement.
- B. Within thirty (30) days following the removal of a child from the custody of the parent(s) of the child, the Department exercises due diligence to identify and provide written notice to all the following relatives: adult grandparents, parents of a sibling of the child where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents) subject to exceptions due to family violence and/or child safety. The notice includes the following information:
1. The child has been or is being removed from the custody of the parent or parents of the child;
 2. The options the relative has under federal, state and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
 3. The requirement(s) to become a foster family home and the additional services and supports that are available for children placed in such a home; and
 4. The option to receive kinship guardianship assistance payments.
- C. If a child is already residing in an unlicensed kinship foster home, or if it appears that the best interests of the child will be served by placing the child in the home

prior to licensing, the Department may authorize the placement in the home pending licensure for a period not to exceed six (6) months, provided that the Department has conducted a Child Abuse and Neglect Registry Check in accordance with § 10-00-1.7 of this Title and a statewide and nationwide criminal records check to include fingerprinting of all eligible household members.

- D. If the Department is unable to complete the licensing process within six (6) months of the child's placement in the kinship foster home and if the Department determines that continued placement of the child in the home is in the child's best interest, the Department will file a petition with the Family Court to seek authorization to allow the child to remain in the kinship foster home pending completion of the licensing process. The Department provides notice of all such petitions to the Office of the Child Advocate, the child's parent/guardian, and the CASA attorney.

1.9 Implementing the Indian Child Welfare Act

- A. The Indian Child Welfare Act, 25 U.S.C §§ 1901 through 1963, requires the Department to find a placement within a reasonable distance of the child's home and in the least restrictive environment to meet the special needs of the identified Indian child:

1. An Indian child must be placed in the following order of preference:
 - a. With a member of the Indian child's extended family;
 - b. In a foster home licensed, approved or specified by the Indian child's tribe;
 - c. In an Indian foster home licensed or approved by an authorized non-Indian licensing authority;
 - d. In an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.

- B. When no preferred placement is available as specified above, active efforts are made to place the Indian child with a family committed to enabling the child to have an extended family visitation and participate in the cultural, spiritual, religious, and ceremonial activities of the Indian child's tribe.

- C. Deviation from the order of preference is made only when the Department can show good cause for such deviation and a final determination is made by the Tribe and sanctioned by the Family Court.

D. Selection of an Adoptive Home

1. The search for and selection of the home occurs in conjunction with the tribe's representative in the following order of preference:
 - a. A member of the Indian child's extended family;
 - b. Other members of the Indian child's tribe;
 - c. Other Indian family; or
 - d. Non-Indian family.
2. Deviation from the order of preference is made only when the Department can show good cause for such deviation and a final determination is made by the Tribe and sanctioned by the Family Court.

1.10 Safety Assessment and Plan

- A. A child safety assessment is completed during each child protective services investigation to determine if a child or youth can remain safely in the home, guide and document decision making in the removal or return of a child to the child's family during investigations, and guide decision making on child safety factors that if not addressed, pose an immediate safety threat to a child.
- B. A child is considered safe when the safety assessment determines the child in his or her current living arrangement is not in immediate danger of harm and no interventions are necessary to ensure the child's safety. If the child is not safe, immediate interventions must be taken to ensure the child's safety. Safety interventions are responsive to the present danger of harm to the child and identify risks of future harm.
- C. The safety plan contains one or both of the following elements depending on the individual safety needs of each child in the family:
 1. In-Home Safety Plan is developed when the protective capacity of the parent or caregiver can be enhanced or supported to create safety for the child.
 2. Out-of-Home Safety Plan is developed if reasonable efforts have been unsuccessful in preventing the removal of the child from the home, or:
 - a. Existing protective capacity of the parent or caregiver cannot be enhanced or supported to provide for the child's safety; or

- b. There is no parent or caregiver to provide for the child's safety needs.
- D. The safety plan is implemented and active if threats to child safety exist and caregiver protective capacities are insufficient to assure a child is protected.
- E. The safety plan is the initial stage of the family assessment process and contains information that must be reviewed at critical points through the Department's involvement with the family, and documented in the family's service plan.
- F. Each safety plan:
 - 1. Specifies any foreseeable danger threats.
 - 2. Identifies how the foreseeable danger will be managed including:
 - a. by whom;
 - b. under what circumstances and agreements;
 - c. with specification of time requirements, availability, accessibility and suitability of those involved.
 - 3. Considers caregiver capacities and acknowledgement of safety threats and caregiver acceptance and willingness for the plan to be implemented.
 - 4. Includes how the plan will be monitored by Department staff across divisions.
- G. The assessment of present and impending danger and subsequent decisions are made while considering the child's need for permanency and well-being and occur throughout the duration of the family's involvement with the Department, specifically at critical decision points including, but not limited to:
 - 1. Initial opening to the Department;
 - 2. Change in family circumstances;
 - 3. Change in placement of child(ren); and
 - 4. Reunification and case closure.

1.10.1 Placement Assessments

- A. Upon entry into foster care or a change in placement for children who are in the Department's out of home care due to a report or suspicion of abuse and neglect

will undergo an assessment. The assessment includes but is not limited to the assessments utilized by the Department or the clinical opinion of a licensed health care professional in an Assessment and Stabilization Center, mental health inpatient facility or a facility of equivalent level or type.

B. An assessment is not required in accordance with the above if:

1. The placement move is to a placement at an equivalent level of need; or
2. The placement change is occurring because the placement is no longer available for reasons unrelated to the changing needs of the child (such as at the foster parents' request, due to a closure of the placement or other unavailability); or
3. The placement change is occurring to a child not in the Department's legal custody and out-of-home placement due to a report or suspicion of abuse or neglect (in voluntary custody due to mental health or behavioral health needs) or the child is open to the Department for juvenile justice, as distinct from an allegation of abuse or neglect, and the placement change is occurring because of a juvenile justice reason or children's behavioral health reason, not because of the allegation of abuse or neglect that brought the child into Department care; or
4. The change in placement occurs pursuant to an order of the Rhode Island Family Court.

C. Assessments are completed in partnership with the Department's primary service worker, child (if age appropriate), parent(s)/caregiver(s), formal providers, informal providers and natural supports to the family.

1.10.2 Service Plan

A. The Department utilizes a comprehensive assessment and service planning process for each child and family receiving services from the initial point of contact throughout case closure.

B. The comprehensive assessment and service planning process identifies, considers, and weighs factors that affect child safety, permanency, and well-being. This process recognizes patterns in behavior over time and examines family strengths and protective factors to identify resources to support the family's ability to safely provide for the well-being of their children.

C. If a child is placed in out of home care, each service plan for the child includes specific information to determine the appropriateness of and necessity for out-of-home placement. In addition, the Department must place siblings who have been

living with each other prior to placement or who enter placement at or within thirty (30) days of each other together, unless:

1. The Department determines that doing so would be harmful and/or not be in the best interest of one or more of the siblings; or
2. One of the siblings has treatment needs that need to be met in a specialized placement or facility; or
3. The size of the sibling group makes such placement impossible due to the licensing regulations restricting such placement to a single home based on the size of the sibling group not as a result of a lack of licensed capacity for a group of that size; or
4. It is in the best interest of one or more of the siblings to be placed in a kinship placement in which the other sibling(s) cannot be placed; or
5. Specific placements are made by an order of the Rhode Island Family court.

D. The service plan must include:

1. A plan for assuring that the child receives safe and proper care and that appropriate services are provided to parents, child and foster parents;
2. The health and education records of the child, to the extent available and accessible;
3. Where appropriate, for a child age fourteen (14) or over, a written description of the program and services which will help prepare the youth for the transition toward a self-sufficient and productive adult life; and
 - a. includes a document that describes the rights of the youth with respect to education, health, visitation, court participation, credit reports, and the right to stay safe and avoid exploitation and the right for youth eighteen (18) and older to receive upon discharge; an official or certified copy of their birth certificate, social security card, health insurance information, medical records, driver's license or state issued identification card, and official documentation necessary to prove the youth was previously in foster care.
 - b. includes a signed acknowledgement by the youth that the youth has been provided with a copy of the document and that the rights contained in the document have been explained to the youth in an age-appropriate way.

c. any revision or addition to the service plan must be developed in consultation with the youth and, at the option of the youth, with up to two (2) members of the case planning team who are chosen by the youth and who are not a foster parent of, or caseworker for, the youth.

(1) The Department may reject an individual selected by the youth to be a member of the case planning team at any time if the Department has good cause to believe that the individual would not act in the best interests of the youth.

(2) One individual selected by a youth to be a member of the youth's case planning team may be designated to be the youth's advisor and as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the youth.

4. Each youth, age fourteen (14) and older, in foster care receives an annual credit report until discharged from foster care. The Department will assist with any inaccuracies in the credit report.

5. In the case of a child with respect to whom the permanency plan is adoption, guardianship or another planned permanent living arrangement (APPLA), documentation of the steps the Department is taking to find an adoptive family or other permanent living arrangement.

E. The Service Plan is time-limited, individualized and strength-based and addresses:

1. How the family will mobilize their strengths and protective capacities to mitigate behaviors identified through the assessment process that contributed to child maltreatment and Department involvement.

2. Necessary behavior changes linked to risk factors that affect safety, permanency, and child well-being. The service plan identifies the mutual responsibilities and expectations of each parent, child, the Department, formal, and natural supports, towards achieving the identified permanency goal.

3. Conditions of probation and the major factors that affect community safety for youth involved in Juvenile Corrections.

4. Action steps, in language the family can understand, to provide detail on the services and supports that are available to assist the family to reach the behavior change goal.

F. Department staff must make every effort to personally interview family members, including children, in the family's home, when appropriate.

1. Ongoing communication and visits with the family, including individual, parent/ child and/or family interviews are utilized to continuously gather information and assess family dynamics and functioning relating to present and impending danger.
2. Coordinated meetings occur with formal providers, informal providers and natural supports to the family throughout the Department's involvement to capture comprehensive information about the family and to ensure ongoing family engagement. Meetings occur at a location appropriate to the family's needs.

G. The primary service worker obtains signatures on the service plan to confirm that all parties participated in the development, review and revision of the plan and were provided the opportunity to agree or disagree with the content. Each party signing the service plan is notified of his or her right to disagree with the content of the plan and appeal implementation of the plan.

1. The primary service worker explains the Department's appeal procedure to the parents and child, to the extent of his/her ability to understand, at each signing of the service plan.
2. The following individuals sign the service plan:
 - a. Parents/guardians;
 - b. Children fourteen (14) years of age or older;
 - c. Primary service worker(s) and supervisor(s);
 - d. Foster parents or provider agency representatives who are involved in the development of the service plan and are directly responsible to provide the services prescribed in the service plan;
 - e. Department staff person, other than the primary service worker, who is involved with the family;
 - f. Pre-adoptive parents in cases where parental rights have been terminated and the child is in a pre-adoptive home where the foster parents have initiated the adoption process; and
 - g. Up to two (2) participants selected by the youth to participate in the service plan process.

H. Timeframes for completion, review, and approval of the service plan:

1. The initial service plan is completed by the assigned primary service worker within sixty (60) calendar days of removal from the home or assignment to the FSU.
2. If adjudication occurs on a Dependency, Neglect and/or Abuse petition prior to the timeframe above, the service plan is developed and submitted to the Family Court within thirty (30) days of the adjudication.
3. After the development of the initial service plan, subsequent service plans will be developed and completed by the primary service worker every six (6) months or within thirty (30) days of a change in the permanency goal.
4. For a child active in FSU where child abuse or neglect is subsequently indicated, the primary service worker makes any needed changes in an existing service plan within thirty (30) days of the completed investigation.
5. For a young adult enrolled in the Voluntary Extension of Care program, the initial service plan is completed within sixty (60) days of assignment to the Youth Development and Support division and submitted to the Family Court at every permanency hearing.

I. Once a service plan is incorporated into a court order, any change in the plan must be put before the Family Court in the form of a motion filed in advance of the court date. This motion is filed in conjunction with Department legal staff with notice provided to other involved parties.

J. Each service plan includes a visitation plan if the child is in an out of home placement including details specific to the following:

1. Parent/Guardian Visits;
2. Sibling Visits;
 - a. If the sibling visits are to occur during parental visits it will be documented in the case plan.

K. Each service plan includes an educational/medical statement, which contains health and education information that must be provided to the foster care provider when a child enters placement. Required information includes:

1. Name and address of health and educational providers;
2. Grade level performance;

3. School records;
4. Educational stability;
5. Record of immunizations;
6. Known medical conditions;
7. Medication;
8. And any other relevant health and education information concerning the child.

L. Each service plan includes a permanency goal specific to the family's situation including a projected date for achieving the identified permanency goal. The Department confers with the family to review the permanency plan of each child in placement at least every six (6) months. Permanency goals include:

1. For a child remaining at home, the permanency goal is maintaining the child at home.
 - a. The child's safety must be assured.
 - b. The service plan describes the services offered and provided to prevent removal of the child from the home including the individual services provided to each parent and child.
2. For a child in placement, the initial permanency goal is reunification in nearly all situations with specific exceptions as approved by the Family Court.
 - a. Family reunification is the planned process of reconnecting children in out-of-home care with their families by means of a variety of services and supports to the children, their families, and their foster parents or other service providers.
 - b. Service planning is directed toward addressing those behaviors associated with present and impending danger factors that led to the child being removed from his or her home.
 - c. The Department assesses and refers the family to the appropriate array of services to achieve reunification in the shortest time possible with consideration for the child's safety and well-being.
 - d. The service plan is designed to achieve:

- (1) A safe placement for the child in the least restrictive (most family-like) setting available;
 - (2) Ensuring the proximity of the child's placement to the home of the parents; and
 - (3) Placement consistent with the best interests and special needs of the child.
3. When reunification is not viable, adoption by relatives, foster parents, or a licensed adoptive resource is the preferred permanency goal. The service plan must document the steps to finalize a placement, including child-specific recruitment efforts to facilitate an orderly and timely in-state and interstate permanent placement.
4. If the Department and the Family Court have determined that reunification and adoption are not viable permanency options and that it is in the best interest of the child to be placed with a kinship guardian, the service plan permanency goal is changed to guardianship.
 - a. The service plan documents the steps the Department has taken to determine that it is not appropriate for the child to be returned home or adopted. The service plan also addresses:
 - (1) The reasons for any separation of siblings during placement;
 - (2) The reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;
 - (3) The ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;
 - (4) The efforts the Department has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and
 - (5) The efforts made by the Department to discuss with the child's parent(s) the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.

5. Another Planned Permanent Living Arrangement (APPLA) includes:
Permanent Placement with a Fit and Willing Relative, Planned Living Arrangement/ Independent Living and Planned Living Arrangement/Other.
- a. APPLA is a permanent placement for the youth that identifies a lifelong connection.
 - b. APPLA must only be considered for youth who are sixteen (16) years of age or older.
 - c. The APPLA placement must follow the reasonable and prudent parent standard ensuring the youth has regular, ongoing opportunities to engage in age or developmentally appropriate activities.
 - d. The service plan documents:
 - (1) The steps to finalize a placement including child-specific recruitment efforts to facilitate an orderly and timely in-state and interstate permanency placement when the permanency goal is or becomes APPLA.
 - (2) Who will be the permanent connection for that youth, if identified, and how the Department is working to maintain that connection.
 - e. APPLA is appropriate only when the Family Court has been provided with documentation that compelling reasons exist which make all other permanency options unacceptable. These reasons are re-examined at each Administrative Review and every permanency hearing to assess whether a more preferred permanency option is possible such as for the child to:
 - (1) return home;
 - (2) be placed for adoption;
 - (3) be placed with a legal guardian; or
 - (4) be placed with a fit and willing relative.
 - f. A fit and willing relative can provide APPLA and termination of parental rights does not have to occur within the allotted period if a compelling reason is provided to the Family Court.

- (1) A relative may be fit and willing to care for the child without being prepared to consider legal guardianship or adoption.
- (2) When determining if placement with a fit and willing relative is appropriate, the worker must consider the relationship between the child and parent(s), the child and relative(s) and the relative(s) and the child's parent(s).
- (3) A compelling reason is documented and provided to the Family Court addressing the established relationships and why neither adoption nor guardianship is a viable permanency option.

1.11 Concurrent Planning

- A. Concurrent planning is a family-centered practice approach requiring intensive work towards reunification with birth parents while identifying a placement option for the child that will be permanent if reunification efforts are not successful.
- B. The goals of concurrent planning are to support the safety and well-being of children and families, promote early permanency decisions for children, reduce the number of moves and relationship disruptions children experience in foster care and maintain continuity in children's relationships with parents, siblings, extended family and community.
- C. Concurrent planning requires "full disclosure" which includes open, honest, respectful and ongoing discussions with birth families regarding rights, responsibilities, permanency, time frames and access to timely services to meet the safety needs of the children and families.
- D. The Department prepares and trains relative and non-relative concurrent resource families to work cooperatively with birth families in a mutual effort to support and promote reunification. Frequent and consistent visitation between parents and children is required and concurrent resource families are key to facilitating this process.

1.12 Visitation

- A. The Department supports regular, planned contact between a child in placement and his or her family. Contact must begin as soon as possible after the child is separated from his/her family. Contact is defined as:
 1. Primary - regular, planned face-to-face visits between parent and child in a variety of settings;

2. Secondary - telephone and/or mail contact between parent and child; and

3. Tertiary - visits, phone calls, and/or mail contact between the child and siblings, other family members, or significant others.

B. Visitation between a parent and child must begin within ten (10) days after the child is removed from his or her home. Exceptions to this are situations when the child's physical and/or emotional health is endangered or situations when the nature of the family's problems (reason the child came into care) in some way limits initial visitation (e.g. Serious abuse, parent in prison, parent hospitalized).

C. Each child in placement must have a written visitation plan, included in the service plan, which is consistent with the specified permanent planning goal. This visitation plan will specify the duration, frequency, location, and limitations of the parent/child visitation schedule.

D. Contact and visitation is both a right and a responsibility of the parent. The parent bears the primary responsibility to maintain the formulated visitation schedule including transportation for himself/herself.

1. The parent(s) failure to maintain contact/visitation may constitute grounds for termination of parental rights.

E. The primary service worker or his/her designee supervises the initial visit after placement to assess the parent/child interaction, assess any possible risk to the child, and to aid the parent(s) and child in determining the focus of the visitation.

F. Subsequent visits are supervised if it is determined that there is any physical and/or emotional risk to the child.

G. Within thirty (30) days of the child being placed in foster care, a parent/child visitation schedule must be arranged which is focused on the individual needs, limitations, strengths, and weaknesses of the family members and which allows for the maximum amount of parent/child contact with the minimum of risk of physical and/or emotional harm to the child.

H. The Department defines regular, ongoing visitation as primary (face-to-face) contact between the parent and child a minimum of once every two (2) weeks starting after the formulation of the service plan unless there are documented reasons that this would not be in the child's best interest.

I. All reasonable efforts must be made to institute and maintain every two (2)-week visitation and to progress towards a more frequent standard in the shortest possible timeframe.

- J. The two (2)-week visitation schedule may not be applicable to those placement sites where a special visitation plan is a regulation of the facility/agency and an important element in the case plan.

1.12.1 Relative Visitation

- A. If siblings are unable to be placed together, the primary service worker discusses with the children on how and when they will see each other. Siblings will be afforded necessary time to be with each other prior to separation.
- B. Siblings who are placed in foster care should maintain contact with each other to have continuity in their relationships:
1. Sibling visits should be seen as part of the overall Case Plan. If sibling visits are to be at the time of the parent visit, it should be documented in the Case Plan;
 2. Sibling visits are an integral part of the assessment of family relationships and the determination of the feasibility of established goals; and
 3. The determination of the appropriateness of continued sibling visitation is independent of the proceedings for termination of parental rights.
- C. For relatives or significant others who request visitation or for the child who requests visitation with these relatives or significant others, the parent(s), if available, must be informed. An assessment must be made as to the quality and degree of the relationship of the child and the proposed visitor prior to the placement, the current motivation for the proposed visit(s), and the impact such visiting will have on the child.
- D. For a putative father who may wish to visit his child in placement, a visitation plan cannot be developed until paternity has been adequately verified by the courts. The primary Service worker assures that the putative father is made aware of the need for this verification. Any visitation plan would then be made in conjunction with a viable Case Plan/Agreement. Fathers should be allowed visits after paternity has been established.
- E. Visitation between a child and a parent who is hospitalized for medical or psychiatric reasons is contingent upon the regulations of the hospital, the goal and objectives of the Case Plan, condition of the parent, degree of risk to the child, and the ability of the child to understand the nature and/or seriousness of the parent's illness. With increased physical or emotional risk to the child, visitation must be limited even more.

1.12.2 Out-of-State Visitation

- A. For parents who live out of state, the extent of visitation is contingent upon the feasibility of reunification and the reasons why the parent is residing out-of-state. No child may visit out-of-state unless the out-of-state parental home has been assessed and approved through the Interstate Compact on the Placement of Children.
- B. For children in out-of-state placements, visitation is contingent upon the goal and objectives of the Case Plan/Agreement and the regulations/visiting plan of that particular agency or facility.

1.13 Educational Stability

- A. Children, including children with disabilities, placed in the custody of the Department must receive the free, appropriate public education to which they are entitled.
- B. The Department ensures that the initial and each subsequent placement of the child:
 - 1. Considers the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;
 - 2. Allows the child to remain in the school in which the child is enrolled at the time of the initial or each subsequent placement. The Department works with Local Education Agencies (LEAs), the RI Department of Education, parent(s)/educational advocates, child and other appropriate parties to maintain the child in their school of origin; or
 - 3. If an educational best interest decision is made that it is not in the child's best interest to remain in their school of origin, the child is immediately and appropriately enrolled in a new school with all the child's educational records provided to the school.
- C. If an educational best interest decision is made that the child should change schools, the Department works with the sending and receiving LEAs and coordinates with the RI Department of Education.
- D. In circumstances where a child cannot be provided school transportation to/from their school of origin through the LEA or Statewide Bus Transportation systems, and the Department approves the foster care provider in providing such transportation, reimbursement is provided to the foster care provider for reasonable travel expenses required for the child to remain in their original school.

- E. The Department ensures a request is made to the Family Court for a factual determination and designation of the residence of the parent(s) of a child placed in custody of the Department in accordance with R.I. Gen. Laws § 16-64-1.2.

1.13.1 Educational Decision Making and Responsibility

- A. For any child in the Department's custody on an abuse, neglect, dependency petition or where the rights of the parent have been terminated, or the child is free for adoption, and where the Department has reason to believe the child is at risk for needing special education services or the child is already receiving special education services, the Department must submit to the Rhode Island Department of Education a referral for the appointment of an educational advocate. In cases where a child is in foster care on a wayward, delinquency, or voluntary petition and where the Department has reason to believe the child is at risk for needing special education services or the child is already receiving special education services, the Department may submit to the Rhode Island Department of Education a referral for the appointment of an educational advocate.
- B. The Family Court enters an order that the Department will make educational decisions on behalf of a child placed in the care and custody of the Department then the Department will submit to the Rhode Island Department of Education a referral for the appointment of an educational advocate.

1.13.2 Educational Advocate Referral

- A. If a parent of a child with a disability or suspected of having disability and in the care or custody of the Department is unable or unwilling to ensure the needs of the child are met, the Department seeks appointment of an educational advocate through the Department of Elementary and Secondary Education (RIDE).
- B. The educational advocate represents the child in educational matters, advocates for the child's educational needs and participates in the educational component of the Department's service plan review.
- C. Only the educational advocate is authorized to sign the Individualized Education Plan (IEP) in place of the natural parent. Department staff are not authorized to sign the IEP in the place of the parent or guardian.

1.14 Authorization for Routine/Emergency Medical Care for the Child in Placement

The Department responds effectively to the emergency and routine medical needs of a child in the Department's care. The Department protects parent(s) and

legal guardian(s) right to consent as well as its staff and service providers from legal liability by ensuring that appropriate consents are obtained.

1.14.1 Authorization of Non-Emergency Surgery for the Child in Placement

- A. The Medical Consent Authorization and the Emergency and Routine Medical Authorization for a Child in Placement do not provide the Department with authorization for non-emergency surgery.
- B. In the event that the child must be hospitalized and/or undergo surgery, the Department must make every attempt to locate the parent(s) or legal guardian prior to the child's hospitalization and/or surgery.
- C. If the parent(s) cannot be located or the parent(s) objects to the surgery and there is an urgency to intervene in the matter to prevent permanent harm, the Department may petition the Family Court for authorization for the surgery, or the Department may provide authorization for the surgery depending on the legal status of the child.

1.14.2 Early and Periodic Screening, Diagnostic and Treatment (EPSDT Program)

- A. The Department requires that a complete medical examination of each child entering placement is conducted prior to or as soon as possible after placement. The caregiver or primary worker who schedules the appointment indicates that he/she is requesting that an EPSDT screening form be completed by the physician.
- B. It is not always possible to have an EPSDT screening examination performed prior to or immediately after the placement of a child; however, an appointment for the examination must be scheduled within seven (7) working days of the child's placement.

1.14.3 Mental Health Evaluation and Counseling Services

- A. The Department provides funding for mental health services when these services are necessary to assist the child and/or family in attaining the Service Plan goal and alternate funding sources are not available.
- B. The Department utilizes a variety of specialized clinical resources to provide necessary mental health services to children and families. Information derived from a mental health evaluation aids in planning or permanency, establishing eligibility for services and supporting legal action.

1.15 Services to SED and/or DD Youth Ages 18-21

- A. The Department is responsible for the delivery of appropriate mental health services to children with serious emotional disturbances (SED) and/or functional developmental disabilities (DD).
- B. Eligibility - A youth must meet all of the following requirements to be eligible for services:
1. The youth is a resident of the State of Rhode Island.
 2. The youth is under the age of twenty-one, and has been in the care and custody of the Department (including youth in care pursuant to a voluntary placement agreement) receiving services from the Department prior to attaining eighteen (18) years of age and continuously receiving these services thereafter.
- C. Services and Supports
1. In accordance with R.I. Gen. Laws § 42-72-3, a youth between eighteen (18) and twenty-one (21) years of age with a serious emotional disturbance (SED) or a functional developmental disability (DD), who began to receive services from the Department prior to attaining eighteen (18) years of age, is considered to be a "child" for the purposes of the provisions of R.I. Gen. Laws § 42-72-5.
 2. A youth open to the Department who has a serious emotional disturbance or a functional developmental disability in need of Department services remains open to the Department and continue to receive services, including residential placement, in accordance with the youth's service plan, as approved and consented to by the youth's parent or guardian.
- D. Termination - Services and supports are terminated when any of the following conditions apply:
1. The youth achieves service plan goals or fails to follow service plan components and expectations.
 2. The youth withdraws from services.
 3. The youth is no longer a resident of Rhode Island.
 4. The youth reaches twenty-one (21) years of age.

- a. If a youth is closed to the Department before the youth reaches the age of twenty-one (21), the youth, if eligible, can receive medical coverage and education assistance.

1.16 Youth Development and Transition Planning

- A. The Department is responsible to assist youth age fourteen (14) and older in out-of-home placements to become self-sufficient as they prepare for adulthood. Youth are strongly encouraged to assume increasing levels of responsibility and join in partnerships with the Department in their preparation towards self-sufficiency.
- B. Transitioning to successful adulthood is a mutual responsibility of the youth and his/her service team, which includes Department staff, family and/or primary caregivers and other individuals involved in the care and treatment of the youth. Youth are afforded assessment, instruction and preparation for eventual independence in a manner which respects their individual and cultural differences.
- C. For all youth age fourteen (14) and older who are in out of home placement, the primary service worker completes a youth development/transitional living plan with the youth as a component of the service plan, which is reviewed at the Administrative Review meeting.
- D. Transition planning occurs during the ongoing assessment process. Service plans are updated to reflect behavior changes and actions steps to achieve permanency for each child. Transition planning occurs and is documented within the service plan at minimum during the following timeframes:
 - 1. Every six (6) months following the youth's fourteenth (14th) birthday or when the youth enters foster care if older than fourteen (14) years old.
 - 2. When the youth reaches seventeen and a half (17.5) years of age, and the updated plan is provided to Family Court.
- E. The youth development/transitional living plan within the service plan addresses:
 - 1. Housing;
 - 2. Financial support;
 - 3. Health care;
 - 4. Education/vocation planning;

5. Procurement of necessary documents;
6. Personal community support systems; and
7. Consumer Credit Report.

1.17 Voluntary Extension of Care

A. Young adults may elect to continue to receive services and placement from the Department and remain under the legal supervision of the Family Court until the young adult's twenty-first (21st) birthday through the Voluntary Extension of Care (VEC) program.

B. Eligibility

1. Young adults who were in foster care on their eighteenth (18th) birthday and in the legal custody of the Department, or;
2. Young adults who were adopted or placed in a guardianship with an adoption or a guardianship assistance agreement that was executed on or after the young adult's sixteenth (16th) birthday and prior to the young adult's eighteenth (18th) birthday may voluntarily agree to extended care and placement and legal supervision by the family court until age 21 provided the young adult satisfies the requirements of §§ 1.17(B)(3)(a) through (f) of this Part. This agreement would terminate the adoption or guardianship subsidy, and;
3. A youth must meet at least one of the following requirements to be eligible for the VEC program:
 - a. Working toward a high school diploma or General Education Diploma (GED) or a program leading to an equivalent credential; or
 - b. Enrolled in an institution that provides post-secondary or vocational education; or
 - c. Enrolled in a job training program or activity designed to promote or remove barriers to employment; or
 - d. Employed for at least eighty (80) hours a month; or
 - e. A combination of work-related and educational activities; or
 - f. The Department determines that the young adult is incapable of doing any of the foregoing due to a medical condition that is documented in the service plan and updated regularly.

C. Young adults in the VEC program must live in a supervised living arrangement that is approved by the Department. Young adults may not enter into a lease agreement prior to Department approval. Such living arrangements may include:

1. A current or former foster parent;
2. An adult support;
3. With relatives or kin;
4. A dormitory;
5. An independent apartment alone, with a partner/spouse, or child; or
6. A shared home.
7. The Department has the authority to determine the amount of financial assistance and the payment process for living arrangements on a case-by-case basis.

D. For the purposes of the VEC program, a supervised independent living setting is a housing arrangement which meets the approval of the Department and includes ongoing oversight and case management provided by Department staff and/or another entity with whom the Department has contracted with to perform such services.

1. Prior to living in the setting or making any payments, the Department or designated entity must inspect the living arrangement to ensure it meets basic health and safety standards (e.g., running water, electricity, heating, etc.). The young adult must be present at the inspection.
2. If a young adult intends to live in a college dormitory or a family foster home licensed by the Department or a child welfare agency in another state, the living arrangement is automatically approved and does not need to be assessed.
3. Funding for the living arrangement is not provided until the living arrangement has been inspected (if applicable), and approved, and, a lease or rental agreement is signed, if required.

E. The VEC program assists young adults with:

1. educational, vocational, and employment opportunities;
2. connections to behavioral, emotional, and physical care providers;

3. financial literacy and money management skills;

4. acquisitions of key documents;

5. developing long term natural supports; and

6. securing living arrangements.

F. The Department petitions the Family Court to close any youth still open to the Department on a miscellaneous, abuse, neglect or dependency petition who elects not to participate in the VEC program after being offered the opportunity within thirty (30) days of the youth's eighteenth (18th) birthday.

G. The Department petitions the Family Court to close any youth open to the Department on a delinquency petition who elects not to participate in the VEC program prior to age eighteen (18), upon the young adult reaching the end of the delinquency petition sentence or attaining (19th) years of age, whichever event comes first.

H. Any young adult who elects not to participate in the VEC program or who terminates his or her VEC participation may request to be reinstated into the VEC program prior to his or her twenty-first (21) birthday if he or she continues to meet the edibility requirements as presented in §§ 1.17 (B)(1)(a) through (f) of this Part.

1. The Department may terminate a youth's involvement in the VEC program prior to the young adult's twenty-first (21) birthday with the approval of the Family Court based on a motion for good cause.

1.18 Administrative Review

A. The Department establishes a permanency goal for each child in out of home placement and monitors permanency planning through ongoing strength-based assessments of the family and regularly scheduled Administrative Reviews.

B. The Administrative Review is a structured discussion of family status, facilitated by an Administrative Review Officer (ARO), to independently evaluate the safety and well-being of and progress toward permanency for each child in an out of home placement.

C. The ARO facilitates Administrative Reviews in collaboration with the Department's Family Service Units, Juvenile Probation, and in partnership with families, stakeholders, community providers, and the Family Court.

- D. The initial Administrative Review is convened six (6) months from the date of placement. A subsequent review is conducted by the Family Court during its twelve (12)-month permanency hearing. If a child remains in placement, the ARO convenes a review at eighteen (18) months and the Family Court conducts a subsequent review at twenty-four (24) months at a permanency hearing.
- E. A review may be rescheduled and convened within thirty (30) days of the initial scheduled date to meet the needs of the family or the Department.
- F. The Administrative Review provides the opportunity for the assessment of each child's status to:
 - 1. Determine the safety of the child, the continuing need for and appropriateness of placement, and to ensure that both in and out of state permanent placement options are considered;
 - 2. Determine the extent of compliance with the current service plan;
 - 3. Determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement;
 - 4. Project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship; and
 - 5. Obtain the child's view on his/her permanency or transition plan.

1.19 Missing Children/Runaways

- A. Department staff, providers, and law enforcement work collaboratively to ensure that children identified as absent or missing from their living arrangement are located immediately, assessed for potential exploitation, receive the appropriate services and supports if necessary and have the current placement evaluated to ensure that the child or youth is placed in the most appropriate and supportive setting that maintains the child or youth's safety. Once any missing/runaway child or youth is located, the Department assesses the youth to determine the primary factors that contribute to the child or youth's running away, and the child or youth's experiences while absent from care.
- B. A child or youth is determined to be missing when he/she cannot be located within:
 - 1. one (1) hour for children age birth to thirteen (13);
 - 2. one (1) hour for youth of any age determined to be high risk, as defined in § 1.5(L) of this Part, or

3. within twenty-four (24) hours for youth fourteen (14) years and older.

C. When a child cannot be located and is determined to be missing from any placement the placement provider, or parent/guardian if the child is placed at home, immediately:

1. Calls the Department's Child Abuse and Neglect Hotline at 1-800-RI-CHILD.

2. Notifies the local police department to file a missing person report. The local law enforcement enters missing child information into the National Crime Information Center (NCIC).

1.20 Adoption

A. Adoption is the preferred permanency option when it is not possible for a child to return to his or her family. The adoptive parent provides the child with the same legal rights and protection as a birth parent. The adoptive parent permanently assumes all parental rights and responsibilities regarding the child.

B. At the eleventh (11th) month, or when adoption becomes the primary service plan goal through the termination of parental rights (TPR) filing, court ordered goal change to adoption, or direct consent is obtained, the child is registered with the state's adoption exchange.

1. When the TPR petition is filed in Family Court, in accordance with the Adoption and Safe Families Act guidelines, the service plan goal for a child changes to adoption and the Department documents efforts to obtain a permanent family.

2. The Department moves toward adoption as expeditiously as possible while continuing to safeguard the rights and address the needs of all parties.

3. When a child is placed with a relative, the Department is obligated to give priority for permanent placement or adoption to that relative if it is in the best interests of the child.

4. The Department determines whether the foster family is a permanent resource family for the adoption of the child. If not, the Department, in collaboration with community adoption resources, identifies a family and initiates a schedule of pre-placement visitation allows the child and the prospective adoptive parent an opportunity to get to know each other prior to placement.

- C. A child may be placed with a concurrent home prior to a TPR petition being filed or may be placed with a pre-adoptive resource family after a TPR petition has been filed, even if the child is not legally free for adoption.
- D. The Department shares confidential information from Departmental records for the purpose of effectuating the temporary or permanent placement of a child. This provision includes the right to share non-identifying health care information about the child's family, which is contained within Department files, with prospective placements and resources. Caregivers have a right to receive personally identifiable, protected health information about a child who is placed in their home.
- E. When a current foster home, kinship home or an adoptive home is identified as a potential permanent family for a child, the Department provides a Pre-Adoption Report of the child to the family at the time of TPR filing. The Pre-Adoptive Report contains relevant information about the child that is reasonably available regarding medical, psychological, educational or other services that have been provided to the child. Relevant non-identifying information concerning the medical, psychological and social history of the child's birth parents and siblings are also shared.
- F. An adoption petition may be filed after the child has resided in the pre-adoptive home for six (6) months.
- G. Post-adoption privileges may be granted by the Family Court when the birth parent and child have a significant emotional attachment and it is in the best interest of the child to maintain some contact with the birth parent.

1.20.1 Adoption Subsidy

- A. The adoption subsidy program provides financial and medical assistance to make adoption possible for special needs children awaiting adoption in the custody of the Department or, under certain circumstances, a non-profit, private licensed child-placing agency.
- B. Eligibility for the federal adoption assistance program is linked to the previous criteria for eligibility for Aid to Families with Dependent Children (AFDC) and eligibility for Social Security Income (SSI) benefits, except for a child who meets the "applicable child" criteria in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. Laws No. 110-351.
- C. For the purposes of meeting the requirements of Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. Laws No. 104-193 § 401(a), children must meet the definition of "qualified alien" to be eligible for adoption assistance.

- D. A child must meet all of the following three (3) requirements to be considered as a child with special needs and to be eligible for federal or state adoption assistance:
1. A determination must be made that it is not in the child's best interest to return home.
 2. A specific factor or condition, which could make the child difficult to place in an adoptive family without adoption assistance, must be present or for an applicable child, the child may meet all of the medical or disability requirements for Supplemental Security Income (SSI).
 3. Reasonable efforts to place the child without adoption assistance must first be made, except in certain situations when a determination has been made by the Department that it is contrary to the child's best interests to be moved.
- E. The Department informs prospective adoptive parent(s) of a special needs child of the possible availability of adoption assistance for an eligible child. The Department negotiates the subsidy provisions with the prospective adoptive parent(s) after the pre-adoption report conference.
- F. Post-adoption assistance may include an ongoing financial and medical subsidy and the funding of other expenses such as child care and respite services. The subsidy may involve financial assistance and Title XIX Medicaid coverage, or a medical subsidy only.
- G. Adoption assistance is also available for non-recurring expenses, which are one-time expenses, such as reasonable and necessary adoption related fees, court costs, attorney fees and other expenses directly related to the legal adoption of a child with special needs. These fees must be incurred by the adoptive parent, must not be reimbursed from other sources or funds, and must not be incurred in violation of state or federal law.
- H. Generally, adoption subsidy payments will terminate when a child reaches the age of eighteen (18). Documentation of a severe preexisting physical, mental or emotional disability or physical condition, which is unlikely to change, and/or age at the time of adoption, are factors that could extend the adoption subsidy to the age of twenty- one (21).
- I. A youth who obtains permanency through adoption on or after his or her 16th birthday and before his or her 18th birthday is eligible to continue adoption assistance until the young adult's 21st birthday if he or she meets one or more of the following requirements:

1. Enrolled in an institution that provides post-secondary or vocational education, or completing a secondary education or a program leading to an equivalent credential;
2. Participating in a job training program or an activity designed to promote employment or remove barriers to employment;
3. Employed at least 80 hours per month;
4. Has a medical condition that prevents the young adult from doing any of the above. The medical condition must be certified by a licensed physician or nurse practitioner and documented in the case plan.

J. The adoption subsidy agreement specifies the requirements listed in I.1-4above, and requires the adoptive parent to certify annually to the Department that the young adult is continuously meeting the above requirements and living in a supervised living arrangement. If the Department does not receive the annual certification, the subsidy is terminated.

K. The adoption subsidy is intended to supplement the resources of the adoptive family and the resources in their community and cannot exceed the amount the child would receive if he/ she was residing in a Department foster home. The amount of the adoption assistance payment is determined through the discussion and negotiation process between the adoptive parent(s) and a representative of the Department based upon the documented needs of the child.

L. The payment that is agreed upon should combine with the resources of the parents to cover the ordinary and special needs of the child. Anticipation and discussion of these needs are part of the negotiation of the amount of the adoption assistance payment. The terms of the adoption assistance agreement must be negotiated and agreed upon by the Department and the prospective adoptive parent(s) prior to the finalization of the adoption. A special needs child eligible for an adoption subsidy in Rhode Island will continue to receive a subsidy if the adoptive family moves to another state after the adoption is finalized.

M. The Department recertifies the adoption assistance agreement every two (2) years. At any time during the life of the agreement, either the Department or the adoptive parent(s) may request an adjustment in the adoption subsidy payment. Some situations that may justify an adjustment to the adoption subsidy payment include:

1. Changes in the federal benefits;
2. A change in the child's documented needs;

3. Placement of the child in out of home care; or

4. Lack of availability of a program or a shortage of state or federal funds.

N. It is the responsibility of the adoptive parent(s) to inform the Department of any changes in circumstances that may affect the adoption subsidy payment, including address changes or if the adoptive parent(s) is no longer supporting the child.

O. If the Department denies the adoptive parent's request for an increase in adoption subsidy or revokes, suspends, reduces, changes or terminates a subsidy payment or service, the adoptive parent has the right to appeal this decision in accordance with the Executive Office of Health and Human Services (EOHHS) appeal procedures.

1.21 Legal Guardianship and Kinship Guardianship Assistance

A. Legal guardianship provides the caregiver with the legal authority to make decisions on behalf of the child, the ability to care for the child without Department involvement, the opportunity to provide a safe and stable environment for the child without terminating parental and provides a permanency option for children for whom adoption may not be optimal.

B. If the prospective legal guardian resides out-of-state, the caregiver is approved through the Interstate Compact of the Placement of Children (ICPC).

C. If legal guardianship is in the best interest of a child who does not meet all criteria for the kinship guardianship assistance program, administrative approval to proceed with legal guardianship may be granted for good cause.

D. A written agreement between the Department and the caregiver outlines the rights and responsibilities of the caregiver, the terms and the amount of the kinship guardianship assistance and any services for which the child is eligible following the establishment of legal guardianship. There is an annual review of the kinship guardianship assistance.

E. A youth who obtains permanency through guardianship on or after their 16th birthday and before their 18th birthday is eligible to continue guardianship or kinship assistance until the young adult's 21st birthday if he or she meets one or more of the following requirements:

1. Is enrolled in an institution that provides post-secondary or vocational education, or completing a secondary education or a program leading to an equivalent credential;

2. Is participating in a job training program or an activity designed to promote employment or remove barriers to employment;
3. Is employed at least 80 hours per month;
4. Has a medical condition that prevents the young adult from doing any of the above. The qualified medical condition must be documented in the guardianship subsidy agreement.
5. The guardianship subsidy agreement specifies the requirements listed in § 1.21(D)(3) of this Part above, and requires the guardian to certify annually to the Department that the young adult meets the above requirements and is living in a supervised living arrangement. If the Department does not receive the annual certification, the subsidy is terminated.

F. The Family Court may grant a petition for Legal Guardianship for a child in the Department's custody. Granting of the petition terminates Department involvement with the child and family.

1.22 Discharge Plans for Youth Exiting Care at Age 18 or Older

- A. Youth who are likely to be closed to the Department on or after their eighteenth (18th) birthday are not discharged unless reasonable efforts have been made to prepare the youth for transition toward a self-sufficient and productive adult life. At least six (6) months prior to a child turning eighteen (18) years of age, or up to the age of twenty-one (21) if the young adult elects to participate in the VEC program, the Department is required to provide the Family Court with a description of the transition services afforded to the youth or young adult or a detailed explanation of why such services were not offered. Minimally this description must include the youth's housing, health insurance, education and/or employment plan, available mentors and continuing support services including workforce supports and employment supports. The details of this plan are developed in consultation with the youth whenever possible and approved by the Family Court prior to the dismissal of an abuse, neglect, dependency or miscellaneous petition before the youth's twenty-first (21) birthday.
- B. During the ninety-day period immediately prior to the date on which a youth in foster care will attain eighteen (18) years of age, or up to the age of twenty-one (21) if the young adult elects to participate in the VEC program, the primary service worker and, as appropriate, other representatives of the youth, provide the youth with assistance and support in developing a discharge plan which is documented in the service plan. The discharge plan is personalized at the direction of the youth and is as detailed as the youth may elect.

1. The Discharge Plan is focused around skills to gain independence and transition to successful adulthood and includes specific options in the following areas:

a. Housing;

b. Health insurance;

c. Education;

d. Local opportunities for mentors and continuing support services;

e. Workforce supports and employment services.

2. The discharge plan includes information about:

a. The importance of designating another individual to make health care treatment decisions on behalf of the youth if the youth becomes unable to participate in such decisions and the youth does not have, or does not want, a relative who would otherwise be authorized under RI law to make such decisions, and

b. Provides the youth with the option to execute a health care power of attorney.

C. The Department assists with federal benefits as appropriate.

D. Youth leaving out of home placements due to attaining eighteen (18) years of age, or up to the age of twenty-one (21) if the young adult elects to participate in the VEC program, unless the youth has been in care for less than six (6) months, must receive the following documents upon discharge from the Department:

1. official documentation that the youth was in foster care;

2. an official or certified copy of the United States birth certificate of the child;

3. a social security card issued by the Commissioner of Social Security;

4. health insurance information;

5. a copy of the child's medical records; and

6. a driver's license or state issued identification card.

E. Upon closing to the Department, the primary service worker informs the youth that the youth must provide the Executive Office of Health and Human Services

(EOHSS) Medical Division with notice of all address changes to ensure that all Medical Assistance correspondence is delivered to the youth and that coverage is maintained.