Guardianship for Education

Rhode Island Department of Children, Youth and Families

Policy: 700.0115

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In an effort to minimize disruption in the education of a child placed in the care of the Department, Rhode Island law and Department policy allow for the following measures to be taken by the Family Court and the Department. Rhode Island General Law (RIGL) 33-15-1.2 requires the Family Court to enter an order indicating whether the parent(s) or the Department shall make educational decisions on behalf of a child placed in the care and custody of the State and to make a factual determination of residency. If the Court or the Department finds that the child has a handicapping condition or is suspected of having a handicapping condition, the Department must request that an educational surrogate parent be appointed. When the Court places this responsibility with the Department, RIGL 16-64-7 allows the Department to authorize and direct the transfer of public school records pertaining to the child if the child is moved to a new city or town through the action of the Department.

Related Procedure…

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Procedure From Policy 700.0115: Guardianship for Education

A. When the Court orders a child placed in the care and custody of the Department, the Court includes in its order a provision for the guardianship for the child's education. This provision is applicable to a child placed in the temporary care and custody of the Department as well as a child who is committed to the Department:

1. The Court will order one of the following:
    a. That the right to control the child's education remain with the parent/guardian; or
    b. That the right to control the child's education is vested in the Department of Children, Youth, and Families until further order of the Court.
2. Department Legal Counsel will ensure that the order has been entered into the decree and that a copy of the decree is forwarded to the worker to be incorporated into the case record.

B. When the responsibility for guardianship for education is placed with the Department, the Department is empowered to authorize and direct the transfer of public school records:

1. If a child is placed in another area of the State, the worker can ensure a speedy transfer of records from one public school to another.
2. A copy of the decree can be used as evidence of the court order.