Placing Youngsters at the Ace Program

Rhode Island Department of Children, Youth and Families

Policy: 700.0045

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As a result of the Department entering into a consent decree with the Office of the Public Defender, the Office of the Court Appointed Special Advocate (CASA), and the Family Court in February, 1984, certain procedures must be followed in order to place a youth at the ACE Program. This agreement requires that status offenders must first be adjudicated wayward and ordered by the Family Court to cooperate with the Department's plan before being placed at the ACE Program. If this placement fails and if the failure is attributable to the conduct of the child, the child must be returned to Family Court on a petition alleging a violation of a valid Court Order. Subsequent to a judicial finding that the child has violated such a Court Order, the Family Court may order the child placed at the ACE Program.

However, a delinquent youth or a youth found wayward as a result of an offense that would be a misdemeanor if he/she was an adult, may be placed at ACE pursuant to an order of the Family Court without a petition for violation of a valid Court Order. The legal definition of wayward as contained in the DCYF Law Manual is as follows.

Wayward: When applied to a child, shall mean and include any child who has deserted his 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 7 to 16) willfully or habitually absents himself therefrom or habitually violates rules and regulations of the school where he attends; or who has on occasion violated any of the ordinances of cities and towns, other than ordinances relating to the operation of motor vehicles.

Department legal counsel have the added responsibility of prosecuting these wayward petitions. This entails additional responsibility but resolves inconsistencies and unwillingness of local law enforcement agencies and city solicitors to prosecute these cases.

Related Procedure

Process for Placing Youngsters at the ACE Program

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Procedure From Policy 700.0045: Placing Youngsters at the ACE Program

A. The following guidelines should be considered in determining the appropriateness of requesting the filing of a wayward petition. In an of itself, this criteria may not be sufficient grounds for a wayward petition and/or violation of a Court Order; therefore, it is imperative that the worker be prepared to demonstrate a pattern of wayward behavior:

1. A child who habitually refuses to enter placement in an identified, appropriate setting and where the social worker has extensive documentation of efforts made to help him/her accept and adjust to placement;
2. The child who runs away from placement for at least twenty-four (24) hours on at least three (3) occasions; and
3. The child who consistently fails to follow the rules and regulations of a program and is thus terminated by the program:
    a. The social worker will need extensive documentation from the provider showing a pattern of unacceptable behavior. The provider may also have to present evidence in Court; and
    b. The Division of Community Resources staff will assist in the evaluation of a client's appropriateness for a wayward petition based upon their experience in securing placements for him/her and their information from providers concerning his/her behavior.

B. If a worker believes that a wayward petition (or violation of a Court Order) is required, he/she should contact the Office of Legal Counsel to make an appointment with the designated attorney:

1. Worker should bring documentation of the efforts to place or refusal of the youngster to obey the lawful commands of the Department or the facility;
2. If the basis of the petition is refusal to cooperate with the placement, worker should notify the facility that they will be needed to support the petition; and
3. Worker and Legal Counsel will determine if a wayward petition is indicated.

C. If a youth is adjudicated wayward as a result of a status offense, worker completes the DCYF #158, Conditions of Placement:

1. Forms are available in the Family Court Clerk's Office;
2. The form is completed at the courthouse on the day of the hearing in the presence of the youth, his/her parents, his/her attorney, Department Social Worker, and Department Legal Counsel;
3. Youth signs the DCYF #158. Parent(s) may co-sign;
4. The completion of the form is witnessed by an individual such as the youth's attorney, the youth's parents, or the DCYF Social Worker;
5. The DCYF #158 is distributed in the following manner:

a. ~~The white copy is entered into the Court file at the time of the adjudication hearing;~~

b. ~~The other copies (yellow, pink) are for the youth and the Departmental Case Record; and~~

c. ~~Additional copies may be made for the youth's parent(s) and attorney.~~

6. ~~If the youth fails to meet the conditions agreed to in the DCYF #158, worker contacts Legal Counsel to discuss initiating a petition alleging violation of a valid Court Order. If a petition is filed and there is a judicial finding that the youth has violated a Court Order, the Court may order the youth to be placed at ACE.~~

D. ~~If a youth is found delinquent or wayward as a result of an offense that would be a misdemeanor if he/she was an adult, the youth may be placed at ACE pursuant to an order of the Family Court without a petition for violation of a valid Court Order.~~