

214-RICR-70-00-1

TITLE 214 – DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

CHAPTER 70 – PROBATION AND PAROLE

SUBCHAPTER 00 – N/A

PART 1 – Probation and Parole

1.1 Purpose

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.

1.2 Authority

These regulations are promulgated pursuant to R.I. Gen. Laws §§ 14-1-33, 14-1-3.

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. "Delinquent", when applied to a youth, means any youth who has committed any offense that, if committed by an adult, would constitute a felony.
- B. "Department" means Rhode Island's Department of Children, Youth and Families.
- C. "Wayward" means any youth who has committed any offense that, if committed by an adult, would constitute a misdemeanor.

1.6 Juvenile Probation Supervision

- A. A Family Court judge places a youth on probation as the result of that youth being adjudicated on a delinquent or wayward offense.
- B. Juvenile Probation and Parole Officers are responsible to supervise these youths and ensure compliance with the conditions of probation.
- C. All adjudicated youth entering community supervision will undergo an assessment process.

1.7 Reporting Violations of Probation to the Family Court

- A. If, at any time during a youth's probationary term, the youth is charged with an additional and subsequent:
 - 1. Delinquency offense, which if committed by an adult would be considered a felony, the Juvenile Probation/Parole Officer files a motion in Family Court alleging that the youth has violated probation.
 - 2. Wayward offense, the Juvenile Probation/Parole Officer may file a motion in Family Court alleging that the youth has violated probation.

1.8 Electronic Monitoring

- A. Electronic Monitoring is a time-limited sentencing alternative to secure detention or custody at the Training School and facilitates supervision in community settings for youth identified by the Family Court.
- B. The Family Court may utilize Electronic Monitoring for pre-adjudicated or adjudicated youth:
 - 1. Charged with an offense which meets the definition of delinquent (R.I. Gen. Laws § 14-1-3 (5)); and
 - 2. The youth would otherwise be detained at or sentenced to the Training School; and
 - 3. The use of Electronic Monitoring allows the youth to safely remain at or to be released to the home of a legal guardian, family member or foster home placement.
- C. The use of Electronic Monitoring for pre-adjudicated youth is limited to thirty (30) days unless the Family Court determines that another period, not to exceed thirty (30) days, is necessary.

- D. The Family Court may order Electronic Monitoring for an adjudicated youth for an initial period of up to sixty (60) days and for an additional period of up to thirty (30) days, if determined necessary.
- E. Electronic Monitoring is not used as a punitive measure.
- F. The Electronic Monitoring Program utilizes Global Positioning Systems to track the whereabouts of the youth at all times to identify youth compliance or non-compliance.

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