

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following Department rule:

Foster Parents and Relative Caregivers - Notice of Court Proceedings

This rule is amended to include the Foster Parent Court Hearing Report Form (DCYF #083A), which allows caregivers who are unable or do not wish to attend the Family Court proceedings to provide information to the Court on the well-being of the child in their care. In the amendment of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons may submit written comments by November 8, 2012 to Susan Bowler, Implementation Director for Policy and Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Foster Parents, ~~Pre-Adoptive Parents~~ and Relative ~~Caretaker~~Caregivers - Notice of Court Proceedings

Rhode Island Department of Children, Youth and Families

Policy: 700.0095

Effective Date: October 8, 1984

Revised Date: ~~June 1, 2000~~2012

Version: 23

The Department of Children, Youth and Families, in accordance with the federal Adoption and Safe Families Act of 1997 (PL 105-89) and Rhode Island General Law 14-1-30.2, provides notice to foster parents, ~~pre-adoptive parents~~ and relative caregivers, with whom children in the care of the Department are placed, of any review or hearing held in Family Court with respect to those children. This includes all hearings scheduled both prior to and subsequent to commitment resulting from dependency/neglect/abuse petitions and all hearings related to termination of parental rights petitions. ~~Caretaker~~Caregivers are important to the child and can provide valuable information to the Family Court. They have the right to attend these court proceedings and to present verbal reports or file written reports with the Court regarding the children in their care.

Related Procedure

~~Foster Parents, Pre-Adoptive Parents and Relative Caretaker~~Caregivers - Notice of Court Proceedings

Foster Parents, ~~Pre-Adoptive Parents~~ and Relative Caretaker Caregivers - Notice of Court Proceedings

Procedure ~~From~~ Policy 700.0095: Foster Parents, ~~Pre-Adoptive Parents~~ and Relative Caretaker Caregivers - Notice of Court Proceedings

- A. The Department's ~~P~~primary service worker notifies foster parents, ~~pre-adoptive parents~~ and relative ~~caretaker~~caregivers of any court proceedings regarding children in their care.
- ~~1.~~ Primary service worker sends a Notice of Court Proceedings (DCYF #083) and the Foster Parent Court Hearing Report Form (DCYF #083A), ~~if possible,~~ to the caretaker/caregiver no later than two weeks prior to the date of scheduled proceedings.
 - ~~2.~~ Primary service worker files a copy of each notification letter ~~is filed~~ in the ~~DCYF Department~~ case record, and sends a copy ~~is sent~~ to the ~~DCYF Department's~~ Office of Legal Counsel ~~to be incorporated into~~ for the legal file.
 - ~~3.~~ 3. Situations arise in which court proceedings are scheduled with little advance notice. If it is not possible to provide written notification to the caretaker/caregiver(s) within two weeks of a court proceeding, the worker notifies the ~~caretaker/caregiver~~ verbally once the primary worker is informed of a court date. Worker documents this verbal notification to caretaker/caregivers in a Case Activity Note.
- ~~_____~~ The Notice of Court Proceedings (DCYF #083) notifies ~~caretaker/caregiver~~s of their right to attend Family Court ~~p~~Proceedings regarding children in their care and ~~their~~ at they have
- B. the right to file a written or verbal report with the Court to convey information relevant to those children.
- C. The Foster Parent Court Hearing Report Form (DCYF #083A) allows caregivers who are unable or do not wish to attend the Family Court proceedings to provide information to the Court on the well-being of the child in their care.
- B. ~~_____~~ In accordance with Rhode Island General Law 14-1-30.2, foster parents and /relative ~~caretaker/caregiver~~s and pre-adoptive parents are not deemed to be parties to the proceedings
- D. and therefore are not entitled to:
- ~~1.~~ 1. Present testimony through the presentation of witnesses.
 - ~~2.~~ 2. Question or ~~cross-examine~~cross-examine witnesses in any such Court proceedings.