

**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 DCYF rule:

Administrative Review

This amended rule, formerly entitled Foster Care Review, updates processes for independently evaluating the progress of each child in out of home placement toward permanency goals. 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 April 2, 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 Care Review-Administrative Review

Rhode Island Department of Children, Youth and Families

Policy: 700.0030

Effective Date: February 4, 1985

Revised Date:- ~~December 29, 2006~~ 2012

Version: 5

The Department of Children, Youth and Families (~~the Department~~) (~~DCYF~~) 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 ~~Foster Care Administrative Reviews~~. ~~in compliance with the Adoption Assistance and Child Welfare Act (PL 96-272), the Adoption and Safe Families Act (ASFA) (PL 105-98) and Rhode Island General Law (RIGL) 42-72-10. DCYF's Foster Care Review system independently evaluates the safety, well-being and progress toward permanency for each child in out of home placement no less frequently than in six-month intervals until permanency is achieved.~~

~~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 out of home placement. The ARO DCYF's Administrative Review Unit (ARU) is responsible to oversee and facilitates Administrative Reviews each Foster Care Review in collaboration with Family Service Units (FSU) and Juvenile Probation and in partnership with families, stakeholders, and community providers and the Family Court. The Foster Care Review is a structured, time-limited discussion of family status facilitated by an Administrative Review Officer (ARO) The initial Administrative Review is convened six months from the date of placement. A subsequent review is conducted by the Family Court during its twelve month permanency hearing, held in the DCYF regional office convenient for the family. If a child remains in placement, the ARO convenes a review at eighteen months and the Family Court conducts a subsequent review at twenty-four months at a permanency hearing. A review may be rescheduled and convened within thirty days of the initial scheduled date to meet the needs of the family or the Department.~~

In compliance with Federal ~~and~~law, State Law, and Department ~~p~~Policy, the ~~Administrative Foster Care Review process monitors that provides the opportunity for the assessment of each child's status to:~~

- ~~• A Service Plan is developed and projects the likely date by which the child may be returned to his or her home safely or placed in an alternative permanent placement.~~
- ~~• Reasonable efforts to prevent placement are made to keep families together through service assistance (refer to DCYF Policy: 700.0005 Preventive Services and DCYF Policy 500.0075: Removal of Child from Home).~~
- ~~• Child safety and well-being are priorities when making decisions around services, placement and permanency planning.~~
- ~~• Permanency planning efforts are initiated at the time of placement, are appropriate per the needs of the child and family and steps to achieve the permanency goal are documented in the Service Plan.~~
- ~~• Placement is safe, effective, least restrictive and meets the child's needs.~~
- ~~• Expanded services for families are provided to make it possible for a child to return home.~~
- ~~• Permanency is achieved for a child within 18 months of removal from the home.~~

- Reasonable efforts to reunify families are made except under specified circumstances as outlined in ASFA.
- The timely adoption, or other appropriate permanency option, of children who cannot return safely to their own homes occurs.

In addition to the above mandates, the ARO gathers information during each Foster Care Review to:

- 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 (IV-E Requirement).
 - ☐ ~~Determine if the services and assistance in placement meet the needs of the child and family and if such services assist the family in achieving sustained progress toward the permanency goal.~~
 - Determine the extent of compliance ~~by parent/guardian~~ with the current Service Plan.
 - ~~Identify barriers to permanency for children in placement.~~
 - Determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement.
 - ~~Track the reason for change in child placement over the last six months.~~
 - Project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship.
 - Obtain the child's view on his/her permanency or transition plan (IV-E Requirement).

The following Federal and State statutes and regulations apply:

<u>The Adoption and Safe Families Act (PL 105-98)</u>
<u>The Adoption Assistance and Child Welfare Act (PL 96-272)</u>
<u>The Safe and Timely Interstate Placement of Foster Children Act of 2006 (PL 109-239)</u>
<u>The National Child Protection Act of 1993</u>
<u>Rhode Island General Law 42-72-10</u>
<u>RI Family Court Administrative Order 94-11</u>

- ~~Monitor quality of services and measure performance outcomes that mirror the federal Child and Family Service Review (CFSR) process~~

Related Procedure

[Foster Care Review Administrative Review](#)

Related Policies

[Complaints and Hearings](#)

[Confidentiality](#)

[Comprehensive Assessment and Service Planning](#)

[Interstate Compact on the Placement of Children \(ICPC\)](#)

[Preventive Services](#)

[Removal of Child from Home](#)

[Rhode Island Children's Information System \(RICHIST\)](#)

Termination of Parental Rights

Foster Care Review Administrative Review

Procedure From Policy 700.0030: Foster Care Review Administrative Review

- A. Each Administrative Review addresses Adoption and Safe Families Act (ASFA) mandates relating to safety, well-being and permanency.
- ~~A. A.~~ Each child in out of home placement has an Administrative Foster Care Review held no less frequently than every six ~~(6)~~ months until permanency is achieved.
- B.
- ~~1.~~ 1. Each Foster Care Review is based on a system of determinations and factors that address ASFA mandates relating to safety, well-being and permanency.
 1. ~~2.~~ Youth sentenced to the Rhode Island Training School (RITS), who are on Temporary Community Placement ~~(TCP)~~, have Administrative Foster Care Reviews.
 2. ~~3.~~ Once a termination of parental rights has been filed by the Department with the Family Court, reunification efforts are no longer discussed during Administrative Foster Care Reviews. Parental participation and discussion during the Administrative Foster Care Review is limited to visitation and any concerns that parents may have regarding the care of their children in placement. ~~(Refer to DCYF Policy 1100.0020: Termination of Parental Rights).~~
 - ~~4.~~
 3. ~~4.~~ States placing children through the Interstate Compact on the Placement of Children (ICPC) under courtesy supervision in Rhode Island ~~are responsible for developing~~ service plans with the families and ~~monitoring~~ permanency goals. ~~(Refer to DCYF Policy 700.0060: Interstate Compact on the Placement of Children (ICPC)).~~
- C. ~~5.~~ Information gathered during Administrative Foster Care Reviews is entered into RICHIST and analyzed to monitor the quality of services, performance outcomes and guide practice. Refer to DCYF Policy 700.0100: Rhode Island Children's Information System (RICHIST).
- ~~C. B.~~ In partnership with the Department's efforts to monitor permanency planning, participants involved with the child and family are invited to the Administrative Foster Care Review to provide valuable input and into the review- assist the Department in monitoring permanency planning process. Individuals invited include, but are not limited to:
- D.
- ~~1.~~ 1. Primary service worker/supervisor;
 - 1.
 - ~~3.~~ 2. Secondary service worker/supervisor;
 - 2.
 - ~~5.~~ 3. Parents/guardians;
 - 3.
 4. 4. Child (as age appropriate):-
 - a. ~~While This capacity for participation will varies among children, DCYF Policy 700.0075: Comprehensive Assessment and Service Planning specifies that a child, aged twelve and above, may sign his/her service plan.~~
 - ~~7.~~ S; however, most school-aged children are invited can be expected to participate to the some extent if they are verbal capacity and understanding most of the events occurring in their lives.
- b.

9. ~~5.~~ Service providers;
 - 5.
 11. ~~6.~~ Foster parents;
 - 6.
 13. ~~7.~~ Placement provider;
 - 7.
 15. ~~8.~~ Educational Advocate; and/or
 - 8.
 9. ~~9.~~ Other professionals /and/or advocates ~~seen as~~ having a significant contribution to the well-being of the family.
- ~~E.~~ ~~C.~~ Scheduling an Administrative Foster Care Review:
- E.
1. ~~1.~~ Approximately ~~six~~ six (6) weeks in advance of a required Administrative Foster Care Review, primary service worker and supervisor receive a RICHIST generated e-mail requesting contact ~~be made~~ with the Administrative Review Unit (ARU) to schedule a review for an identified child. ~~(Refer to RICHIST Window Help: The Meeting Window).~~
 2. ~~The 2.~~ Primary service worker or supervisor contacts ARU as soon as possible to schedule a Foster Care Review and to ensure invitations are sent ~~out~~ to the participants in a timely manner. Information discussed includes:
 - a. ~~a.~~ Primary language of the family;
 - b. ~~b.~~ Individuals not appropriate to invite to the review; and
 - ~~c.~~ When children from the same family require separate Administrative Foster Care Reviews;
 - c. ~~c.~~
 3. ~~3.~~ ~~If the event~~ contact does not occur between ARU and the primary service worker, ARU schedules an Administrative Foster Care Review on the primary service worker's office day.
 4. ~~4.~~ ARU sends DCYF # 128, Notification of Administrative Foster Care Review, to the following participants:
 - a. ~~a.~~ Parent/guardian
 - b. ~~b.~~ Foster parent
 - c. ~~c.~~ Relative caretaker
 - d. ~~d.~~ Children if age ~~sixteen~~ 16 and older
 - d. ~~d.~~
 6. ~~5.~~ ARU sends DCYF # 128B, Foster Parent Information for Service Plan Review, to all foster parents in addition to DCYF # 128. This form gives foster parents who cannot attend the Foster Care Review the opportunity to provide information to the Administrative Review Officer (ARO) regarding the child's well-being.
 5. ~~5.~~
 6. ~~The 6.~~ Primary service worker or supervisor sends the DCYF # 128 to all other appropriate participants.
- ~~G.~~ ~~D.~~ Cancellation of an Administrative Foster Care Review:
- F.
1. If he/she initiates the cancellation of the Review, the 1. Primary service worker or supervisor contacts ARU as soon as possible ~~when a cancellation of a review is initiated by primary service worker along~~ with the reason for the cancellation.
 2. 2. ARU contacts the primary service worker or supervisor as soon as possible when a cancellation of the Review is initiated by ARU and provides along with the reason for the cancellation.

- ~~3.~~ ~~3.~~ A new date and time for the rescheduled ~~Foster Care~~ Review is established within ~~thirty~~~~thirty~~ (30) days of all cancellations. ~~R~~ (refer to RICHIST Window Help: The Meeting Window).
- 3.
4. ~~The 4.~~ Primary service worker or supervisor notifies all parties in all cases when a review is cancelled.
- ~~6.~~ ~~5.~~ ARU sends DCYF # 128 with the new date to ~~appropriate~~ participants (refer to ~~DC, above 4, a-d~~).
- 5.
6. ~~The 6.~~ Primary service worker or supervisor sends DCYF # 128 to all other ~~appropriate~~ participants with the new date.
- ~~9.~~ ~~7.~~ If a ~~Foster Care~~ ~~Review is scheduled and~~ the following changes occur prior to ~~a scheduled~~ ~~the R~~ review, ~~the~~ primary case worker notifies ARU scheduler and the meeting is cancelled:
 7.
 - a. ~~a.~~ Child returns to a parent's home;
 - b. ~~b.~~ Child is sentenced to the RITS;
 - c. ~~c.~~ Child's adoption is finalized in Court; ~~or~~
 - d. ~~d.~~ Family's involvement with ~~the Department~~ ~~DCYF~~ is terminated.
- ~~I.~~ ~~E.~~ Responsibilities of ~~the p~~ Primary ~~s~~ Service ~~w~~ Worker and/or ~~s~~ Supervisor prior to the ~~Administrative Foster Care~~ Review:
 - G.
 1. ~~1.~~ Complete or update the Service Plan with families and obtain appropriate signatures.
 1. ~~2.~~ Update family information in RICHIST. ~~(R~~ Refer to ~~DCYF Policy;~~ ~~700.0100;~~ ~~Rhode Island Children's Information System (RICHIST)).~~
 3. ~~3.~~ Invite appropriate participants.
 4. ~~4.~~ Provide copies of reports ~~deemed~~ pertinent to the ~~Foster Care~~ Review that are not contained in RICHIST to the assigned ARO.
 5. ~~5.~~ When a family is transferred to another unit or division, the previous primary service worker and/or supervisor is responsible to attend the ~~Foster Care~~ Review for a period of up to ~~ten~~ ~~10~~ days after the transfer ~~occurs~~.
 - K. ~~F.~~ Responsibilities of ARO prior to and during the ~~Administrative Foster Care~~ Review:
 - H.
 1. ~~1.~~ Review family information contained in RICHIST, including reports/evaluations provided in hard copy form by ~~the~~ primary service worker prior to the ~~Foster Care~~ Review.
 2. ~~2.~~ Facilitate the ~~Foster Care~~ Review.
 - a. ~~a.~~ Discuss the Service Plan and determine the appropriateness and effectiveness of the plan toward ensuring safety of the child, well being of the child and family and permanency planning.
 - b. ~~b.~~ Ensure that a permanency plan is in effect for each child.
 - c. ~~c.~~ Identify challenges to the successful fulfillment of the Service Plan and assist in the planning to overcome identified challenges.
 - ~~e.~~ Assess progress towards meeting goals, objectives and tasks in the Service Plan.
 - d. _____
 - ~~d.~~ ~~f.~~ Ensure for children in state-supervised placements who are ~~sixteen~~ ~~16~~ years of age or older that a portion of their Service Plan describes services that will prepare the child for independent living.

Refer to DCYF Policy 700.0075: Comprehensive Assessment and Service Planning.

- e. _____
- f. ~~g.~~ Discuss comments and recommendations with case participants.

M. ~~G.~~ Outcome of the Administrative Foster Care Review:

I.

- 1. ~~1.~~ ~~After Once there has been~~ a thorough review of ~~all related~~ material ~~related to the Foster Care Review, the~~ ARO completes the RICHIST generated DCYF #128A (refer to RICHIST Window Help: ARU Review Window [New]) ~~DCYF #128A includes the following information:~~
 - 1. ~~a.~~ ~~a.~~ Determinations relating to ASFA and Child and Family Service Review ~~(CFSR) issues.~~
 - a. _____
 - b. ~~b.~~ Factors addressing safety and risk issues in the family.
 - c. ~~c.~~ Summary and comments relating to case issues and progress.
 - e. ~~d.~~ Recommendations when necessary to:
 - d. _____
 - i. _____
 - i. _____ Modify the current Service Plan.
 - ii. _____ ii. _____ Eliminate challenges towards successful fulfillment of the current Service Plan.
 - iii. _____ iii. _____ Modify the goal, objectives and/or tasks for a subsequent Service Plan.
 - 2. ~~2.~~ ARO prints ~~at two~~ copies of the signature page of DCYF #128A, signs and dates ~~it both copies~~ and ~~forwards it distributes~~ to ~~the~~ primary service worker and or supervisor for signature ~~of agreement.~~
 - a. ~~a.~~ If there is agreement, ~~the~~ primary service worker and or supervisor sign both copies, ~~;~~ place one in the family record and send one to ARU.
 - b. _____
 - b. ~~b.~~ ~~Any~~ If there is disagreement ~~with any information or recommendations included on the form, the issue~~ is addressed through the ~~mutual~~ chain of command of ~~the~~ ARO and the primary service worker ~~until a resolution is reached.~~
 - c. ~~c.~~ Parent/guardian and child(ren) (when appropriate) enter signatures in the participation section of the signature page.
 - d. ~~d.~~ If the parent disagrees with the recommended changes and/or modifications to the Service Plan, ~~the~~ ARO or the primary service worker informs the parent of the right to appeal. ~~(Refer to~~ DCYF Policy 100.0055: Complaints and Hearings~~).~~
4. _____
3. ~~3.~~ If requested, a signed copy of the recommendations/signature page is forwarded by the primary service worker and/or supervisor to the contract providers and other ~~individual~~ participants in compliance with DCYF Policy 100.000: Confidentiality.

The

4. ~~4.~~ ARO may determine that an issue is serious enough to warrant the creation of a Red Flag. ~~(Refer to RICHIST Window Help: Red Flag Factors Window).~~ If a red flag warning is needed, the ARO:
 - a. ~~a.~~ Informs the primary service worker and / or supervisor at the time of the review or after consultation with the ARU supervisor that the ARO will create a red flag warning in RICHIST.
 - b. ~~b.~~ Sends the primary service worker a red flag e-mail with the issue(s) of concern requesting a red flag warning be created in RICHIST.