

**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 repeal the following DCYF rule:

Ex Parte Arraignment Information

This rule is repealed because it is addressed in other rules. In the repeal 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This repealed rule is accessible on the DCYF website (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 7, 2011, to Susan Bowler, 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.

~~Ex Parte Arraignment Information~~

~~Rhode Island Department of Children, Youth and Families~~

~~Policy: 500.0120~~

~~Effective Date: July 24, 1989~~

~~Version: 1~~

~~In the course of Child Protective Services investigations, it is sometimes necessary to remove children from their homes. Initially, these children are placed on 48 hour holds by the police or CPIs or 72 hour holds by a doctor/nurse practitioner and a partial packet is sent to the Intake Unit with information about the removal. If the children are to remain out of their homes after the hold expires, an Order of Detention, ex parte must be obtained.~~

~~When an Order of Detention, ex parte, is granted, an arraignment is held in Family Court within seven (7) days. To ensure that necessary information is available to the judge at the arraignment, the Court Activity Window and Out of Home Placement Window must be updated immediately by the CPI.~~

~~Related Procedure~~

~~Ex-Parte Arraignment Disposition~~

Ex-Parte Arraignment Disposition

Procedure from Policy 500.0120: Ex-Parte Arraignment Information

~~A. After being granted an Order of Detention, ex parte, the CPI will enter the arraignment information in the Court Activity Window. (The Out of Home Placement Window should have been updated by the CPI when the child was placed).~~

~~B. A. Either an intake or FSU worker must attend the arraignment. The worker will update the Court Disposition Form and ensure that the information is entered in the Court Activity Window.~~