



STATE OF RHODE ISLAND
Department of Children, Youth and Families
Director's Office
101 Friendship St.
Providence, RI 02903

April 1, 2025

The Honorable Robert E. Craven, Sr., Chairman
House Committee on Judiciary
82 Smith Street
Providence, Rhode Island 02903

RE: 2025 H-5260 and H-5345 – Relating to Delinquent and Dependent Children – Proceedings in Family Court

Dear Chairman Craven:

Please accept this letter from the Department of Children, Youth and Families (DCYF or “the department”) regarding H 5260 and H 5345, which will be heard in your committee.

These bills would increase the number of youth who may choose to remain in the department’s care after they reach 18 years of age. Separately, H 5345 would also extend the age that youth may remain in DCYF’s care from 21 years old to 26 years old.

Regarding both H 5260 and H 5345

1. The proposed language is unclear, which makes implementation challenging at best, and potentially subjective, at worst.

Currently, youth who want to remain in DCYF’s care beyond 18 years old must first meet certain eligibility requirements that are contained in § 14-1-6.¹ If a youth is eligible, the program that allows them to remain in DCYF care is called “Voluntary Extension of Care” or “VEC.” The VEC program’s goal is to support young people in becoming self-sufficient, independent, and thriving adults.

Both bills purport to expand eligibility for the VEC program, but language in the bills characterizes certain situations improperly. This mischaracterization makes it difficult understand how the program is to be expanded, which will prevent the bills from being executed as intended. Specifically, the bills attempt to change § 14-1-6² to make the following youth eligible for the VEC program:

“...a former foster child who was reunified prior to their eighteenth birthday and reunification is not successful...”

“Reunification” is when a child returns to their parent or guardian after being removed from their home. Calling a reunification “not successful,” though, is not a phrase DCYF uses to describe any aspect of the reunification process. Therefore, it is not clear which youth would now be eligible for the VEC program pursuant to this

¹ For example, the youth must be working to further their education (high school, postsecondary, job training) or employed at least 80 hours per month; see § 14-1-6 for full details, including additional requirements.

² Proposed language would be inserted into subsection (d) of § 14-1-6.

language. There are two ways the department could interpret this phrase, but both interpretations still create confusion.

The proposed language is either redundant to current law, and therefore unnecessary, or it inappropriately treats certain youth in state care differently than others.

- **Interpretation #1:** “Not successful” refers to situations where a child was reunified with their parent or guardian but had to be removed from their home again later. In effect, being removed a second time means the reunification was “not successful.”
 - o **Example:** A child is removed from their home at 3 years old, reunified with their parent or guardian at 4 years old, and removed again at 14 years old. This 14-year-old would now be eligible for the VEC program once they turn 18.

When children are reunified with their parent or guardian, and there are no longer impending dangers, their case with DCYF (and the Family Court) is closed. In the event that a child must be removed from their home a second time, this circumstance is treated the same as any other removal. The department (and the Family Court) will have opened a new case and, using the example above, the child would be considered a “foster child” again at age 14.

Under § 14-1-6 as it currently exists, foster children may choose to participate in the VEC program.³ This would already include the hypothetical 14-year-old because they are a foster child. Becoming a foster child *again* does not exclude them from current law. Therefore, using this interpretation, the proposed language would be redundant to what the law already allows, and does not seem to expand eligibility for the VEC program, after all.

- **Interpretation #2:** “Not successful” refers to situations where, even though a youth was reunified with their parent or guardian, they don’t feel that they were prepared to take on full adult responsibilities at the age of 18 years old.
 - o **Example:** A child is removed from their home at 3 years old and reunified with their parent or guardian at 4 years old. There is no further involvement from DCYF. At the age of 18, this young adult would now be eligible for the VEC program.

For some youth, being in State care disrupts their development enough such that they do not feel ready to take on full adult responsibilities once they are 18 years old. In recognition of that, this language appears to allow any young adult who was *ever* in foster care to choose to participate in the VEC program so they can access extra support to transition into adulthood (provided, of course, that they meet the other eligibility requirements).

Current law speaks to this, but it provides an age-related guideline: children who were adopted or placed in a legal guardianship before the age of 16 are not eligible for the VEC program.⁴ This limit recognizes that, if a youth obtained a permanent, legal relationship with an adult or adults at an earlier age, they are more likely to have established a strong relationship with those adults who will help guide and support them in their late teens and early twenties the way VEC does. The language proposed in this bill does not provide the same age-related limitation for former foster children to be eligible for VEC, as it does for youth who are adopted or are placed in a legal guardianship.

2. Expanding the VEC program at DCYF would require a significant increase in resources, both financially and in terms of staffing.

Per the example above, this bill would allow any eligible individual to participate in the VEC program if they were ever a foster child, regardless of their age when they reunified with their parent or guardian. Further, this bill does not contain any sort of look-back limitation, meaning that it would allow hundreds of new young adults

³ As long as the foster child meets the eligibility requirements set forth in § 14-1-6, as previously mentioned.

⁴ § 14-1-6(d).

to participate in VEC, even if they left DCYF care fifteen years ago (for example). This kind of expansion would require considerable resources, both financial and in staffing, that DCYF does not have in its budget.

H 5345

Separately, this bill would also allow anyone eligible for DCYF's VEC program to participate until they are 26 years old. Currently, participation for eligible individuals ends at the age of 21 years, but it is important to note that a young adult does not need to participate in VEC immediately following their time in State care. Under current law, § 14-1-6(e), an eligible young adult may choose to participate in the VEC program at any time before reaching 21 years old. This means that if someone leaves State care at age 18, but struggles later, the individual may request to be "reinstated" at any point – age 18, 19, or 20 – and receive support via the VEC program until the age of 21.⁵

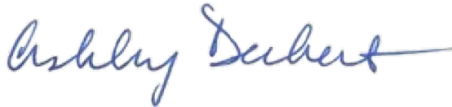
If this bill passes, the subsection on reinstatement would still apply, but it would now end at age 26 years. As a practical matter, a young adult who left State care at 18 years old could request to be "reinstated" six years later – at age 24 – and come back into State care until they reach 26 years old. If this young adult were married or had children of their own, any such immediate family would necessarily receive support through DCYF's VEC program until the young adult reached the age of 26.

The department is sympathetic to the needs of youth who were formerly in care; however, DCYF's current budget does not have anywhere near the financial or personnel resources necessary to provide the extra five years of support that this bill would require.

Additionally, and as a reminder, the beginning of this letter outlined how this bill also seeks to increase the number of youth who are eligible for the VEC program to begin with. Of course, the department would require additional resources to support its current caseload of youth until they reach 26 years old, but to add potentially thousands more individuals would be detrimental to the rest of the child welfare system.

DCYF appreciates the opportunity to express its concerns regarding this legislation.

Sincerely,



Ashley Deckert, MSW, MA
Director

cc: Honorable Members of the House Committee on Judiciary
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, Director of House Policy

⁵ § 14-1-6(e).