

RHODE ISLAND FAMILY COURT  
ADMINISTRATIVE ORDER 94-11

RE: RULES OF JUVENILE PROCEEDINGS

Pursuant to Sections 40-11-12.1 and 42-72-10 of the Rhode Island General Laws and Rule 17 of the Rules of Juvenile Procedure and in order to monitor the treatment, placement, and/or services that have been ordered by the court for children in the care of the Department of Children, Youth, and Families, the following hearings shall be held:

1. An administrative review shall be conducted within six (6) months of the initial hearing on a petition for dependency, neglect, or abuse. The court shall set the month of the review, and the Department of Children, Youth and Families shall notify all parties of the specific date.
2. A dispositional hearing shall be conducted within twelve (12) months of the initial hearing or when the child has been placed in care and custody of the Department of Children, Youth and Families whichever occurs first.

The Administrative Review will be summarized in a case plan. If all parties consent, and have either reviewed the plan with their attorneys or have knowingly waived their right to assistance of counsel at this hearing, the case plan shall be presented for approval to a judge of the Family Court. Should all parties consent to closing the case, the agreement shall be presented for approval to the Chief Judge, or his designee, or a judge on the juvenile calendar in open court. Counsel representing the Department of Children, Youth, and Families shall be present at this hearing, but no other parties shall be required to attend. Should the parties not be able to

reach an agreement, the matter shall be assigned by the juvenile clerk for a hearing before the court.

Following the first Administrative Review that will be scheduled by the court, subsequent administrative reviews shall be scheduled by the Administrative Review Unit and shall be conducted at least every twelve (12) months. The date of the administrative review shall be recorded in the Family Court case file.

Subsequent dispositional hearings shall be scheduled by the court and shall also be conducted at least every twelve (12) months.

Administrative Order 94-1 is hereby vacated.

12/8/94  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeremiah S. Jeremiah, Jr.  
Chief Judge

Notes: According to legislation passed in 1994 amending 40-11-12.1, a dispositional hearing must be requested by the Department of Children, Youth, and Families within 12 months of a child's placement in foster care. Also, subsequent dispositional hearings must be conducted at least every 12 months for children who continue in foster care. The purpose of this rule is to extend the scheduling of annual dispositional hearings to all cases where a petition for dependency, neglect, or abuse has been filed. This will make the process of scheduling such hearings easier, since it will become a routine process that applies to all cases. This will also give the court the opportunity to monitor whether the continuation of placement and/or services is justified.

In addition, this order incorporates administrative reviews into the process. The purpose is to avoid a duplication of effort between the court and

the Department of Children, Youth, and Families. Court reviews will be scheduled only when there is some specific issue to be addressed. The administrative review can take the place of a six month court review, and the dispositional hearing can take the place of a routine six month administrative review. This order, as it pertains to the scheduling of six month administrative reviews, reflects a pilot project which at this time is applicable to Providence County only.