

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

TO: Interested Parties

FROM: Patricia Martinez 

DATE: May 12, 2009

SUBJECT: DCYF Family Care Community Partnership (FCCP) Practice Standards
(Advertised for Promulgation 11/18/08)

The DCYF rule, **Family Care Community Partnership (FCCP) Practice Standards**, is effective June 1, 2009. This new rule provides guidance to assist the FCCP in implementing an integrated system of care that is youth guided, family driven, culturally and linguistically competent and community based for families with children and youth who are at risk for abuse and neglect, who have serious emotional disturbance (SED) and/or who are returning to the community after completing a sentence to the Rhode Island Training School (RITS), including youth leaving the RITS and youth leaving temporary community placement (TCP).

This rule was advertised for promulgation in accordance with the Administrative Procedures Act (Title 42, Chapter 35 of the Rhode Island General Laws) and a Public Hearing was held on Tuesday, November 18, 2008. The rule is accessible through the Secretary of State's Rules and Regulations Search Interface (<http://www.rules.state.ri.us/rules/>) and, for a limited period of time, the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3686).

In response to public comments, the Department clarified language and made the following revisions to the original proposal. Listed below are the issues of concern and the Department's response.

Issue 1: It was suggested that the Department of Children, Youth and Families should not promulgate the FCCP Practice Standards as a formal rule and that the DCYF Contracts with the FCCP Lead Agencies are sufficient to articulate scope of services and operations.

Response: The Department is required by 42-72-5 to promulgate, in compliance with the Administrative Procedures Act (APA) (42-35), all rules and regulations necessary to carry out its mandates. One of these mandates is to develop and maintain, in collaboration with other state and private agencies, a comprehensive continuum of care for children in the care and custody of the Department or at risk of being in state care. The APA requires the Department to adopt rules of practice that "affect private rights or procedures available to the public" and we have determined that the FCCP Practice Standards are subject to this provision. We believe that engaging the public in the rule making process furthers our efforts to partner with families and communities to truly establish a family centered, community based system of care. Clearly, the Department anticipates revisions to the Standards as formal and informal services and partnerships continue to develop during the transformation of the system of care. We agree that the Contracts do provide the scope of services and operational parameters for the FCCP Lead Agencies. However, the Standards, unlike the Contracts, will provide information about the FCCP to the general public and this rule is easily accessible through the Secretary of State's Rules and Regulations Database. In response to these concerns, a provision was added to the Contract to allow for a period of transition to meet all of the Standards. Additionally, the following provision, V. Waiver of Standards, has been added to Section Two - Administration and Organization, of the final rule:

The DCYF Director or designee may grant a waiver of a standard upon the submission of a written request setting forth the circumstances requiring the waiver and demonstrating good cause for the waiver to be granted.

A waiver of a standard will not be granted if:

The waiver would diminish the effectiveness and quality of FCCP services or fidelity to the Wraparound process, violate the purposes of the program, place children/youth at risk, adversely affect the health and welfare of children, youth and families or compromise positive family, child/youth outcomes.

The waiver would be inconsistent with family, child/youth rights or federal, state or local laws and regulations.

Issue 2: The FCCP Practice Standards should clearly state that the Department is a partner in developing, implementing and overseeing the FCCP initiative.

Response: The Department fully acknowledges its role as an active partner in this first phase of the system of care and looks forward to collaborating with all stakeholders in the transformation of our current system to a fully integrated system of care for all children, youth and families.

In response to this suggestion, we have included in the final rule the following language to address partnership (beginning of the third paragraph) and oversight (second sentence of the fourth paragraph) in the Statement of Intent:

The Department has partnered with families and stakeholders, including sister agencies under the Rhode Island Executive Office of Health and Human Services (EOHHS), to develop and implement an integrated family and community system of care for families with children and youth who are at risk for abuse and neglect, who have serious emotional disturbance (SED) and/or who are returning to the community after completing a sentence to the Rhode Island Training School.

The Department will provide oversight to ensure that these standards assist the FCCP initiative in achieving statewide consistency and established outcomes with Rhode Island's children, youth and families.

Additionally, we have revised language to clarify, in Section Two - Administration and Organization, VIII. FCAB of the final rule, that the Department and other State agencies will be actively involved with the Statewide and Regional Family and Community Advisory Boards.

The membership will also include representation from state agencies, advisory groups and policy organizations and at least one representative from each of the local FCAB's.

DCYF data and evaluation and/or program representatives will attend FCAB meetings.

Issue 3: Clarify the target population eligible for FCCP. Clarify if FCCP services are limited to a subset of children with serious emotional disturbance (SED) and developmental disability (DD) given the Department's defined responsibilities under RIGL 42-72-5 (24) and 14-1-3 (6)(ii).

Response: The four regional FCCP's consolidate the management of DCYF's prevention, early intervention and community-based behavioral health programs and provide a system of care approach for families with children and youth who are at risk for DCYF involvement due to abuse and neglect or serious emotional disturbance (SED) and youth who are returning to the community following a RI Training School sentence. This phase of the system of care development is designed to prevent family involvement with DCYF and support family preservation and well-being. FCCP eligibility is limited to children with SED ages birth to 18. Reference to children with a developmental disability (DD) at risk of child abuse and neglect was

eliminated. A child with a developmental disability, like any other child, is eligible for FCCP if the child is at risk for DCYF involvement due to child abuse and neglect or serious emotional disturbance (SED) and/or is returning to the community following a RI Training School sentence.

RIGL 42-72-5 (24) provides that the Department is responsible for the delivery of appropriate mental health services to seriously emotionally disturbed children and children with functional developmental disabilities. The Department meets this mandate through the provision of appropriate services to children and families in the community as well as to children and families who are in need of a higher level of service and are open to the Department. RIGL 14-1-3 (6)(ii) pertains to dependency proceedings in Family Court and a child under the jurisdiction of the Family Court would be open to the Department.

We revised language throughout the Practice Standards to clarify the target population and eligibility criteria for FCCP services. Section Four - Service Provision, II. Eligibility of the final rule contains the following language.

The FCCP delivers family supports and services for children, youth and families who are at risk for involvement or, in specified situations within these Standards, are involved with the Department of Children, Youth and Families (DCYF).

Each of the following three populations of children and families is eligible to access services and supports through the FCCP.

Families with children and youth who are at risk for child abuse, neglect and/or dependency and DCYF involvement.

Children birth to age 18 years old who meet criteria for having a serious emotional disturbance (SED).

Youth concluding sentence to the RITS who agree to participate, including youth leaving the RITS and youth leaving temporary community placement (TCP).

Issue 4: It is not clear how the Department will verify that recruitment, hiring and training of staff is in accordance with Wraparound and FCCP Practice Standards. Also, Standards do not require background checks for volunteers.

Response: The Practice Standards require the Lead FCCP to maintain policies and procedures for the provider network and ensure that all subcontract partners adhere to these policies and procedures. The Standards also require each FCCP provider to have a personnel file for each employee, which contains evidence of staff credentialing, results of DCYF and criminal clearances and documentation of required training and continuing education. These policies and practices are subject to DCYF review. We have added language in Section Two - Administration and Management, II. Personnel, of the final rule to clarify that interns and volunteers, like FCCP staff, are subject to background checks.

Issue 5: Clarify the role and responsibilities of the Wraparound Coach.

Response: The Coach is an FCCP clinical supervisor who participates in mandatory training to become a certified Wraparound coach in order to be a supervisor of FCCP staff participating in the Wraparound process. We have added in the final rule the following clarifying language in SECTION FOUR – SERVICE PROVISION, V. Wraparound Planning Team (WPT):

A coach is available to the WPT to teach model and ensure fidelity to the Wraparound process.

Issue 6: Clarify how the DCYF Service Plan is distinguishable from the Wraparound or Family Care Plan.

Response: Most families involved with the FCCP will not be open to the Department and will not have a DCYF Service Plan. These families will have only one Family Care Plan, which has

also been referred to as the Wraparound Plan. Only families of youth who are returning to the community after completing a sentence to the RITS or enrolled in Positive Educational Partnerships (PEP) and open to the Department will have a DCYF Service Plan. For these youth and their families, the Family Care Plan will be integrated with the DCYF Service Plan. The goal for the system of care is to eventually have one plan for each family.

Issue 7: The Family and Community Advisory Boards (FCAB) composition should be culturally and linguistically diverse and the Statewide FCAB should include Regional FCAB representation.

Response: The final rule, in Section Two - Administration and Management, VIII. Family and Community Advisory Boards (FCAB), includes the following clarifying language requiring FCAB composition that represents the cultural and linguistic diversity of the populations served and Regional FCAB representation on the Statewide FCAB.

The Statewide FCAB will be comprised of fifteen (15) to nineteen (19) members. At least fifty-one percent (51%) of FCAB members will be family and youth representing the cultural and linguistic diversity of the populations served. The membership will also include representation from state agencies, advisory groups and policy organizations and at least one representative from each of the local FCAB's.

The Regional FCAB will be comprised of fifteen (15) to nineteen (19) members. The FCAB will elect Co-Chairs to preside over the FCAB. One Co-Chair must be a parent/caretaker representing the population being served by the FCCP. At least fifty-one percent (51%) of FCAB members will be family and youth representing the populations served.

Issue 8: Define non-traditional case management.

Response: The term "non-traditional" has been eliminated and replaced with the following clarifying language in Section Four - Service Provision, I. Scope of Services, C.1. of the final rule:

Flexible case management and natural and informal supports for families with children and youth, who are at risk for abuse and neglect, who have serious emotional disturbance (SED) and/or who are returning to the community after completing a sentence to the Rhode Island Training School.

Issue 9: Clarify language in the Standards to ensure that confidential information is shared in compliance with existing state and federal law.

Response: The final rule includes the following clarifying language in Section Two - Administration and Organization, III. Confidentiality and we have eliminated section D as written in the proposed rule:

There will be no written, verbal or electronic communication regarding confidential matters unless necessary to ensure safety and treatment consistent with the provisions of RIGL 42-72-8.

Issue 10: Clarify which youth involved with Juvenile Corrections are eligible for FCCP referral.

Response: Youth concluding sentence to the Rhode Island Training School (RITS) who agree to participate, including youth leaving the RITS and youth leaving temporary community placement (TCP).

Issue 11: Families receiving FCCP services should have access to the DCYF appeals process.

Response: Both the Contract and Standards address client rights and grievance procedures. The Contract provides that the Lead FCCP Agency and subcontractors must have written policy and procedures for families and children to lodge complaints and grievances against the FCCP provider. The FCCP Standards in Section Two - Administration and Organization, VII. Client Rights and Grievance Procedures contain the following provisions, including language relating to the rights of families to appeal to DCYF, which was added to the final rule:

The FCCP Lead will have client rights and grievance procedures in place that ensure that the rights of every client are honored and respected in regard to the client's personal well-being and the provision of services. The client will be informed of client rights and grievance procedures verbally and in writing in a language that the client can understand. If the client does not speak English, an interpreter who can effectively and appropriately convey the information to the client, must be provided.

The client may appeal an FCCP action or decision to the Department in accordance with DCYF Policy 100.0055, Complaints and Hearings.

If you have any questions or concerns relating to this distribution, please contact Dorothy Hultine, Implementation Director for Policy & Programs by phone (528-3581) or e-mail (Dorothy.Hultine@dcyf.ri.gov).

Thank you for your attention to this matter.