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## 1999 Survey of Rhode Island Law: Legislation: Family Law: An Act Relating to the Placement of Children

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**Family Law.** *An Act Relating to the Placement of Children.* Modifies the procedure by which the Department of Children, Youth and Families (DCYF) evaluates petitions by relatives who wish to take custody of children who have been placed in temporary DCYF custody. Effective, June 23, 1999. 1999 R.I. Pub. Laws ch. 84.

This legislation (the Act) amends Chapter 14-1 of the Rhode Island General Laws entitled "Proceedings in Family Court."<sup>1</sup> The Act provides that the Department of Children, Youth and Families (DCYF) must investigate the possibility of placing children who are in their temporary custody with a fit and willing relative not residing with the parents within thirty days.<sup>2</sup> The Act also requires that if the court determines that a permanent placement is necessary, a relative who has been awarded placement of the child shall be given priority over a non-relative if placement with the relative is in the best interests of the child.<sup>3</sup>

The Act grants both the parents and relatives the right to a hearing in some circumstances. DCYF must notify the parent if DCYF proposes to place the child with a relative outside the State of Rhode Island.<sup>4</sup> The parent may file an objection within ten days of notification.<sup>5</sup> If the parent does so, they are entitled to a hearing before the child is placed out of state.<sup>6</sup> Also, the court must grant a fit and willing relative whose request is denied by DCYF a hearing within five days of the relative's petition.<sup>7</sup> In addition, the court will give priority to fit and willing relatives over nonrelatives when adoption or permanent placement is in the child's best interest.<sup>8</sup>

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1. See R.I. Gen. Laws § 14-1-27(b) (1956) (1994 Reenactment & Supp. 1999).
  2. See *id.*
  3. See *id.*
  4. See *id.* § 14-1-27(c).
  5. See *id.*
  6. See *id.*
  7. See *id.* § 14-1-27(d).
  8. See *id.* § 14-1-27(e).