

2025 -- H 5298 SUBSTITUTE A

LC000962/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT

Introduced By: Representatives Kislak, Knight, Cruz, Ajello, Felix, Craven, Caldwell,
Batista, McEntee, and Potter
Date Introduced: February 05, 2025
Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 14-1 of the General Laws entitled "Proceedings in Family Court" is
2 hereby amended by adding thereto the following section:
3 **14-1-30.3. Use of statements made in custodial interrogation.**
4 (a) No statements or admissions of a juvenile made as a result of the custodial interrogation
5 of such juvenile, by a law enforcement official, concerning delinquent or criminal acts alleged to
6 have been committed by the juvenile, shall be admissible in evidence against such juvenile, unless:
7 (1) The juvenile was advised of their right to have a parent or legal guardian present during
8 questioning;
9 (2) The parent or legal guardian was present during the questioning;
10 (3) The juvenile and parent or legal guardian were advised prior to questioning, of the
11 following:
12 (i) The juvenile's right to remain silent;
13 (ii) That statements made could be used against them in a court of law;
14 (iii) That they have the right to have an attorney be present during any questioning;
15 (iv) That if they cannot afford an attorney, one would be appointed to represent the juvenile
16 at no cost; and
17 (v) A request for an attorney can be made by the juvenile or the parent or legal guardian at
18 any time during questioning.

1 **(b) Notwithstanding the provisions of subsection (a) of this section, statements or**
2 **admissions of a juvenile made in the absence of their parent or legal guardian may be admissible**
3 **if:**
4 **(1) A private attorney or public defender was present at such interrogation;**
5 **(2) The court finds that, under the totality of the circumstances, the juvenile made a**
6 **knowing, intelligent and voluntary waiver of their constitutional rights; and the juvenile**
7 **misrepresented their age as being eighteen (18) years of age or older and the law enforcement**
8 **official acted in good faith reliance on such representation in conducting the interrogation; or**
9 **(3) The juvenile is emancipated from their parent or legal guardian.**
10 **(c) For purposes of this section, a juvenile shall be deemed emancipated if they are over**
11 **the age of fifteen (15) years of age and under the age of eighteen (18) years of age, and have the**
12 **real or apparent assent of their parents, has demonstrated independence in matters of care, custody**
13 **and earnings. The term emancipated may include, but not be limited to, a showing that the juvenile**
14 **is married, in the military, or is otherwise self-supporting.**
15 **(d) In those instances where the only legal guardian for the juvenile is the department of**
16 **children, youth and families, no interrogation shall take place unless and until an attorney has been**
17 **appointed by the court to advise the juvenile.**
18 **(e) In the event that any provision of this section is in conflict with any provision of chapter**
19 **21.5 of title 16, the provisions of this section shall apply.**

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would prohibit any questioning of a juvenile who is suspected of delinquent or
2 criminal behavior unless (1) the parent, legal guardian of the juvenile or the DCYF when parental
3 rights are terminated is present, (2) unless an attorney is present, (3) the juvenile and their parent
4 or legal guardian have waived their presence, (4) the court is satisfied that the juvenile has made a
5 knowing voluntary waiver of their rights, or (5) the juvenile is emancipated or has misrepresented
6 their age as being eighteen (18) years or older.

7 This act would take effect upon passage.

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