

2025 -- H 6120 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

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

Introduced By: Representative Jose F. Batista

Date Introduced: March 21, 2025

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 14-1-3 of the General Laws in Chapter 14-1 entitled "Proceedings in
2 Family Court" is hereby amended to read as follows:

3 **14-1-3. Definitions.**

4 The following words and phrases when used in this chapter shall, unless the context
5 otherwise requires, be construed as follows:

6 (1) "Adult" means a person eighteen (18) years of age or older.

7 (2) "Appropriate person," as used in §§ 14-1-10 and 14-1-11, except in matters relating to
8 adoptions and child marriages, means and includes:

9 (i) Any police official of this state, or of any city or town within this state;

10 (ii) Any duly qualified prosecuting officer of this state, or of any city or town within this
11 state;

12 (iii) Any director of public welfare of any city or town within this state, or his or her duly
13 authorized subordinate;

14 (iv) Any truant officer or other school official of any city or town within this state;

15 (v) Any duly authorized representative of any public or duly licensed private agency or
16 institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or

17 (vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those
18 cases in which one parent is deceased, is an unfit and improper person to have custody of any child

1 or children.

2 (3) “Child” means a person under eighteen (18) years of age; provided, however, solely for
3 the purposes of “special immigrant juvenile status,” pursuant to 8 U.S.C. § 1101(a)(27)(J), a child
4 may be defined as an unmarried person under the age of twenty-one (21) years.

5 (4) “The court” means the family court of the state of Rhode Island.

6 (5) “Delinquent,” when applied to a child, means and includes any child who has
7 committed any offense that, if committed by an adult, would constitute a felony, or who has on
8 more than one occasion violated any of the other laws of the state or of the United States or any of
9 the ordinances of cities and towns, other than ordinances relating to the operation of motor vehicles.

10 (6) “Dependent” means any child who requires the protection and assistance of the court
11 when his or her physical or mental health or welfare is harmed, or threatened with harm, due to the
12 inability of the parent or guardian, through no fault of the parent or guardian, to provide the child
13 with a minimum degree of care or proper supervision because of:

14 (i) The death or illness of a parent; or

15 (ii) The special medical, educational, or social-service needs of the child which the parent
16 is unable to provide.

17 (7) “Justice” means a justice of the family court.

18 (8) “Neglect” means a child who requires the protection and assistance of the court when
19 his or her physical or mental health or welfare is harmed, or threatened with harm, when the parents
20 or guardian:

21 (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though
22 financially able to do so or offered financial or other reasonable means to do so;

23 (ii) Fails to provide the child proper education as required by law; or

24 (iii) Abandons and/or deserts the child.

25 (9) “Supervised independent living setting” means a supervised setting in which a young
26 adult is living independently, that meets any safety and/or licensing requirements established by
27 the department for this population, and is paired with a supervising agency or a supervising worker,
28 including, but not limited to, single or shared apartments or houses, host homes, relatives’ and
29 mentors’ homes, college dormitories or other postsecondary educational or vocational housing. All
30 or part of the financial assistance that secures an independent supervised setting for a young adult
31 may be paid directly to the young adult if there is no provider or other child-placing intermediary,
32 or to a landlord, a college, or to a supervising agency, or to other third parties on behalf of the
33 young adult in the discretion of the department.

34 (10) “Voluntary placement agreement for extension of care” means a written agreement

1 between the state agency and a young adult who meets the eligibility conditions specified in § 14-
2 1-6(c), acting as their own legal guardian that is binding on the parties to the agreement. At a
3 minimum, the agreement recognizes the voluntary nature of the agreement, the legal status of the
4 young adult and the rights and obligations of the young adult, as well as the services and supports
5 the agency agrees to provide during the time that the young adult consents to giving the department
6 legal responsibility for care and placement.

7 (11) “Wayward,” when applied to a child, means and includes any child:

8 (i) Who has deserted his or her home without good or sufficient cause;

9 (ii) Who habitually associates with dissolute, vicious, or immoral persons;

10 (iii) Who is leading an immoral or vicious life;

11 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her
12 parent or parents, guardian, or other lawful custodian;

13 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually
14 absents himself or herself from school or habitually violates the rules and regulations of the school
15 when he or she attends;

16 (vi) Who has, on any occasion, violated any of the laws of the state or of the United States
17 or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor
18 vehicles; or

19 (vii) Any child under seventeen (17) years of age who violates § 21-28.11-22, and who is
20 not exempted from the penalties pursuant to chapter 28.6 of title 21.

21 (12) “Young adult” means an individual who has attained the age of eighteen (18) years
22 but has not reached the age of twenty-one (21) years and was in the legal custody of the department
23 on their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or was a former
24 foster child who was adopted or placed in a guardianship after attaining age sixteen (16).

25 (13) The singular shall be construed to include the plural, the plural the singular, and the
26 masculine the feminine, when consistent with the intent of this chapter.

27 (14) For the purposes of this chapter, “electronic surveillance and monitoring devices”
28 means any “radio frequency identification device (RFID)” or “global positioning device” that is
29 either tethered to a person or is intended to be kept with a person and is used for the purposes of
30 tracking the whereabouts of that person within the community.

31 SECTION 2. Chapter 14-1 of the General Laws entitled "Proceedings in Family Court" is
32 hereby amended by adding thereto the following section:

33 **14-1-5.2. Expanded jurisdiction for special immigrant juvenile status findings.**

34 [\(a\) The family court shall have jurisdiction to make factual findings under this section and](#)

1 to award legal custody or appoint a legal guardian of a person under the age of twenty-one (21)
2 years to be used solely in conjunction with a petition to the United States Citizenship and
3 Immigration Services for designation of the minor child as having special immigrant juvenile status
4 (herein this section referred to as “SIJS”) under 8 U.S.C. § 1101(a)(27)(J) including, but not limited
5 to, determinations regarding the following:

6 (1) Whether the child has been declared dependent on the court, or legally placed under the
7 custody of an individual or entity appointed by the court;

8 (2) Whether reunification with one or both parents is not viable due to abuse, neglect,
9 abandonment, or a similar basis under state law; and

10 (3) Whether it is not in the best interest of the child to be returned to the child’s country of
11 nationality or last habitual residence.

12 (b) For purposes of this section, the term “child” shall include any unmarried person under
13 twenty-one (21) years of age who files a petition for relief under this section.

14 (c) The family court shall have original or continuing jurisdiction to make the findings set
15 forth in subsection (a) of this section for any petitioner who is under the age of twenty-one (21) at
16 the time of filing, regardless of whether the petitioner has reached the age of eighteen (18) before
17 the court issues its findings.

18 (d) A petition for factual findings under this section may be filed as an independent action
19 or in conjunction with any other proceeding over which the family court has jurisdiction including,
20 but not limited to, guardianship, child custody, adoption, and dependency matters.

21 (e) The court’s jurisdiction to issue findings under this section shall be solely for the
22 purposes of making the necessary factual determinations to support a petition for SIJS and shall not
23 confer any independent immigration status.

24 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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

1 This act would grant the Rhode Island family court jurisdiction to make findings for special
2 immigrant juvenile status petitions, including determinations about dependency, parental
3 reunification, and the child's best interest, for minors and petitioners under twenty-one (21) years
4 of age.

5 This act would take effect upon passage.

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