

2026 -- H 8092

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO HUMAN SERVICES -- ABUSED AND NEGLECTED CHILDREN

Introduced By: Representatives Caldwell, McEntee, Spears, and Dawson

Date Introduced: February 27, 2026

Referred To: House Judiciary

(DCYF)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-11-2 of the General Laws in Chapter 40-11 entitled "Abused and
2 Neglected Children" is hereby amended to read as follows:

3 **40-11-2. Definitions.**

4 When used in this chapter and unless the specific context indicates otherwise:

5 (1) "Abused or neglected child" means a child whose physical or mental health or welfare
6 is harmed, or threatened with harm, when his or her parent or other person responsible for his or
7 her welfare:

8 (i) Inflicts, or allows to be inflicted, upon the child physical or mental injury, including
9 excessive corporal punishment; or

10 (ii) Creates, or allows to be created, a substantial risk of physical or mental injury to the
11 child, including excessive corporal punishment; or

12 (iii) Commits, or allows to be committed, against the child an act of sexual abuse; or

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

15 (v) Fails to provide the child with a minimum degree of care or proper supervision or
16 guardianship because of his or her unwillingness or inability to do so by situations or conditions
17 such as, but not limited to: social problems, mental incompetency, or the use of a drug, drugs, or
18 alcohol to the extent that the parent or other person responsible for the child's welfare loses his or
19 her ability or is unwilling to properly care for the child; or

- 1 (vi) Abandons or deserts the child; or
- 2 (vii) Sexually exploits the child in that the person allows, permits, or encourages the child
3 to engage in prostitution as defined by the provisions in § 11-34.1-1 et seq., entitled “Commercial
4 Sexual Activity”; or
- 5 (viii) Sexually exploits the child in that the person allows, permits, encourages, or engages
6 in the obscene or pornographic photographing, filming, or depiction of the child in a setting that,
7 taken as a whole, suggests to the average person that the child is about to engage in, or has engaged
8 in, any sexual act, or that depicts any such child under eighteen (18) years of age performing
9 sodomy, oral copulation, sexual intercourse, masturbation, or bestiality; or
- 10 (ix) Commits, or allows to be committed, any sexual offense against the child as sexual
11 offenses are defined by the provisions of chapter 37 of title 11, entitled “Sexual Assault,” as
12 amended; or
- 13 (x) Commits, or allows to be committed, against any child an act involving sexual
14 penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen
15 (15) years or older, and (1) Force or coercion is used by the perpetrator, or (2) The perpetrator
16 knows, or has reason to know, that the victim is a severely impaired person as defined by the
17 provisions of § 11-5-11, or physically helpless as defined by the provisions of § 11-37-1(6).
- 18 (2) “Child” means a person under the age of eighteen (18).
- 19 (3) “Child protective investigator” means an employee of the department charged with
20 responsibility for investigating complaints and referrals of child abuse and neglect and institutional
21 child abuse and neglect.
- 22 (4) “Children’s advocacy center (CAC)” means a community-based organization that is a
23 member of the Rhode Island chapter of children advocacy centers and an accredited member (or
24 working toward accreditation) of the National Children’s Alliance.
- 25 (5) “Department” means department of children, youth and families.
- 26 (6) “Educational program” means any public or private school, including boarding schools,
27 or any home-schooling program.
- 28 (7) “Healthcare provider” means any provider of healthcare services involved in the
29 delivery or care of infants or care of children.
- 30 (8) “Institution” means any private or public hospital or other facility providing medical or
31 psychiatric diagnosis, treatment, and care.
- 32 (9) “Institutional child abuse and neglect” means situations of known or suspected child
33 abuse or neglect where the person allegedly responsible for the abuse or neglect is a foster parent
34 or the employee of a public or private residential childcare institution or agency; or any staff person

1 providing out-of-home care or situations where the suspected abuse or neglect occurs as a result of
2 the institution's practices, policies, or conditions.

3 (10) "Law enforcement agency" means the police department in any city or town or the
4 state police.

5 (11) "Mental injury" includes a state of substantially diminished psychological or
6 intellectual functioning in relation to, but not limited to, such factors as: failure to thrive; ability to
7 think or reason; control of aggressive or self-destructive impulses; acting-out or misbehavior,
8 including incorrigibility, ungovernability, or habitual truancy; provided, however, that the injury
9 must be clearly attributable to the unwillingness or inability of the parent or other person
10 responsible for the child's welfare to exercise a minimum degree of care toward the child.

11 (12) "Person responsible for child's welfare" means the child's parent; guardian; any
12 individual, eighteen (18) years of age or older, who resides in the home of a parent or guardian and
13 has unsupervised access to a child; foster parent; an employee of a public or private residential
14 home or facility; or any staff person providing out-of-home care (out-of-home care means child
15 day care to include family day care, group day care, and center-based day care; and camps, whether
16 licensed or unlicensed, to include programs operating during the day or overnight in the summer
17 or during other breaks in the academic calendar). Provided, further, that an individual, eighteen
18 (18) years of age or older, who resides in the home of a parent or guardian and has unsupervised
19 access to the child, shall not have the right to consent to the removal and examination of the child
20 for the purposes of § 40-11-6.

21 (13) "Physician" means any licensed doctor of medicine, licensed osteopathic physician,
22 and any physician, intern, or resident of an institution as defined in subsection (8).

23 (14) "Probable cause" means facts and circumstances based upon as accurate and reliable
24 information as possible that would justify a reasonable person to suspect that a child is abused or
25 neglected. The facts and circumstances may include evidence of an injury, or injuries, and the
26 statements of a person worthy of belief, even if there is no present evidence of injury.

27 (15) "Shaken-baby syndrome" means a form of abusive head trauma, characterized by a
28 constellation of symptoms caused by other than accidental traumatic injury resulting from the
29 violent shaking of or impact upon an infant or young child's head.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would add staff of day camps and residential camps for youth to the definition of
- 2 "person responsible for a child's welfare" within the chapter on abused and neglected children.
- 3 This act would take effect upon passage.

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