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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,  
YOUTH AND FAMILIES

Introduced By: Representatives Hopkins, Casimiro, Casey, Cotter, McGaw, Place, and  
Fascia

Date Introduced: February 27, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-72-8 of the General Laws in Chapter 42-72 entitled "Department  
2 of Children, Youth and Families" is hereby amended to read as follows:

3           **42-72-8. Confidentiality of records.**

4           (a) Any records of the department pertaining to children and their families in need of  
5 service pursuant to the provisions of this chapter; or for whom an application for services has been  
6 made, shall be confidential and only disclosed as provided by law.

7           (b) Records may be disclosed when necessary:

8           (1) To individuals, or public or private agencies engaged in medical, psychological, or  
9 psychiatric diagnosis or treatment or education of the person under the supervision of the  
10 department;

11           (2) To individuals or public or private agencies for the purposes of temporary or permanent  
12 placement of the person, and when the director determines that the disclosure is needed to  
13 accomplish that placement, including any and all healthcare information obtained by the  
14 department in accordance with the provisions of chapter 37.3 of title 5 and applicable federal laws  
15 and regulations;

16           (3) When the director determines that there is a risk of physical injury by the person to  
17 himself or herself or others, and that disclosure of the records is necessary to reduce that risk;

18           (4) To the family court, including periodic reports regarding the care and treatment of

1 children; provided, that if a child is represented by a guardian ad litem or attorney, a copy of the  
2 family court report will be made available to the guardian ad litem or attorney prior to its  
3 submission;

4 (5) To inform any person who made a report of child abuse or neglect pursuant to § 40-11-  
5 3, whether services have been provided the child as a result of the report; provided, however, that  
6 no facts or information shall be released pursuant to this subsection other than the fact that services  
7 have been, or are being, provided;

8 (6) To permit access to computer records relating to child abuse and neglect investigations  
9 by physicians who are examining a child when the physician believes that there is reasonable cause  
10 to suspect that a child may have been abused or neglected;

11 (7) To the office of the department of attorney general, upon the request of the attorney  
12 general or assistant attorney general, when the office is engaged in the investigation of, or  
13 prosecution of, criminal conduct by another relating to the child or other children within the same  
14 family unit;

15 (8) To the department of corrections in the case of an individual who has been transferred  
16 to the jurisdiction of that department pursuant to the provisions of § 14-1-7.3 or § 14-1-7.1;

17 (9) To the office of the department of the attorney general, upon the request of the attorney  
18 general or assistant attorney general, when the office is engaged in the investigation of, or  
19 prosecution of, criminal conduct as defined in § 40-11-3.2;

20 (10) To individuals employed by a state or county child-welfare agency outside of Rhode  
21 Island when the director determines that the information is needed to ensure the care, protection,  
22 and/or treatment of any child; provided, however, any records relating to allegations previously  
23 determined to be unfounded, unsubstantiated, or not indicated shall not be disclosed;

24 (11) Whenever a person previously under the supervision of the training school becomes  
25 subject to the jurisdiction of the department of corrections as an adult offender, the director of  
26 corrections, or the director's designee, shall receive, upon request, the portions of the person's  
27 training school records limited to the escape history, disciplinary record, and juvenile classification  
28 history;

29 (12) In an administrative hearing held pursuant to § 42-35-9, the records, or exact copies  
30 of the records, shall be delivered to the administrative hearing officer pursuant to a written request  
31 by one of the parties, and shall be delivered to the party making the request or shall be reviewed in  
32 camera by the administrative hearing officer for purposes of making a determination of relevancy  
33 to the merits of the administrative matter pending before the hearing officer, as the hearing officer  
34 may direct. If the records or a portion are relevant to the matter, those records may be viewed and/or

1 copied by counsel of record, at the expense of the party requesting the records. The records shall  
2 not be disseminated in any form beyond the parties, counsel of record and their agents, and any  
3 experts, except as otherwise specifically authorized by the hearing officer, and provided further  
4 that at the conclusion of the action, the records shall be sealed; and

5 (13) In a criminal or civil action, the records, or exact copies of the records, shall be  
6 delivered to a court of proper jurisdiction pursuant to a subpoena duces tecum, properly issued by  
7 one of the parties, and shall be delivered to the party issuing the subpoena, or shall be reviewed in  
8 camera by the trial justice for purposes of making a determination of relevancy to the merits of the  
9 civil or criminal action pending before the court, as the court may direct. If the records or a portion  
10 are relevant to the civil or criminal action, those records may be viewed and/or copied by counsel  
11 of record, at the expense of the party requesting the records. The court shall issue a protective order  
12 preventing dissemination of the records in any form beyond the parties, counsel of record and their  
13 agents, and any experts, except as otherwise specifically authorized by the court, and provided,  
14 further, that at the conclusion of the action, all records shall be sealed.

15 (c) Disclosure required.

16 (1) The director shall notify the office of the child advocate verbally and electronically, in  
17 writing, within 48 hours of a confirmed fatality or near fatality of a child who is the subject of a  
18 DCYF case. The department shall provide the office of the child advocate with access to any written  
19 material about the case. For purposes of this chapter, "near fatality" shall mean a child in serious  
20 or critical condition as certified by a physician as a result of abuse, neglect, self-harm, or other  
21 unnatural causes.

22 (2) The director shall make public disclosure of a confirmed fatality or near fatality of a  
23 child who is the subject of a DCYF case within 48 hours of confirmation, provided disclosure of  
24 such information is in general terms and does not jeopardize a pending criminal investigation.

25 (3) The director shall disclose to the office of the child advocate information, within five  
26 (5) days of completion of the department's investigation, when there is a substantiated finding of  
27 child abuse or neglect that resulted in a child fatality or near fatality. The department may disclose  
28 the same information to the office of the attorney general and other entities allowable under 42  
29 U.S.C. § 5106a.

30 (4) The information that must be disclosed in accordance with subsection (c)(3) includes:

31 (i) A summary of the report of abuse or neglect and a factual description of the contents of  
32 the report;

33 (ii) The date of birth and gender of the child;

34 (iii) The date that the child suffered the fatality or near fatality;

1 (iv) The cause of the fatality or near fatality, if such information has been determined;

2 (v) Whether the department of children, youth and families, or a court-appointed special  
3 advocate, had any contact with the child before the fatality or near fatality and, if so:

4 (A) The frequency of any contact or communication with the child or a member of the  
5 child's family or household before the fatality or near fatality and the date on which the last contact  
6 or communication occurred before the fatality or near fatality;

7 (B) Whether the department provided any child welfare services to the child, or to a  
8 member of the child's family or household, before, or at the time of, the fatality or near fatality;

9 (C) Whether the department made any referrals for child welfare services for the child, or  
10 for a member of the child's family or household, before or at the time of the fatality or near fatality;

11 (D) Whether the department took any other action concerning the welfare of the child  
12 before or at the time of the fatality or near fatality; and

13 (E) A summary of the status of the child's case at the time of the fatality or near fatality,  
14 including, without limitation, whether the child's case was closed by the department before the  
15 fatality or near fatality and if so, the reasons why the case was closed; and

16 (vi) Whether the department, in response to the fatality or near fatality:

17 (A) Has provided, or intends to provide and/or make, a referral for child welfare services  
18 to the child, or to a member of the child's family or household; and

19 (B) Has taken, or intends to take, any other action concerning the welfare and safety of the  
20 child, or any member of the child's family or household.

21 (5) The director shall disclose to the school nurse where a child is enrolled, when that child  
22 has been placed in foster care.

23 (d) If a public panel is convened or established by the department to evaluate the extent to  
24 which the department is discharging its child-protection responsibilities, the panel, or any of its  
25 members or staff, shall not disclose identifying information about a specific child protection case,  
26 nor make public any identifying information provided by the department, except as may be  
27 authorized by law. Any person who violates this subsection shall be subject to civil sanctions as  
28 provided by law.

29 (e) If a public panel is convened or established by the department, this panel, in the course  
30 of its evaluation, may review, but shall not investigate, any child fatality that is under the  
31 jurisdiction of the child advocate in accordance with the provisions of § 42-73-7(2).

32 (f) In the event records and information contained within DCYF records are shared with  
33 individuals or public or private agencies as specified in subsection (b) above, any such individual,  
34 and/or public or private agency, shall be advised that the shared information cannot be further

1 disclosed, except as specifically provided for under applicable federal and/or state law and  
2 regulation. Any individual and/or public or private agency who or that violates this subsection shall  
3 be subject to civil sanctions as provided in chapter 37.3 of title 5, and any other federal or state law  
4 pertinent thereto.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,  
YOUTH AND FAMILIES

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- 1           This act would require the DCYF director to disclose to the school nurse where a child is
- 2 enrolled, when that child has been placed in foster care.
- 3           This act would take effect upon passage.

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