

2026 -- H 8093 SUBSTITUTE A

LC005628/SUB A

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 McEntee, Caldwell, Knight, Bennett, Dawson, Spears,
O'Brien, Potter, Casey, and Read

Date Introduced: February 27, 2026

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-11-2 and 40-11-3.3 of the General Laws in Chapter 40-11 entitled

2 "Abused and Neglected Children" are 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, charter, or private school, including boarding
27 schools, parochial schools, or any ~~home-schooling~~ home school or after-school program, camp,
28 youth group, scouting organization, tutoring program, or any other program that provides
29 extracurricular, educational, athletic, artistic, behavioral, developmental, religious or other
30 enrichment activities to children.
- 31 (7) “Healthcare provider” means any provider of healthcare services involved in the
32 delivery or care of infants or care of children.
- 33 (8) “Institution” means any private or public hospital or other facility providing medical or
34 psychiatric diagnosis, treatment, and care.

1 (9) “Institutional child abuse and neglect” means situations of known or suspected child
2 abuse or neglect where the person allegedly responsible for the abuse or neglect is a foster parent
3 or the employee of a public or private residential childcare institution or agency; or any staff person
4 providing out-of-home care or situations where the suspected abuse or neglect occurs as a result of
5 the institution’s practices, policies, or conditions.

6 (10) “Law enforcement agency” means the police department in any city or town or the
7 state police.

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

14 (12) “Person responsible for child’s welfare” means the child’s parent; guardian; any
15 individual, eighteen (18) years of age or older, who resides in the home of a parent or guardian and
16 has unsupervised access to a child; foster parent; an employee of a public or private residential
17 home or facility; or any staff person providing out-of-home care (out-of-home care means child
18 day care to include family day care, group day care, and center-based day care). Provided, further,
19 that an individual, eighteen (18) years of age or older, who resides in the home of a parent or
20 guardian and has unsupervised access to the child, shall not have the right to consent to the removal
21 and examination of the child for the purposes of § 40-11-6.

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

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

28 (15) “Religious organization” means any church, congregation, or faith-based organization
29 of any denomination or affiliated entity or association of one or more priests, ministers, rabbis,
30 imams, or any other members of the clergy.

31 (16) “Shaken-baby syndrome” means a form of abusive head trauma, characterized by a
32 constellation of symptoms caused by other than accidental traumatic injury resulting from the
33 violent shaking of or impact upon an infant or young child’s head.

34 **40-11-3.3. Duty to report — Sexual abuse of a child in an educational program. Duty**

1 to report – Abuse or neglect of a child in or by an educational program or religious
2 organization.

3 (a) Any person who has reasonable cause to know or suspect that any child has been the
4 victim of physical, mental, or sexual abuse or neglect by an employee, agent, contractor, member
5 of the clergy, or volunteer of an educational program ~~as defined in § 40-11-2~~ or a religious
6 organization shall, within twenty-four (24) hours, ~~transfer that information~~ report directly to the
7 department of children, youth and families, or its agent and to the police department in the city or
8 town where the educational program or religious organization is located, or to the Rhode Island
9 state police; provided, however, that if the person mandated to report is an employee, agent,
10 contractor, or volunteer of an educational program or religious organization as defined in § 40-11-
11 2, they shall immediately notify the principal, headmaster, executive director, or other person in
12 charge of the educational program or religious organization, or his or her designated agent. The
13 principal, headmaster, executive director, or other person in charge of the educational program or
14 religious organization, or his or her designated agent, shall be responsible for all subsequent
15 notification to law enforcement and to the department of children, youth and families, or its agent
16 in the manner required by this section. In the case of a public educational program, the principal,
17 headmaster, executive director, or other person in charge of the educational program, or his or her
18 designated agent, shall also notify the superintendent of the public educational program. Any
19 transferred information shall include the name, title, and contact information for every employee,
20 agent, contractor, or volunteer of the educational program or religious organization who is believed
21 to have direct knowledge of the allegation. Nothing in this section is intended to require more than
22 one report from any educational program or religious organization for a specific incident.

23 (b) In order to provide guidance and consistency in reporting, the commissioner of
24 elementary and secondary education shall promulgate policies and procedures for the creation and
25 handling of reports made by the principal, headmaster, executive director, or other person in charge
26 of the educational program, or his or her designated agent, in order to carry out the intent of this
27 section.

28 (c) The department of children, youth and families, or its agent shall immediately forward
29 the report to state police, ~~and~~ local law enforcement, ~~and~~ the child advocacy center, and the
30 department of the attorney general. The department of children, youth and families, or its agent,
31 shall initiate an investigation of the allegations of physical, mental, or sexual abuse or neglect, if it
32 determines that the report meets the criteria for a child protective services investigation. As a result
33 of those reports and referrals, the department shall refer those children to appropriate services and
34 support systems in order to provide for their health and welfare. In the event the department

1 substantiates the allegations of [physical, mental, or](#) sexual abuse [or neglect](#) against an employee,
2 agent, contractor, or volunteer of an educational program [or religious organization](#), the department
3 shall immediately notify the state police; the local law enforcement agency; [the department of the](#)
4 [attorney general](#); the department of education; the educational program [or religious organization](#);
5 the person who is the subject of the investigation; and the parent, or parents, of the child who is
6 alleged to be the victim of the [physical, mental, or](#) sexual abuse [or neglect](#) of the department's
7 findings.

8 (d) The director of the department of children, youth and families is authorized to
9 promulgate rules and regulations pertaining to the investigation of the allegation of [physical,](#)
10 [mental, or](#) sexual abuse [or neglect](#), in order to carry out the intent of this section.

11 (e) For purposes of this section, "reasonable cause to know or suspect" means that it is
12 objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a
13 reasonable person in a like position, drawing, when appropriate, on the person's training and
14 experience, to suspect child [physical, mental, or sexual](#) abuse [or neglect](#). "Reasonable cause to
15 know or suspect" does not require certainty that child [physical, mental, or](#) sexual abuse [or neglect](#)
16 has occurred, nor does it require a specific medical indication of child [physical, mental, or](#) sexual
17 abuse [or neglect](#); any "reasonable cause to know or suspect" is sufficient.

18 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 HUMAN SERVICES -- ABUSED AND NEGLECTED CHILDREN

1 This act would expand the definition of "educational program" for purposes of the abused
2 and neglected children general law to include charter schools, parochial schools, after school
3 programs, camps and various other programs involving children, and would amend certain
4 provisions of the law relative to reporting of physical, mental or sexual abuse or neglect.

5 This act would take effect upon passage.

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