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ARTICLE 3

RELATING TO ABUSED AND NEGLECTED CHILDREN

SECTION 1. Section 40-11-7 of the General Laws in Chapter 40-11 entitled “Abused and Neglected Children “is hereby amended to read as follows:

40-11-7. Investigation of reports--Petition for removal from custody--Report to child advocate--Attorney general--Court-appointed special advocate.-- (a) The department shall investigate reports of child abuse and neglect made under this chapter in accordance with the rules the department has promulgated and in order to determine the circumstances surrounding the alleged abuse or neglect and the cause thereof. The investigation shall include personal contact with the child named in the report and any other children in the same household. Any person required to investigate reports of child abuse and/or neglect may question the subjects of those reports with or without the consent of the parent or other person responsible for the child’s welfare. The interviewing of the child or children, if they are of the mental capacity to be interviewed, shall take place in the absence of the person or persons responsible for the alleged neglect or abuse. In the event that any person required to investigate child abuse and/or neglect is denied reasonable access to a child by the parents or other person, and that person required to investigate deems that the best interests of the child so require, they may request the intervention of a local law enforcement agency, or seek an appropriate court order to examine and interview the child. The department shall provide such social services and other services as are necessary to protect the child and preserve the family.

(b) In the event that after investigation it is determined by the department that the child is being or has been abused or neglected but that the circumstances of the child’s family or otherwise do not require the removal of the child for his or her protection, the department may allow the child to remain at home and provide the family and child with access to preventative support and services. In addition, the department is authorized to petition the family court for an order for the provision of treatment of the family and child.

(c) The department shall have the duty to petition the family court for removal of the child from the care and custody of the parents, or any other person having custody or care of the child if there is a determination that a child has been abused or neglected; which results in a child death, serious physical or emotional harm, sexual abuse or exploitation or an act or failure to act

1 which represents an imminent risk of serious harm. In addition, in cases of alleged abuse and/or
2 neglect, the department may petition the family court for the removal of the alleged perpetrator of
3 that abuse, and/or neglect from the household of the child or children when the child or children
4 are eleven (11) years of age or older. It shall be the responsibility of the department to make the
5 parent or other person responsible for the child's welfare aware of the court action, the possible
6 consequences of the court action, and to explain the rights of the parent relative to the court
7 action.

8 (d) The department shall forward immediately any reports of institutional child abuse and
9 neglect to the child advocate who shall investigate the report in accordance with chapter 73 of
10 title 42, and also to any guardian ad litem and/or attorney of record for the child.

11 (e) In the event that after investigation the department takes any action regarding
12 placement of the child, the department shall immediately notify the child advocate of such action.

13 (f) In the event that after investigation the department has reasonable cause to know or
14 suspect that a child has been subjected to criminal abuse or neglect, the department shall forward
15 immediately any information as it relates to that knowledge or suspicion to the law enforcement
16 agency.

17 SECTION 2. This article shall take effect upon passage.