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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN-PROCEEDINGS IN
FAMILY COURT

Introduced By: Representatives Shekarchi, Serpa, McNamara, Ajello, and Tanzi

Date Introduced: February 26, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 14-1-11 of the General Laws in Chapter 14-1 entitled "Proceedings
2 in Family Court" is hereby amended to read as follows:

3 **14-1-11. Authorizing and filing petition.** -- (a) The filing of the petition constitutes
4 assumption of jurisdiction over the child. Filing shall take place upon authorization by the intake
5 department upon completion of its procedures pursuant to Rule 3 of the Rules of Juvenile
6 Proceedings, upon authorization by a justice of the family court pursuant to Rule 4 of the Rules of
7 Juvenile Proceedings, or immediately upon appearance of the child before the court following
8 emergency detention, unless the court otherwise orders.

9 (b) In the event that a petition is filed, any appropriate person having knowledge,
10 information, or belief of the material facts that appear to warrant a petition may be a petitioner
11 under this chapter and is not required to give recognizance or surety for costs. The petition shall
12 be directed to the family court of the state of Rhode Island, setting forth that in the opinion of the
13 petitioner the child is a delinquent, wayward, dependent, or neglected child, or otherwise comes
14 within the provisions of this chapter, and requires the care and protection of the state, and all
15 petitions, with the exception of those requesting the arrest and/or detention of any person, shall be
16 sworn to before a licensed notary public. Those exceptions, as stated above, shall be sworn to by
17 either a justice or clerk of the family court.

18 (c) No child shall be ordered detained at the training school unless there is pending

1 against the child a petition setting forth facts which would constitute a felony or misdemeanor if
2 committed by an adult or which alleges a violation of a valid court order, or unless the child is
3 adjudged in contempt of court. Provided, the family court shall not detain a juvenile at the
4 training school for the violation of a valid court order, until a hearing is conducted and it is
5 determined that the child intentionally violated the order, and the violation involves the failure of
6 the child to engage in services or activities intended to protect or promote the child's health or
7 safety, or the health or safety of any other person or persons.

8 In the event a child is ordered to be detained at the training school, the family court shall
9 conduct a probable cause hearing within five (5) calendar days of the child's detention (exclusive
10 of weekends and/or holidays). At the conclusion of the probable cause hearing, the court shall
11 order the release of the child from the training school unless the court finds that the child poses a
12 substantial risk of harm to self or to others.

13 Nothing in this section prohibits the temporary commitment by the family court to the
14 department of children, youth, and families for placement of a child in a specific facility or
15 program other than the training school for youth.

16 (d) The department of children, youth and families, in consultation with law enforcement
17 agencies, the attorney general, the office of the public defender and the family court, shall
18 develop and implement a detention risk assessment instrument by no later than July 1, 2009.

19 (e) No child shall be placed in detention at the training school unless a determination is
20 made by the family court that the child poses a substantial risk of harm to self or to others.

21 (f) No petition alleging that a child is wayward by virtue of disobedient behavior may be
22 filed except upon proof offered in the petition that the child has been subjected to a needs
23 assessment conducted at a facility approved by the director of the department of children, youth
24 and families, and that a treatment plan resulting from that assessment has been unsuccessful.

25 (g) The director of the department of children, youth and families is authorized and
26 directed to promulgate any rules and regulations that it deems necessary to implement the
27 provisions and purposes of this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would prohibit the family court from detaining a juvenile at the training school
2 for the violation of a valid court order, until a hearing is conducted and it is determined that the
3 child intentionally violated the order, and the violation involves the failure of the child to engage
4 in services or activities intended to protect or promote the child's health or safety, or the health or
5 safety of any other person or persons.

6 This act would take effect upon passage.

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