

2016 -- H 7663

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO HUMAN SERVICES - ABUSED & NEGLECTED CHILDREN

Introduced By: Representatives Regunberg, Blazejewski, Ajello, Maldonado, and Palangio

Date Introduced: February 24, 2016

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

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

3 **40-11-7. Investigation of reports -- Petition for removal from custody -- Report to**
4 **child advocate --Attorney general -- Court-appointed special advocate. --** (a) The department
5 shall investigate reports of child abuse and neglect made under this chapter in accordance with
6 the rules the department has promulgated and in order to determine the circumstances
7 surrounding the alleged abuse or neglect and the cause thereof. The investigation shall include
8 personal contact with the child named in the report and any other children in the same household.
9 Any person required to investigate reports of child abuse and/or neglect may question the subjects
10 of those reports with or without the consent of the parent or other person responsible for the
11 child's welfare. The interviewing of the child or children, if they are of the mental capacity to be
12 interviewed, shall take place in the absence of the person or persons responsible for the alleged
13 neglect or abuse. In the event that any person required to investigate child abuse and/or neglect is
14 denied reasonable access to a child by the parents or other person, and that person required to
15 investigate deems that the best interests of the child so require, they may request the intervention
16 of a local law enforcement agency, or seek an appropriate court order to examine and interview
17 the child. The department shall provide such social services and other services as are necessary to
18 protect the child and preserve the family.

19 (b) In the event that after investigation it is determined by the department that the child is

1 being or has been abused or neglected but that the circumstances of the child's family or
2 otherwise do not require the removal of the child for his or her protection, the department may
3 allow the child to remain at home and provide the family and child with access to preventative
4 support and services. In addition, the department is authorized to petition the family court for an
5 order for the provision of treatment of the family and child.

6 (c) The department shall have the duty to petition the family court for removal of the
7 child from the care and custody of the parents, or any other person having custody or care of the
8 child if there is a determination that a child has been abused or neglected; which results in a child
9 death, serious physical or emotional harm, sexual abuse or exploitation or an act or failure to act
10 which represents an imminent risk of serious harm. In addition, in cases of alleged abuse and/or
11 neglect, the department may petition the family court for the removal of the alleged perpetrator of
12 that abuse, and/or neglect from the household of the child or children when the child or children
13 are eleven (11) years of age or older. It shall be the responsibility of the department to make the
14 parent or other person responsible for the child's welfare aware of the court action, the possible
15 consequences of the court action, and to explain the rights of the parent relative to the court
16 action.

17 (d) The department shall forward immediately any reports of [the death of any child that](#)
18 [has received or is receiving services from the department and any reports of](#) institutional child
19 abuse and neglect to the child advocate who shall investigate the report in accordance with
20 chapter 73 of title 42, and also to any guardian ad litem and/or attorney of record for the child.
21 [The child advocate shall promptly forward any investigations or reports regarding the death of](#)
22 [any child that has received or is receiving services from the department or any institutional child](#)
23 [abuse and neglect to the governor, the director of the department of health, the speaker of the](#)
24 [house and the senate president. The child advocate will convene a child fatality review board to](#)
25 [review fatalities and complete an annual report of the reviews. Reports will be posted on the](#)
26 [office of the child advocate website.](#)

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

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

1 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 & NEGLECTED CHILDREN

1 This act would expand the reporting requirement for the abuse, neglect, or death of a
2 child who is receiving services of the department of children, youth, and families to include the
3 governor, the director of the department of health, the speaker of the house and the senate
4 president. It would also require the child advocate to organize a child fatality review board to
5 review fatalities and prepare an annual report that would be posted on the office of the child
6 advocate website.

7 This act would take effect upon passage.

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