

2016 -- S 2768

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT

Introduced By: Senators Crowley, and Sosnowski

Date Introduced: March 10, 2016

Referred To: Senate Judiciary

(Children & Families)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 14-1-60 of the General Laws in Chapter 14-1 entitled "Proceedings
2 in Family Court" is hereby repealed.

3 ~~14-1-60. Costs incurred by children's friend and service. -- All costs and expenses~~
4 ~~attending the making of any complaint by any agent of the children's friend and service and the~~
5 ~~proceedings on the complaint under the provisions of this chapter shall be paid by the state.~~

6 SECTION 2. Chapter 14-4 of the General Laws entitled "O'Rourke Children's Center" is
7 hereby repealed in its entirety.

8 ~~CHAPTER 14-4~~

9 ~~O'Rourke Children's Center~~

10 ~~14-4-1. Responsibility for control and maintenance of center. -- The control and~~
11 ~~maintenance of the state home and school for dependent and neglected children shall be vested in~~
12 ~~the department of children, youth, and families. The school shall be known as the Doctor Patrick~~
13 ~~I. O'Rourke children's center of Rhode Island. The department shall establish a system of~~
14 ~~government for the children's center and shall make all necessary rules and regulations for~~
15 ~~imparting instruction for the proper training of the children.~~

16 ~~14-4-2. Receipt and care of children -- Release or return to other custodial~~
17 ~~authority. -- The department of children, youth, and families shall receive, in accordance with~~
18 ~~the rules established by it, any children that may be declared vagrant, truant, neglected, or~~

1 dependent on the public for support, pursuant to this chapter, who are under eighteen (18) years
2 of age, and who are in a suitable condition of mind to be instructed, and may release or discharge
3 any child from its care and custody to the child's relatives or others whenever the director of the
4 department is satisfied that the object of the commitment has been accomplished and conditions
5 appertaining to the child are deemed to justify the release or discharge. Any child who shall be
6 found by the director to be of unsound mind, or who may be considered by the director an
7 improper inmate of the institution, shall be immediately returned by the department to the
8 custodial authority from whom the child was received, who are hereby required to receive the
9 child.

10 ~~**14-4-3. Purposes of chapter -- Placement of children in institutions or homes --**~~

11 ~~**Guardianship and control.**~~ (a) It is declared to be the object of this chapter to provide for
12 neglected and dependent children, not recognized as vicious or criminal, any influences that will
13 lead toward an honest, intelligent, and self-supporting manhood and womanhood, the state, so far
14 as possible, holding to them the parental relation. But if at any time, in the discretion of the
15 director of children, youth, and families, this object can be better attained by placing a child in a
16 good family of the same religious belief as the parents of the child, the director shall have the
17 power to do so on condition that the child's education shall be provided for by that family in the
18 public schools of the town or city where they may reside, or in some other suitable public school
19 or private school; and whenever that course is desirable or necessary, the department of children,
20 youth, and families may pay any amount that may be agreed upon for the care and support of the
21 child.

22 ~~(b) The director may in his or her discretion place any child requiring special treatment,~~
23 ~~training, or oversight in any institution, controlled by persons of the same religious belief as the~~
24 ~~parents of the child, providing that special treatment, training, or oversight, and may pay any~~
25 ~~amount that may be agreed upon for the care and support of the child.~~

26 ~~(c) The director is the legal guardian of all children entrusted to his or her control and~~
27 ~~charged with the duty of following any children that may be placed in families or institutions with~~
28 ~~watchful care, and of taking those children back to his or her immediate supervision at any time~~
29 ~~when in his or her judgment the welfare of the children requires that action. In case any child~~
30 ~~shall leave without permission or is taken by any unauthorized person from the children's center~~
31 ~~or from any family or any institution where it shall have been placed by the director, then the~~
32 ~~director is authorized to take and restore the child to the children's center or to the family or to the~~
33 ~~institution.~~

34 ~~(d) In case of any medical emergency arising with respect to any child entrusted to the~~

1 ~~control and custody of the director, he or she shall have the power to authorize medical treatment~~
2 ~~for the child, provided notice is given to him or her by any duly licensed physician or dentist that~~
3 ~~a medical emergency exists and treatment is immediately necessary for the health of the child~~
4 ~~involved. In the event the parents of the child are immediately available and legally competent to~~
5 ~~give consent to any treatment, the director shall take all reasonable means to seek their approval~~
6 ~~for medical treatment to be rendered.~~

7 ~~**14-4-3.1. Transfer of children -- Hearing.** (a) Prior to transferring a child from a~~
8 ~~foster family home in which the child has resided for a period of at least two (2) years, to a~~
9 ~~facility other than the home of the parent, the department of children, youth, and families shall~~
10 ~~notify the foster family, in writing, ten (10) days prior to the proposed transfer, that if it disagrees~~
11 ~~with the transfer, it is entitled to an administrative hearing in accordance with chapter 35 of title~~
12 ~~42. If the foster family desires a hearing, it must notify the department within ten (10) days. After~~
13 ~~the notification, the department shall hold a hearing within twenty (20) days of the request.~~

14 ~~(b) Nothing contained in this chapter shall prevent the department from exercising all~~
15 ~~rights and powers provided by chapter 11 of title 40.~~

16 ~~(c) This section shall apply retroactively to those foster placements existing on and after~~
17 ~~January 1, 1981. Otherwise it shall apply prospectively.~~

18 ~~**14-4-4. Registration of children under care of department.** -- The department of~~
19 ~~children, youth, and families shall provide a book in which shall be registered: (1) the names,~~
20 ~~ages, and places of birth of the children under its care; (2) the residence of the parents or~~
21 ~~guardians as nearly as can be ascertained; (3) the date when each child is received and from what~~
22 ~~city or town, and when he or she leaves the center; and (4) whenever a child is placed in a family,~~
23 ~~the name, residence, and occupation of the family. That book shall be open at all times for the~~
24 ~~inspection of the probate clerks and the directors of public welfare of the several cities and towns~~
25 ~~of the state.~~

26 ~~**14-4-5. Annual reports.** -- (a) The director of children, youth and families or his or her~~
27 ~~agent shall submit to the family court a written report once per year on each child entrusted to his~~
28 ~~or her care and control pursuant to an order or decree of the family court. The report shall contain~~
29 ~~information concerning: (1) the physical placement of the child; (2) the care and nurturing the~~
30 ~~child is receiving; (3) the involvement and support of the parents or other person previously~~
31 ~~having custody; and (4) the efforts made by the parent(s) and/or the department in reuniting the~~
32 ~~child and parents. In addition, the report shall set forth the permanent plan for the well-being of~~
33 ~~the child.~~

34 ~~(b) As a result of a review of the report, a justice of the family court may order an~~

1 ~~immediate hearing and summon before the court representatives of the department and the~~
2 ~~parents or other person previously having custody of the child in order to determine that an~~
3 ~~appropriate plan for the child is undertaken. An appropriate plan may include: (1) a return of the~~
4 ~~child to the parents; (2) the child remaining in foster care on a planned basis; or (3) a petition~~
5 ~~being instituted for the termination of the parental rights of the parents pursuant to § 15-7-7 if the~~
6 ~~court finds reasonable cause to believe that grounds exist for it. In an order of disposition entered~~
7 ~~pursuant to this section, the best interest of the child shall be paramount.~~

8 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would repeal §14-1-61 regarding the placement for costs and expenses for
2 certain complaints filed in family court, and chapter 4 of title 14, which establishes the O'Rourke
3 Children's Center.

4 This act would take effect upon passage.

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