

2019 -- H 5430

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - CHILD ADVOCATE OFFICE

Introduced By: Representatives Serpa, Casimiro, Ackerman, Fellela, and Lyle

Date Introduced: February 14, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-73-2.3 of the General Laws in Chapter 42-73 entitled "Child
2 Advocate Office" is hereby amended to read as follows:

3 **42-73-2.3. Child fatality reviews.**

4 (a) The department of children, youth and families shall notify the office of the child
5 advocate verbally and electronically within forty-eight (48) hours of a confirmed fatality or near
6 fatality of a child who is the subject of a DCYF case and shall provide the office of the child
7 advocate with access to any written material about the case.

8 (b) The child advocate, working with a voluntary and confidential child-fatality-review
9 panel, whose members may vary on a case-by-case basis, shall review the case records of all
10 notifications in accordance with § 42-73-2.3(a) of fatalities and near fatalities of children under
11 twenty-one (21) years of age, if:

12 (1) The fatality or near fatality occurs while in the custody of, or involved with, the
13 department, or if the child's family previously received services from the department;

14 (2) The fatality or near fatality is alleged to be from abuse or neglect of the child [and the](#)
15 [child or child's family had prior contact with the department](#); or

16 (3) A sibling, household member, or day care provider has been the subject of a child
17 abuse and neglect investigation within the previous twelve (12) months, including, without
18 limitation, cases in which the report was unsubstantiated or the investigation is currently pending.

19 (c) The child-fatality-review panel shall assess and analyze such cases; make

1 recommendations regarding such cases; and make recommendations for improvements to laws,
2 policies, and practices that support the safety of children. Each report shall be made public within
3 thirty (30) days of its completion.

4 (d) The members of the child-fatality-review panel, established in accordance with this
5 section, shall be subject to the confidentiality provisions of § 42-73-10.

6 (e) The child advocate shall publicly announce the convening of a child-fatality-review
7 panel, including the age of the child involved.

8 SECTION 2. 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 add the requirement that in DCYF cases resulting in a fatality or near
2 fatality of a child, one of the requirements for the office of the child advocate to investigate the
3 case would be that the child or the child's family had prior contact with the DCYF.

4 This act would take effect upon passage.

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