2026 -- H 7195

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N   A C T

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

It is enacted by the General Assembly as follows:

1　　　　SECTION 1. Chapter 14-1 of the General Laws entitled "Proceedings in Family Court" is

2　　hereby amended by adding thereto the following section:

3　　　　**14-1-30.3. Use of statements made in custodial interrogation.**

4　　　　　　(a) No statements or admissions of a juvenile made as a result of the custodial interrogation

5　　of such juvenile, by a law enforcement official, concerning delinquent or criminal acts alleged to

6　　have been committed by the juvenile, shall be admissible in evidence against such juvenile, unless:

7　　　　　　(1) The juvenile was advised of their right to have a parent or legal guardian present during

8　　questioning;

9　　　　　　(2) The parent or legal guardian was present during the questioning;

10　　　　　　(3) The juvenile and parent or legal guardian were advised prior to questioning, of the

11　　following:

12　　　　　　　　(i) The juvenile's right to remain silent;

13　　　　　　　　(ii) That statements made could be used against them in a court of law;

14　　　　　　　　(iii) That they have the right to have an attorney be present during any questioning;

15　　　　　　　　(iv) That if they cannot afford an attorney, one would be appointed to represent the juvenile

16　　at no cost; and

17　　　　　　　　(v) A request for an attorney can be made by the juvenile or the parent or legal guardian at

18　　any time during questioning.

1   (b) Notwithstanding the provisions of subsection (a) of this section, statements or

2   admissions of a juvenile made in the absence of their parent or legal guardian may be admissible

3   if:

4   (1) A private attorney or public defender was present at such interrogation;

5   (2) The court finds that, under the totality of the circumstances, the juvenile made a

6   knowing, intelligent and voluntary waiver of their constitutional rights; and the juvenile

7   misrepresented their age as being eighteen (18) years of age or older and the law enforcement

8   official acted in good faith reliance on such representation in conducting the interrogation; or

9   (3) The juvenile is emancipated from their parent or legal guardian.

10   (c) For purposes of this section, a juvenile shall be deemed emancipated if they are over

11   the age of fifteen (15) years of age and under the age of eighteen (18) years of age, and have the

12   real or apparent assent of their parents, has demonstrated independence in matters of care, custody

13   and earnings. The term emancipated may include, but not be limited to, a showing that the juvenile

14   is married, in the military, or is otherwise self-supporting.

15   (d) In those instances where the only legal guardian for the juvenile is the department of

16   children, youth and families, no interrogation shall take place unless and until an attorney has been

17   appointed by the court to advise the juvenile.

18   (e) In the event that any provision of this section is in conflict with any provision of chapter

19   21.5 of title 16, the provisions of this section shall apply.

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

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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

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1   This act would prohibit any questioning of a juvenile who is suspected of delinquent or

2   criminal behavior unless (1) the parent, legal guardian of the juvenile or the DCYF when parental

3   rights are terminated is present, (2) unless an attorney is present, (3) the juvenile and their parent

4   or legal guardian have waived their presence, (4) the court is satisfied that the juvenile has made a

5   knowing voluntary waiver of their rights, or (5) the juvenile is emancipated or has misrepresented

6   their age as being eighteen (18) years or older.

7   This act would take effect upon passage.

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