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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO DOMESTIC RELATIONS -- KEEPING CHILDREN SAFE FROM FAMILY
VIOLENCE ACT

Introduced By: Senator Matthew L. LaMountain

Date Introduced: June 04, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Legislative findings.
- 2 The general assembly finds and declares that:
- 3 (1) Approximately fifteen million (15,000,000) children are exposed each year to domestic
- 4 violence or child abuse.
- 5 (2) Most child abuse is perpetrated in the family and by a parent.
- 6 (3) Intimate partner violence and child abuse overlap in the same families at rates between
- 7 thirty percent (30%) and sixty percent (60%).
- 8 (4) A child's risk of abuse increases after a perpetrator of intimate partner violence
- 9 separates from the perpetrator's domestic partner, even when the perpetrator had not directly abused
- 10 the child previously.
- 11 (5) Children who have witnessed intimate partner violence are approximately four (4) times
- 12 more likely to experience direct child maltreatment than children who have not witnessed intimate
- 13 partner violence.
- 14 (6) More than seventy-five percent (75%) of child sexual abuse is perpetrated by a family
- 15 member or a person known to the child. Data of the Department of Justice (DOJ) shows that family
- 16 members are forty-nine percent (49%), or almost half, of the perpetrators of crimes against child
- 17 sex assault victims younger than six (6) years of age.
- 18 (7) Research suggests a child's exposure to a batterer is among the strongest indicators of

1 risk of incest victimization. One study found that female children with fathers who are batterers of
2 their mothers were six and one half (6.5) times more likely to experience father-daughter incest
3 than female children who do not have abusive fathers.

4 (8) Child abuse is a major public health issue in the United States. Total lifetime financial
5 costs associated with just one year of confirmed cases of child maltreatment, including child
6 physical abuse, sexual abuse, psychological abuse, and neglect, result in one hundred twenty-four
7 billion dollars (\$124,000,000,000) in annual costs to the economy of the United States.

8 (9) Empirical research indicates that allegations of child physical and sexual abuse are
9 regularly discounted by courts when raised in parental allocation cases. Courts believe that in fewer
10 than one-fourth (1/4) of claims, a parent has committed child physical or sexual abuse.

11 (10) In parental allocation cases in which an alleged or known abusive parent claims
12 alienation from the child, courts are four (4) times more likely to disbelieve the parent who claims
13 child physical or sexual abuse.

14 (11) Research shows that courts grant custody or unprotected parenting time to an alleged
15 or known abusive parent. Approximately one-third (1/3) of parents alleged to have committed child
16 abuse took primary custody from the protective parent reporting the abuse, placing children at
17 ongoing risk.

18 (12) Since 2008, nearly eight hundred (800) children have been murdered by a divorcing
19 or separating parent, with more than one hundred (100) murders occurring after a court ordered the
20 child into contact with the alleged or known abusive parent despite objections from the parent who
21 claimed child physical or sexual abuse.

22 (13) Scientifically unsound theories that treat abuse allegations of mothers as likely false
23 attempts to undermine fathers are frequently applied in family court to minimize or deny reports of
24 abuse of parents and children. Abusive parents frequently claim that abuse allegations are false to
25 minimize or deny reports of abuse. Experts who testify against abuse allegations often lack
26 expertise in the relevant type of alleged abuse, relying on unproven theories.

27 (14) Judges presiding over parental allocation cases with allegations of child abuse, child
28 sexual abuse, and domestic violence are rarely required to receive training on these subjects.

29 (15) The general assembly therefore declares that:

30 (i) A child's safety is the first priority of the court in a proceeding affecting the child's care
31 and custody;

32 (ii) Strengthening the ability of the courts to recognize and adjudicate adult and child abuse
33 allegations based on valid, admissible evidence will allow courts to enter orders that protect and
34 minimize risk of harm to the child; and

(iii) Court personnel involved in cases containing abuse allegations who receive trauma-informed training on the dynamics, signs, and impacts of child abuse, child sexual abuse, and intimate partner violence will help protect and minimize risk of harm to the child.

SECTION 2. Title 15 of the General Laws entitled "DOMESTIC RELATIONS" is hereby amended by adding thereto the following chapter:

CHAPTER 15.2

KEEPING CHILDREN SAFE FROM FAMILY VIOLENCE ACT

15-15.2-1. Short title.

This chapter may be cited as the "Keeping Children Safe from Family Violence Act" or "Kayden's Law".

15-15.2-2. Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context otherwise requires:

(1) "Accused party" means a parent in a case to determine parental responsibilities who has been accused of domestic violence or child abuse, including child sexual abuse.

(2) "Child custody proceeding" means a private family court proceeding with respect to a child, involves care or custody of the child in a private divorce, separation, visitation, paternity, child support, legal or physical custody, or a civil protection order proceeding between the parents of the child; and does not include:

(i) Any child protective, abuse, or neglect proceeding;

(ii) Any juvenile justice proceeding, such as a delinquency or wayward petition; or

(iii) Any child placement proceeding in which a state or tribal government, a designee of such a government, or any contacted child welfare agency or child protective agency of such a government is a party to the proceeding.

(3) "Protective party" means a parent in a case to determine parental responsibilities who is competent, protective, not sexually or physically abusive, and with whom a child is bonded or attached.

(4) "Reunification treatment" means a treatment or therapy aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent or other family member of the child.

(5) "Task force" means the task force to study victim and survivor awareness and responsiveness training requirements for judicial personnel created in § 15-15.2-4.

(6) "Victim service provider" means a nonprofit, nongovernmental or tribal organization or rape crisis center, including of a state or tribal nation, that assists or advocates for domestic

violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

15-15.2-3. Court proceedings.

(a) In all proceedings brought pursuant to this chapter concerning the allocation of parental responsibilities with respect to a child in which a claim of domestic violence or child abuse, including child sexual abuse, has been made to the court, or the court has reason to believe that a party has committed domestic violence or child abuse, including child sexual abuse, the court shall consider:

(1) The admission of expert testimony and evidence shall occur only if the professional proffered as an expert demonstrates expertise and experience working with victims of domestic violence or child abuse, including child sexual abuse, that is not solely forensic in nature.

(i) Professionals with demonstrated expertise qualified to provide expert testimony in child custody proceedings shall include domestic violence advocates, child abuse advocates, and sexual assault advocates employed by a victim services nonprofit organization that provides advocacy services to survivors and victims of domestic and sexual violence or child victims of abuse; and

(2) Evidence of past sexual or physical abuse committed by the accused party, shall consist of:

(i) Any past or current protection or restraining orders against the accused party, including protection or restraining orders that raise sexual violence or abuse;

(ii) Arrests of the accused party for domestic violence, sexual violence, or child abuse;

(iii) Convictions of the accused party for domestic violence, sexual violence, or child abuse; or

(iv) Other documentation, including letters from a victim advocate or victim service provider, if the victim has consented to their release; medical records; or a letter to a landlord to break a lease. Victim advocates, victim service providers, medical professionals or other witnesses shall be subject to cross-examination.

(b) In determining allocation of parental responsibilities in proceedings brought pursuant to this chapter in which a claim of domestic violence or child abuse, including child sexual abuse, has been made to the court, or the court has reason to believe that a party has committed domestic violence or child abuse, including child sexual abuse, the court shall not:

(1) Remove a child from a protective party solely to improve a deficient relationship with an accused party;

(2) Restrict contact between a child and a protective party solely to improve a deficient

1 relationship with an accused party;

2 (3) Order reunification treatment, unless there is generally accepted and scientifically valid
3 proof of the safety, effectiveness, and therapeutic value of the reunification treatment;

4 (4) Solely in order to improve a deficient relationship with the other parent of a child,
5 restrict contact between a child and a parent or litigating party who is competent, protective, and
6 not physically or sexually abusive; and with whom the child is bonded or to whom the child is
7 attached; or

8 (5) Order reunification treatment that is predicated on cutting off the relationship between
9 a child and protective party.

10 (c) A court shall not order a reunification treatment, unless there is generally accepted and
11 scientifically valid proof of the safety, effectiveness, and therapeutic value of the reunification
12 treatment.

13 (d) If the court issues an order to remediate the resistance of a child to have contact with
14 an accused party, the order shall primarily address the behavior of the accused party, who shall
15 accept responsibility for the accused party's actions that negatively affected the accused party's
16 relationship with the child, and a mental health professional approved by the domestic violence
17 offender management board shall verify the accused party's behavior before the court orders a
18 protective party to take steps to improve the relationship with the accused party.

19 (e) In compliance with the federal "Keeping Children Safe From Family Violence Act", 34
20 U.S.C. § 10446(k)(4), as amended, any neutral professional appointed by a court to express an
21 opinion relating to abuse, trauma, or the behaviors of victims and perpetrators of abuse and trauma
22 during a proceeding to allocate parental responsibilities shall possess demonstrated expertise and
23 experience in working with victims of domestic violence or child abuse, including child sexual
24 abuse, that is not solely of a forensic nature.

25 **15-15.2-4. Training and education.**

26 (a) The general assembly shall establish a task force to study the training requirements in
27 the federal "Keeping Children Safe From Family Violence Act", 34 U.S.C. § 10446(k)(5), and
28 make recommendations that comply with the federal requirements for any judge or magistrate who
29 presides over parental responsibility proceedings. The task force shall focus on the following:

30 (1) The hourly training requirements described in § 15-15.2-5(a);

31 (2) The recognition of domestic violence and child abuse described in § 15-15.2-5(b); and

32 (3) The requirements of a professional trainer to lead the training described in § 15-15.2-

33 6.

34 (b) The training shall be designed to improve the courts' ability to recognize domestic

1 violence and child abuse in parental allocation proceedings as described in § 15-15.2-7.

2 **15-15.2-5. Minimum requirements.**

3 (a) Child and family investigators, and parental responsibilities evaluators, who are
4 involved in parental responsibility proceedings, and legal representatives of children who do not
5 contract with the office of the child's representative, shall complete:

6 (1) No less than twenty (20) hours of initial training; and

7 (2) No less than fifteen (15) hours of ongoing training every five (5) years.

8 (b) The required training shall focus on domestic violence and child abuse, including:

9 (1) Child sexual abuse;

10 (2) Physical abuse;

11 (3) Emotional abuse;

12 (4) Coercive control;

13 (5) Implicit and explicit bias, including biases relating to parties with disabilities;

14 (6) Trauma;

15 (7) Long-term and short-term impacts of domestic violence and child abuse on children;

16 and

17 (8) Victim and perpetrator behavioral patterns and relationship dynamics within the cycle
18 of violence.

19 (c) For each fiscal year, the office of the child advocate shall report to the state court
20 administrator a list of trainings on domestic violence and child abuse that the office of the child
21 advocate provides.

22 (d) Special masters and mediators who are involved in parental responsibility proceedings
23 pursuant to this chapter shall report to the state court administrator the existing training on domestic
24 violence and child abuse and the hours of training completed.

25 **15-15.2-6. Training requirements and goals.**

26 (a) A professional trainer shall conduct the required training set forth in § 15-15.2-5. The
27 professional trainer shall have substantial experience in assisting survivors of domestic violence or
28 child abuse. A professional trainer may include a professional representing a victim service
29 provider.

30 (b) The professional trainer described in section (a) of this section shall rely on evidence-
31 based and peer-reviewed research conducted by recognized experts or research conducted in the
32 field by recognized domestic violence victim advocates that focuses on the types of abuse described
33 in § 15-15.2-5 and shall not include theories, concepts, or belief systems in the required training
34 that are not supported by evidence-based and peer-reviewed research or research conducted in the

1 field by recognized domestic violence victim advocates.

2 (c) The required training shall be designed to improve the ability of courts to:

3 (1) Recognize and respond to child physical abuse, child sexual abuse, domestic violence,
4 and trauma in all family victims, particularly children; and

5 (2) Make appropriate custody decisions that prioritize child safety and well-being and that
6 are culturally sensitive and appropriate for diverse communities.

7 **15-15.2-7. Grants.**

8 As soon as possible after July 1, 2025, the Rhode Island judiciary shall apply to the federal
9 Department of Justice's Office of the Attorney General for a grant increase in compliance with the
10 federal "Keeping Children Safe From Family Violence Act", 34 U.S.C. § 10446(k)(6), as amended.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO DOMESTIC RELATIONS -- KEEPING CHILDREN SAFE FROM FAMILY
VIOLENCE ACT

- 1
- This act would enact the Keeping Children Safe From Family Violence Act (Kayden's
- 2
- Law) which would establish guidelines and training for courts, judges and other professionals who
- 3
- make recommendations or decisions about visitation, custody, and placement of children when
- 4
- there are allegations of physical, mental, or sexual abuse of the child or the parent's partner.
- 5
- This act would take effect upon passage.

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