

2021 -- H 5139

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO HUMAN SERVICES -- ABUSED AND NEGLECTED CHILDREN

Introduced By: Representatives McEntee, Craven, Knight, Caldwell, and Casimiro

Date Introduced: January 25, 2021

Referred To: House Judiciary

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~~ Investigation of
5 reports -- Petition for removal from custody -- Report to child advocate -- Attorney general -
6 - Court-appointed special advocate -- Children's advocacy center.

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

1 protect the child and preserve the family.

2 (b) In the event that after investigation it is determined by the department that the child is
3 being or has been abused or neglected but that the circumstances of the child's family or otherwise
4 do not require the removal of the child for his or her protection, the department may allow the child
5 to remain at home and provide the family and child with access to preventative support and services.
6 In addition, the department is authorized to petition the family court for an order for the provision
7 of treatment of the family and child. Provided, further, the department shall notify the children's
8 advocacy center of all suspected cases of child sexual abuse.

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

19 (d) The department shall forward immediately any reports of institutional child abuse and
20 neglect to the child advocate who shall investigate the report in accordance with chapter 73 of title
21 42, and also to any guardian ad litem and/or attorney of record for the child.

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

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

28 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 AND NEGLECTED CHILDREN

- 1 This act would require the department of children, youth and families to report all suspected
- 2 cases of child sexual abuse to the children's advocacy center.
- 3 This act would take effect upon passage.

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