

2018 -- H 8232

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO HUMAN SERVICES -- ABUSED AND NEGLECTED CHILDREN -- DUTY
TO REPORT

Introduced By: Representatives O'Brien, Abney, Slater, McKiernan, and Craven

Date Introduced: May 24, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-11-3.3 of the General Laws in Chapter 40-11 entitled "Abused
2 and Neglected Children" is hereby amended to read as follows:

3 **40-11-3.3. Duty to report -- Sexual abuse of a child in an educational program.**

4 (a) Any person who has reasonable cause to know or suspect that any child has been the
5 victim of sexual abuse by an employee, agent, contractor, or volunteer of an educational program
6 as defined in § 40-11-2 shall, within twenty-four (24) hours, transfer that information to the
7 department of children, youth and families, or its agent; provided, however, that if the person
8 mandated to report is an employee, agent, contractor or volunteer of an educational program as
9 defined in § 40-11-2, they shall immediately notify the principal, headmaster, executive director,
10 or other person in charge of the educational program, or their designated agent. The principal,
11 headmaster, executive director, or other person in charge of the educational program, or their
12 designated agent, shall be responsible for all subsequent notification to the department of
13 children, youth and families, or its agent in the manner required by this section. In the case of a
14 public educational program, the principal, headmaster, executive director, or other person in
15 charge of the educational program, or their designated agent, shall also notify the superintendent
16 of the public educational program. Any transferred information shall include the name, title, and
17 contact information for every employee, agent, contractor or volunteer of the educational program
18 who is believed to have direct knowledge of the allegation. Nothing in this section is intended to

1 require more than one report from any educational program for a specific incident.

2 (b) In order to provide guidance and consistency in reporting, the commissioner of
3 elementary and secondary education shall promulgate policies and procedures for the creation and
4 handling of reports made by the principal, headmaster, executive director, or other person in
5 charge of the educational program, or their designated agent in order to carry out the intent of this
6 section.

7 (c) The department of children, youth and families, or its agent ~~who or which~~ shall
8 immediately forward the report to state police and local law enforcement, and shall initiate an
9 investigation of the allegations of sexual abuse if it determines that the report meets the criteria
10 for a child protective services investigation. As a result of those reports and referrals, the
11 department shall refer those children to appropriate services and support systems in order to
12 provide for their health and welfare. In the event the department substantiates the allegations of
13 sexual abuse against an employee, agent, contractor, or volunteer of an educational program, the
14 department shall immediately notify the state police; local law-enforcement agency; the
15 department of education; the educational program; the person who is the subject of the
16 investigation; and the parent, or parents, of the child who is alleged to be the victim of the sexual
17 abuse of the department's findings.

18 ~~(b)~~(d) The director of the department of children, youth and families is authorized to
19 promulgate rules and regulations pertaining to the investigation of the allegation of sexual abuse
20 in order to carry out the intent of this section.

21 (e) For purposes of this section, "reasonable cause to know or suspect" means that it is
22 objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a
23 reasonable person in a like position, drawing, when appropriate, on their training and experience,
24 to suspect child abuse. "Reasonable cause to know or suspect" does not require certainty that
25 child sexual abuse has occurred nor does it require a specific medical indication of child sexual
26 abuse; any "reasonable cause to know or suspect" is sufficient.

27 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 require representatives of educational programs to notify their leadership
2 of all reports of sexual abuse who shall notify the department of children, youth and families and
3 the school superintendent. It would also require the commissioner of elementary and secondary
4 education and the director of the department of children, youth and families to adopt rules to
5 orderly and completely implement this sexual abuse complaint reporting process.

6 This act would take effect upon passage.

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