

2021 -- S 0734

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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: Senators DiMario, Felag, Euer, Sosnowski, Valverde, Mendes, Coyne,
Raptakis, and Murray

Date Introduced: March 26, 2021

Referred To: Senate 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.**

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

19 (b) In the event that after investigation it is determined by the department that the child is

1 being, or has been, abused or neglected but that the circumstances of the child's family or otherwise
2 do not require the removal of the child for his or her protection, the department may allow the child
3 to remain at home and provide the family and child with access to preventative support and services.
4 In addition, the department is authorized to petition the family court for an order for the provision
5 of treatment of the family and child.

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

16 (d) The department shall forward immediately any reports of institutional child abuse and
17 neglect to the child advocate who shall investigate the report in accordance with chapter 73 of title
18 42, and also to any guardian ad litem and/or attorney of record for the child.

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

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

25 (g) If a report is accepted as a valid allegation of abuse or neglect, the department shall
26 collect information concerning the military status of the parent or guardian of the child who is the
27 subject of the report and shall share information about the allegation with the appropriate military
28 authorities.

29 SECTION 2. Chapter 40-11 of the General Laws entitled "Abused and Neglected Children"
30 is hereby amended by adding thereto the following section:

31 **40-11-19. Military family advocacy program.**

32 (a) The department shall enter into a memorandum of understanding with the military
33 family advocacy program at a local military installation with respect to child abuse and neglect
34 investigations.

1 (b) Such memorandum of understanding shall establish procedures and protocols for
2 matters including, but not limited to:

3 (1) Identifying an individual alleged to have committed abuse or neglect as military
4 personnel;

5 (2) Reporting to a military family advocacy program when an investigation implicating
6 military personnel has been initiated; and

7 (3) Maintaining confidentiality requirements under state and federal law.

8 (c) For the purposes of this section, "military family advocacy program" means the program
9 established by the United States Department of Defense to address child abuse and neglect in
10 military families.

11 SECTION 3. This act shall take effect upon passage; provided, however, that the
12 requirements of section 2 of this act shall apply to memoranda of understanding entered into on or
13 after the effective date of this act.

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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 establish a military family advocacy program to address child abuse and
2 neglect in military families.

3 This act would take effect upon passage; provided, however, that the requirements of
4 section 2 of this act shall apply to memoranda of understanding entered into on or after the effective
5 date of this act.

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