

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN – PROCEEDINGS IN
FAMILY COURT

Introduced By: Senators Valverde, McCaffrey, Euer, Coyne, Seveney, DiMario, Lawson,
and Burke

Date Introduced: February 15, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 14-1-27 and 14-1-36 of the General Laws in Chapter 14-1 entitled
2 "Proceedings in Family Court" are hereby amended to read as follows:

3 **14-1-27. Temporary detention in public or private institutions.**

4 (a) Subject to § 14-1-11, provision may be made by the family court for the temporary
5 detention of children at the training school for youth or in the custody of the director of the
6 department of children, youth and families. Provided, the family court shall not detain any juvenile
7 fourteen (14) years of age or younger at the training school for any offense unless that offense, if
8 charged as an adult, would constitute a felony capital offense for which bail would not be granted.
9 Should a juvenile fourteen (14) years of age or younger be charged with an offense for which, if
10 charged as an adult, would constitute a capital offense, the family court shall not order the detention
11 of the juvenile at the training school unless the court determines, in the court's judgment, that there
12 is no other reasonable placement locations and/or conditions that will ensure the safety of the
13 juvenile or any other person or persons. The court may authorize the temporary placement of
14 children in private homes licensed and approved by the department of children, youth and families
15 and subject to the supervision of the court, or may arrange with any incorporated institution or
16 agency licensed for child care, to receive for temporary care children ordered detained by the court.
17 Unless good cause is shown to delay the commencement of the adjudicatory hearing, if a child is
18 in detention, the family court shall commence the adjudicatory hearing within thirty (30) calendar

1 days from whichever of the following events occurs latest: the date the petition is served on the
2 child; or the date the child is placed in detention. In all such cases, the family court shall conclude
3 the adjudicatory hearing within fifteen (15) calendar days of the commencement of the hearing
4 unless good cause is shown to extend an adjudicatory hearing beyond fifteen (15) calendar days.

5 (b) In any case wherein the attorney general files an application to waive and/or certify a
6 youth, the juvenile may be detained at the training school for a period not to exceed ninety (90)
7 days. In such cases, the department shall present to the family court a waiver report within forty-
8 five (45) calendar days. At the expiration of ninety (90) days, the attorney general's petition for
9 waiver and/or certification shall be decided by the family court, unless good cause is shown to
10 extend the time upon which the family court may render such a decision.

11 (c) When DCYF makes application to the court to take a child into temporary custody due
12 to allegations of abuse and/or neglect or dependency, DCYF shall have the duty to investigate the
13 possibility of placing the child or children with a fit and willing relative not residing with the
14 parents. DCYF shall conduct an assessment into the appropriateness of placement of the child or
15 children with the relative within thirty (30) days of the child's placement in the temporary custody
16 of DCYF. If the department determines that the relative is a fit and proper person to have placement
17 of the child, the child shall be placed with that relative, unless the particular needs of the child make
18 the placement contrary to the child's best interests. All placements with relatives shall be subject to
19 criminal records checks in accordance with § 14-1-34, foster care regulations promulgated by
20 DCYF, and interstate compact approval, if necessary.

21 (d) If DCYF proposes to place the child with a relative outside the state of Rhode Island,
22 DCYF shall notify the parent who shall have an opportunity to file an objection to the placement
23 with the family court within ten (10) days of receipt of the notice. A hearing shall be held before
24 the child is placed outside the state of Rhode Island.

25 (e) If the request of a relative for placement of a child or children is denied by DCYF, that
26 relative shall have the right to petition the court for review. The court shall within five (5) days of
27 the request conduct a hearing as to the suitability of temporary placement with the relative and shall
28 make any orders incident to placement that it deems meet and just.

29 (f) Whenever the court determines that permanent placement or adoption is in the best
30 interest of a child, a fit and willing relative who has been awarded placement of the child shall be
31 given priority over a non-relative, provided that the placement or adoption is in the best interest of
32 the child.

33 **14-1-36. Commitment of delinquent and wayward children.**

34 (a) In all proceedings under this chapter, the court may order a delinquent or wayward child

1 to be committed to the training school for youth for a sentence no longer than the youth's nineteenth
2 birthday. Provided, the family court shall not commit any juvenile fourteen (14) years of age or
3 younger to the training school for any offense unless that offense, if charged as an adult, would
4 constitute a felony capital offense. Should a juvenile fourteen (14) years of age or younger be
5 sentenced for an offense for which, if sentenced as an adult, would constitute a capital offense, the
6 family court shall not commit the juvenile to the training school unless the court determines, in the
7 court's judgment, that there are no other reasonable placement locations and/or conditions that will
8 ensure the safety of the juvenile or any other person or persons. However, nothing contained in this
9 section shall be construed to prohibit the placing of any child in the custody of the department of
10 children, youth and families or any other agency, society, or institution, pursuant to § 14-1-32. The
11 commitment of delinquent or wayward children shall be by an order and all assignments of the
12 custody of dependent, neglected, delinquent, or wayward children to the state training school for
13 youth or to the custody of the department of children, youth and families or to any of the private
14 institutions, agencies, or societies mentioned in this chapter shall be by a decree signed by the
15 justice of the court by whom the order or decree is issued, and that order or decree shall be directed
16 to any person that the court may designate, and shall require that person to take the child and deliver
17 him or her to the officer in charge of the training school for youth or to the custody of the director
18 of children, youth and families or of the public or private institution, agency, or society, and the
19 order or decree shall constitute the person charged with it, while he or she has the order in his or
20 her possession for service, an officer for all purposes under this chapter, in any county of the state
21 in which it may be necessary for him or her to go. The person charged with carrying out the order
22 or decree shall also deliver to the officer of the public or private institution, agency, or society or
23 to the training school for youth or the director of children, youth and families a copy of the order
24 or the decree signed by the justice of the court issuing it, and subject to the provisions of this
25 chapter, the officer and other authorities in charge of the training school for youth or the director
26 of children, youth and families or any public or private institution, agency, or society shall hold the
27 child according to the terms of any other order or decree that may from time to time thereafter be
28 issued by the court in relation to the child.

29 (b) Whenever the court shall commit a child to the training school for youth or to the
30 director of children, youth and families or any other institution or agency, it shall transmit with the
31 order of commitment a summary of its information concerning the child.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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FAMILY COURT

1 This act would prohibit the family court from detaining any juvenile or committing any
2 juvenile, fourteen (14) years of age or younger, to the training school, for any offense unless the
3 offense alleged or for which the juvenile is found responsible, is one that constitutes a capital
4 offense and the court determines that there is no other reasonable placement location to ensure the
5 safety of the juvenile and the general public.

6 This act would take effect upon passage.

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