

2018 -- S 2458

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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 DELINQUENT AND DEPENDENT CHILDREN - PROCEEDINGS IN
FAMILY COURT

Introduced By: Senators Lynch Prata, Gallo, and Conley

Date Introduced: February 15, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 14-1-3 and 14-1-5 of the General Laws in Chapter 14-1 entitled
2 "Proceedings in Family Court" are hereby amended to read as follows:

3 **14-1-3. Definitions.**

4 The following words and phrases when used in this chapter shall, unless the context
5 otherwise requires, be construed as follows:

6 (1) "Adult" means a person eighteen (18) years of age or older, ~~except that "adult"~~
7 ~~includes any person seventeen (17) years of age or older who is charged with a delinquent offense~~
8 ~~involving murder, first degree sexual assault, first degree child molestation, or assault with intent~~
9 ~~to commit murder, and that person shall not be subject to the jurisdiction of the family court as set~~
10 ~~forth in §§ 14-1-5 and 14-1-6 if, after a hearing, the family court determines that probable cause~~
11 ~~exists to believe that the offense charged has been committed and that the person charged has~~
12 ~~committed the offense.~~

13 (2) "Appropriate person", as used in §§ 14-1-10 and 14-1-11, except in matters relating to
14 adoptions and child marriages, means and includes:

15 (i) Any police official of this state, or of any city or town within this state;

16 (ii) Any duly qualified prosecuting officer of this state, or of any city or town within this
17 state;

18 (iii) Any director of public welfare of any city or town within this state, or his or her duly

1 authorized subordinate;

2 (iv) Any truant officer or other school official of any city or town within this state;

3 (v) Any duly authorized representative of any public or duly licensed private agency or
4 institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or

5 (vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those
6 cases in which one parent is deceased, is an unfit and improper person to have custody of any
7 child or children.

8 (3) "Child" means a person under eighteen (18) years of age.

9 (4) "The court" means the family court of the state of Rhode Island.

10 (5) "Delinquent", when applied to a child, means and includes any child who has
11 committed any offense that, if committed by an adult, would constitute a felony, or who has on
12 more than one occasion violated any of the other laws of the state or of the United States or any
13 of the ordinances of cities and towns, other than ordinances relating to the operation of motor
14 vehicles.

15 (6) "Dependent" means any child who requires the protection and assistance of the court
16 when his or her physical or mental health or welfare is harmed, or threatened with harm, due to
17 the inability of the parent or guardian, through no fault of the parent or guardian, to provide the
18 child with a minimum degree of care or proper supervision because of:

19 (i) The death or illness of a parent; or

20 (ii) The special medical, educational, or social-service needs of the child which the parent
21 is unable to provide.

22 (7) "Justice" means a justice of the family court.

23 (8) "Neglect" means a child who requires the protection and assistance of the court when
24 his or her physical or mental health or welfare is harmed, or threatened with harm, when the
25 parents or guardian:

26 (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though
27 financially able to do so or offered financial or other reasonable means to do so;

28 (ii) Fails to provide the child proper education as required by law; or

29 (iii) Abandons and/or deserts the child.

30 (9) "Wayward", when applied to a child, means and includes any child:

31 (i) Who has deserted his or her home without good or sufficient cause;

32 (ii) Who habitually associates with dissolute, vicious, or immoral persons;

33 (iii) Who is leading an immoral or vicious life;

34 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her

1 parent or parents, guardian, or other lawful custodian;

2 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually
3 absents himself or herself from school or habitually violates the rules and regulations of the
4 school when he or she attends;

5 (vi) Who has, on any occasion, violated any of the laws of the state or of the United
6 States or any of the ordinances of cities and towns, other than ordinances relating to the operation
7 of motor vehicles; or

8 (vii) Any child under seventeen (17) years of age who is in possession of one ounce (1
9 oz.) or less of marijuana, as defined in § 21-28-1.02, and who is not exempted from the penalties
10 pursuant to chapter 28.6 of title 21.

11 (10) The singular shall be construed to include the plural, the plural the singular, and the
12 masculine the feminine, when consistent with the intent of this chapter.

13 (11) For the purposes of this chapter, "electronic surveillance and monitoring devices"
14 means any "radio frequency identification device (RFID)" or "global positioning device" that is
15 either tethered to a person or is intended to be kept with a person and is used for the purposes of
16 tracking the whereabouts of that person within the community.

17 **14-1-5. Exclusive jurisdiction.**

18 The court shall, as set forth in this chapter, have exclusive original jurisdiction in
19 proceedings:

20 (1) Concerning any child residing or being within the state who is: (i) delinquent; (ii)
21 wayward; (iii) dependent; (iv) neglected; or (v) mentally disabled, ~~except that any person aged~~
22 ~~seventeen (17) years of age or older who is charged with a delinquent offense involving murder,~~
23 ~~first degree sexual assault, or assault with intent to commit murder shall not be subject to the~~
24 ~~jurisdiction of the family court if, after a hearing, the family court determines that probable cause~~
25 ~~exists to believe that the offense charged has been committed and that the person charged has~~
26 ~~committed the offense. The family court shall conduct a hearing within ten (10) days of the~~
27 ~~arraignment on the charge(s), unless the time for the hearing is extended by the court for good~~
28 ~~cause shown;~~

29 (2) Concerning adoption of children;

30 (3) To determine the paternity of any child alleged to have been born out of wedlock and
31 to provide for the support and disposition of that child in case that child or its mother has
32 residence within the state;

33 (4) Relating to child marriages, as prescribed by § 15-2-11; and

34 (5) Referred to the court in accordance with the provisions of § 14-1-28.

1 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 narrow the definition of an adult for the purposes of proceedings in family
- 2 court to only those eighteen (18) years of age and older.
- 3 This act would take effect upon passage.

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