

2022 -- S 2231

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- FAMILY COURT --
EXPUNGEMENTS

Introduced By: Senators Archambault, F Lombardi, Coyne, Euer, and McCaffrey

Date Introduced: February 08, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 8-10 of the General Laws entitled "Family Court" is hereby amended
2 by adding thereto the following section:

3 **8-10-46. Expungement of child abuse findings.**

4 (a) An eligible person may file a motion in family court for the expungement of all records
5 of a substantiated finding of child abuse or neglect made by the department of children, youth, and
6 families.

7 (b) An eligible person under this section means a person who has a record of a substantiated
8 finding and who has no other history of substantiated findings and against whom there is no child
9 abuse or neglect investigation pending.

10 (c) An eligible person may file a motion for expungement of a substantiated finding after
11 three (3) years from the date of the finding.

12 (d) The movant shall have the burden of proof to show, by clear and convincing evidence,
13 that:

14 (1) There is little likelihood that the movant will be a future perpetrator of child abuse or
15 neglect; and

16 (2) The information has insufficient current probative value to justify its retention in the
17 record.

18 (e) The court may consider the following factors in deciding the motion:

- 1 (1) The nature of the allegations leading to the finding;
2 (2) The age at the time of the alleged acts, and the amount of time that has elapsed;
3 (3) The circumstances that would indicate whether a similar incident would be likely to
4 reoccur;
5 (4) Any activities that would reflect upon the movant's changed behavior or circumstances,
6 such as therapy, employment, or education;
7 (5) Any references that attest to the movant's good moral character; and
8 (6) Any other information the court deems relevant.
9 (f) If the court grants the motion, it shall order all records relating to the finding removed
10 from public inspection. Any custodian of records of substantiated findings shall not disclose the
11 existence of the finding upon inquiry from any source unless the inquiry is that of the individual
12 whose record was expunged. The custodian of any records of substantiated findings which have
13 been expunged pursuant to this section shall only release or allow access to those records by order
14 of a court.

15 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 COURTS AND CIVIL PROCEDURE -- COURTS -- FAMILY COURT --
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- 1 This act would create a family court process to expunge a substantiated finding of child
- 2 abuse or neglect by the department of children, youth and families.
- 3 This act would take effect upon passage.

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