

2013 -- H 5749

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO HUMAN SERVICES -- ABUSED AND NEGLECTED CHILDREN

Introduced By: Representatives Naughton, Ackerman, Silva, Bennett, and Hull

Date Introduced: February 28, 2013

Referred To: House Finance

(Children, Youth and Families)

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 40-11-3 of the General Laws in Chapter 40-11 entitled "Abused and  
2 Neglected Children" is hereby amended to read as follows:

3           **40-11-3. Duty to report -- Deprivation of nutrition or medical treatment.** -- (a) Any  
4 person who has reasonable cause to know or suspect that any child has been abused or neglected  
5 as defined in section 40-11-2 or has been a victim of sexual abuse by another child shall, within  
6 twenty-four (24) hours, transfer that information to the department of children, youth and families  
7 or its agent who shall cause the report to be investigated immediately. As a result of those reports  
8 and referrals, protective social services shall be made available to those children in an effort to  
9 safeguard and enhance the welfare of those children and to provide a means to prevent further  
10 abuse or neglect. The department shall establish and implement a single, statewide, toll-free  
11 telephone to operate twenty-four (24) hours per day, seven (7) days per week for the receipt of  
12 reports concerning child abuse and neglect, which reports shall be electronically recorded and  
13 placed in the central registry established by section 42-72-7. The electronically recorded records,  
14 properly indexed by date and other essential identifying data, shall be maintained for a minimum  
15 of three (3) years; provided, however, any person who has been reported for child abuse and/or  
16 neglect and who has been determined not to have neglected and/or abused a child, shall have his  
17 or her record expunged as to that incident three (3) years after that determination. The department  
18 shall ~~establish rules and regulations requiring hospitals, health care centers, emergency rooms and~~  
19 ~~other appropriate health facilities to report on a quarterly basis the number of cases reported by~~

1 ~~these institutions as suspected child abuse~~ continuously maintain a management information  
2 database which includes all of the information required to implement this section, including the  
3 number of cases reported by hospitals, health care centers, emergency rooms and other  
4 appropriate health care facilities.

5 (b) The reporting shall include immediate notification of the department of any instance  
6 where parents of an infant have requested deprivation of nutrition that is necessary to sustain life  
7 and/or who have requested deprivation of medical or surgical intervention that is necessary to  
8 remedy or ameliorate a life threatening medical condition, if the nutrition or medical or surgical  
9 intervention is generally provided to similar nutritional, medical, or surgical conditioned infants,  
10 whether disabled or not.

11 (c) Nothing in this section shall be interpreted to prevent a child's parents and physician  
12 from discontinuing the use of life-support systems or nonpalliative treatment for a child who is  
13 terminally ill where, in the opinion of the child's physician exercising competent medical  
14 judgment, the child has no reasonable chance of recovery from the terminal illness despite every  
15 appropriate medical treatment to correct the condition.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO HUMAN SERVICES -- ABUSED AND NEGLECTED CHILDREN

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1           This act would repeal the provisions of the general laws which required the department of  
2 children, youth and families to establish rules and regulations requiring hospitals and other health  
3 care facilities to submit quarterly reports regarding suspected child abuse and neglect cases and  
4 would establish a management information database which would include the number of cases  
5 reported and other information as required in this section.

6           This act would take effect upon passage.

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