

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN - PROCEEDINGS IN
FAMILY COURT

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 03, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

14-1-27. Temporary detention in public or private institutions. -- (a) Subject to § 14-
1-11, provision may be made by the family court for the temporary detention of children at the
training school for youth or in the custody of the director of the department of children, youth and
families. No child twelve (12) years of age or younger shall be detained at the training school
unless the child is charged with a delinquent offense involving murder. The court may authorize
the temporary placement of children in private homes licensed and approved by the department of
children, youth, and families and subject to the supervision of the court, or may arrange with any
incorporated institution or agency licensed for child care, to receive for temporary care children
ordered detained by the court. Unless good cause is shown to delay the commencement of the
adjudicatory hearing, if a child is in detention, the family court shall commence the adjudicatory
hearing within thirty (30) calendar days from whichever of the following events occurs latest: the
date the petition is served on the child; or the date the child is placed in detention. In all such
cases, the family court shall conclude the adjudicatory hearing within fifteen (15) calendar days
of the commencement of the hearing unless good cause is shown to extend an adjudicatory
hearing beyond fifteen (15) calendar days.

(b) In any case wherein the attorney general files an application to waive and/or certify a

1 youth, the juvenile may be detained at the training school for a period not to exceed ninety (90)
2 days. In such cases, the department shall present to the family court a waiver report within forty-
3 five (45) calendar days. At the expiration of ninety (90) days, the attorney general's petition for
4 waiver and/or certification shall be decided by the family court, unless good cause is shown to
5 extend the time upon which the family court may render such a decision.

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

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

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

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

28 **14-1-36. Commitment of delinquent and wayward children. --** (a) In all proceedings
29 under this chapter, the court may order a delinquent or wayward child to be committed to the
30 training school for youth for a sentence no longer than the youth's nineteenth birthday. [No child](#)
31 [twelve \(12\) years of age or younger shall be committed to the training school pursuant to this](#)
32 [section unless the child is found delinquent for committing an offense involving murder.](#)
33 However, nothing contained in this section shall be construed to prohibit the placing of any child
34 in the custody of the department of children, youth and families or any other agency, society, or

1 institution, pursuant to § 14-1-32. The commitment of delinquent or wayward children shall be by
2 an order and all assignments of the custody of dependent, neglected, delinquent, or wayward
3 children to the state training school for youth or to the custody of the department of children,
4 youth and families or to any of the private institutions, agencies, or societies mentioned in this
5 chapter shall be by a decree signed by the justice of the court by whom the order or decree is
6 issued, and that order or decree shall be directed to any person that the court may designate, and
7 shall require that person to take the child and deliver him or her to the officer in charge of the
8 training school for youth or to the custody of the director of children, youth and families or of the
9 public or private institution, agency, or society, and the order or decree shall constitute the person
10 charged with it, while he or she has the order in his or her possession for service, an officer for all
11 purposes under this chapter, in any county of the state in which it may be necessary for him or her
12 to go. The person charged with carrying out the order or decree shall also deliver to the officer of
13 the public or private institution, agency, or society or to the training school for youth or the
14 director of children, youth and families a copy of the order or the decree signed by the justice of
15 the court issuing it, and subject to the provisions of this chapter, the officer and other authorities
16 in charge of the training school for youth or the director of children, youth and families or any
17 public or private institution, agency, or society shall hold the child according to the terms of any
18 other order or decree that may from time to time thereafter be issued by the court in relation to the
19 child.

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

23 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 limit the temporary detention at, or commitment to, the training school of
- 2 a juvenile twelve (12) years of age or younger to situations in which that juvenile has been
- 3 charged with or found delinquent of committing an offense involving murder.
- 4 This act would take effect upon passage.

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