

2023 -- S 0344

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN  
FAMILY COURT

Introduced By: Senators Valverde, Euer, Pearson, McKenney, Britto, Mack, Acosta,  
Murray, Lauria, and DiMario

Date Introduced: February 16, 2023

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 under the age of fourteen (14) years at the training school for any offense unless the child is charged  
8 with murder, first degree sexual assault, or an attempt to commit such offenses. The court may  
9 authorize the temporary placement of children in private homes licensed and approved by the  
10 department of children, youth and families and subject to the supervision of the court, or may  
11 arrange with any incorporated institution or agency licensed for child care, to receive for temporary  
12 care children ordered detained by the court. Unless good cause is shown to delay the  
13 commencement of the adjudicatory hearing, if a child is in detention, the family court shall  
14 commence the adjudicatory hearing within thirty (30) calendar days from whichever of the  
15 following events occurs latest: the date the petition is served on the child; or the date the child is  
16 placed in detention. In all such cases, the family court shall conclude the adjudicatory hearing  
17 within fifteen (15) calendar days of the commencement of the hearing unless good cause is shown  
18 to extend an adjudicatory hearing beyond fifteen (15) calendar days.

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

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

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

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

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

29 **14-1-36. Commitment of delinquent and wayward children.**

30 (a) In all proceedings under this chapter, the court may order a delinquent or wayward child  
31 to be committed to the training school for youth for a sentence no longer than the youth's nineteenth  
32 birthday. Provided, the family court shall not commit any juvenile under the age of fourteen (14)  
33 years to the training school for any offense other than murder, first degree sexual assault, or an  
34 attempt to commit such offenses. Should a juvenile under the age of fourteen (14) years be

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

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

27 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 prohibit the family court from detaining any juvenile or committing any  
2 juvenile, under the age of fourteen (14) years, to the training school, for any offense other than  
3 murder, first degree sexual assault or an attempt to commit such offenses, and the court determines  
4 that there is no other reasonable placement location to ensure the safety of the juvenile or any other  
5 person.

6           This act would take effect upon passage.

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