

Reporting Child Abuse and/or Neglect to the Call Floor

Rhode Island Department of Children, Youth and Families

Policy: 500.0000

Effective Date: July 7, 1984 Revised Date: February 3, 2003 Version: 3

All persons in Rhode Island, who have reasonable cause to know or suspect that any child has been abused and/or neglected or has been a victim of sexual abuse by another child, are required by Rhode Island General Law (RIGL) 40-11-3 to report this information to the Department of Children, Youth and Families within twenty-four (24) hours.

RIGL 40-11-2 defines an "abused and/or neglected child" as a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare:

- Inflicts, or allows to be inflicted upon the child, physical or mental injury, including excessive corporal punishment; or
- Creates or allows to be created a substantial risk of physical or mental injury to the child, including excessive corporal punishment; or
- Commits or allows to be committed, against the child, an act of sexual abuse; or
- Fails to supply the child with adequate food, clothing, shelter or medical care, though financially able to do so or offered financial or other reasonable means to do so; or
- Fails to provide the child with a minimum degree of care or proper supervision or guardianship because of his or her unwillingness or inability to do so by situations or conditions such as, but not limited to, social problems, mental incompetency, or the use of a drug, drugs, or alcohol to the extent that the parent or other person responsible for the child's welfare loses his or her ability or is unwilling to properly care for the child; or
- Abandons or deserts the child; or
- Sexually exploits the child in that the person allows, permits or encourages the child to engage in prostitution as defined by the provisions of chapter 34 of title 11, entitled "Prostitution and Lewdness"; or
- Sexually exploits the child in that the person allows, permits, encourages or engages in the obscene or pornographic photographing, filming or depiction of the child in a setting which taken as a whole suggests to the average person that the child is about to engage in or has engaged in, any sexual act, or which depicts any such child under eighteen (18) years of age, performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality; or
- Commits or allows to be committed any sexual offense against the child as such sexual offenses are defined by the provisions of chapter 37 of title 11 entitled "Sexual Assault", as amended; or
- Commits or allows to be committed against any child an act involving sexual penetration or sexual contact if the child is under fifteen (15) years of age; or if the child is fifteen (15) years or older, and (1) force or coercion is used by the perpetrator, or (2) the perpetrator knows or has reason to know that the victim is a severely impaired person as defined by the provisions of § 11-5-11, or physically helpless as defined by the provisions of § 11-37-6.

Additionally, RIGL 14-1-3 defines a neglected child as a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare fails to provide the child proper education as required by law.

RIGL 40-11-2 defines a "person responsible for child's welfare" as the child's parent, guardian, foster parent, an employee of a public or private residential home or facility, or any staff person providing out-of-home care (out-of-home care means child day care to include family day care, group day care, and center-based day care).

The Department has developed a centralized intake and information system to effectively and efficiently control and monitor the flow of child abuse and/or neglect (CA/N) reports. The Call Floor is comprised of highly trained staff who receive and process reports through a twenty-four (24) hours per day, seven (7) days per week hotline. The Rhode Island's Children's Information System (RICHIST) provides instant information on previous CA/N reports and can monitor and track the progress of current investigations.

In compliance with RIGL 40-11-3, all reports of child abuse and/or neglect received by the Call Floor are electronically recorded and maintained in RICHIST for a minimum of three (3) years. However, any person who has been reported for child abuse and/or neglect and who has been determined not to have neglected and/or abused a child, shall have his or her record, relative to that incident, expunged three (3) years after that determination. Additionally, reports made to the Call Floor that do not meet the criteria for investigation (refer to Refer to Policy 500.0010, Criteria for a Child Protective Services Investigation) are expunged after three (3) years.

RIGL 40-11-4 allows any person who, in good faith, makes a report of child abuse and/or neglect to have immunity from any civil or criminal liability. RIGL 40-11-3.2 makes it a misdemeanor for any person to knowingly and willfully make or cause to be made a false report of child abuse and/or neglect. RIGL 42-72-8 (b), 9 allows the Department to release records to the Office of the Attorney General when the Office is engaged in the investigation or prosecution of criminal conduct related to false reporting of child abuse and/or neglect.

Related Procedure...

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Reporting Child Abuse and/or Neglect to the Call Floor

Procedure from Policy 500.0000: Reporting Child Abuse and/or Neglect to the Call Floor

- A. There is a statewide, toll-free phone number established to receive child abuse and neglect (CA/N) reports on a twenty-four (24) hours per day, seven (7) days per week basis.
- B. All reports are electronically recorded and shall be maintained for a minimum of three (3) years in a central registry.
 - 1. Any person who has been reported for child abuse and/or neglect and who has been determined not to have neglected and/or abused a child, shall have his or her record, relative to that incident, expunged three (3) years after that determination.
 - 2. Additionally, any report made to the Call Floor that does not meet the criteria for investigation (refer to Refer to Policy 500.0010, Criteria for a Child Protective Services Investigation) shall be expunged after three (3) years.
- C. All CA/N reports must come through the Call Floor. These include reports on families new to the Department and also on families previously and currently active with the Department.
- D. All CA/N reports that are received by DCYF personnel other than Call Floor workers must be immediately forwarded to the Call Floor.
- E. The Department has established criteria for accepting or rejecting a child abuse and/or neglect (CA/N) report for investigation. Refer to Policy 500.0010, Criteria for a Child Protective Services Investigation.
- F. For each report received by the Call Floor alleging institutional abuse and/or neglect, a CPS report is completed and processed in the same manner as any other report to the Call Floor. Refer to Policy 500.0060, Processing and Notifications for an Alleged Institutional Abuse/Neglect Case.