

Reporting Child Abuse and/or Neglect

Rhode Island Department of Children, Youth and Families

Policy: 500.0000

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All persons, 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/her parent or other person responsible for his/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 incompetence, 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 RIGL 11-34, 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 (sexual offenses are defined by the provisions of RIGL 11-37, 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 RIGL 11-5-11, or physically helpless as defined by the provisions of RIGL 11-37-6.

The Child Abuse Prevention and Treatment Act (PL 98 457) and RIGL 40-11-3 require the Department to receive and respond to reports of medical neglect, including reports of the medical

neglect of or withholding medically indicated treatment from a disabled infant with life threatening conditions. Medically indicated treatment is defined as treatment, including appropriate nutrition, hydration and medication, which, in the treating physician/nurse practitioner's reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the infant's life threatening conditions. Any person who has knowledge or suspicion of such medical neglect or withholding of medical treatment from a disabled infant (aged one year or less) must report it to the Child Protective Services Hotline immediately. While federal law provides specific protections for medically fragile infants, RI General Law requires that medical neglect or the withholding of medically indicated treatment from any child be reported to the Child Protective Services Hotline immediately.

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 or guardian, any individual, eighteen (18) years of age or older, who resides in the home of a parent or guardian and has unsupervised access to a child, a foster parent, an employee of a public or private residential home or facility or any staff person providing out-of-home care, which includes family child care, group family child care and center-based child care.

The Department has 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 Child Protective Services (CPS) Hotline is staffed by Child Protective Investigators (CPI), highly trained employees who receive and process reports through the CPS Hotline twenty-four (24) hours per day, seven (7) days per week. The Rhode Island Children's Information System (RICHIST) provides instant information on previous CA/N reports and can monitor and track the progress of current investigations. Some reports are made in person or writing through US mail, electronic mail, the internet or other modality; any report is referred to the Call Floor.

In compliance with RIGL 40-11-3, all reports of child abuse and/or neglect received by the CPS Hotline 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 will have his or her record, relative to that incident, expunged three (3) years after that determination. Additionally, reports made to the Hotline that do not meet the criteria for 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 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

[Reporting Child Abuse and/or Neglect](#)

Related Policy

[Criteria for a Child Protective Services Investigation](#)

[Information/Referral Reports](#)

[Processing and Notifications for an Alleged Institutional Abuse/Neglect Case](#)

Reporting Child Abuse and/or Neglect

Procedure from Policy 500.0000: [Reporting Child Abuse and/or Neglect](#)

- A. The Department's Child Protective Services (CPS) Hotline provides a statewide, toll-free phone number established to receive child abuse and neglect (CA/N) reports twenty-four hours per day, seven days per week.
- B. All reports are electronically recorded and maintained for a minimum of three 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, will have his or her record, relative to that incident, expunged three years after that determination.
 - 2. Additionally, any report made to the Hotline that does not meet the criteria for a CPS investigation is expunged after three years. Refer to [Policy 500.0010, Criteria for a Child Protective Services Investigation](#) and [Policy 500.0040, Information/Referral Reports](#).
- C. All CA/N reports must come through the Hotline. 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 Hotline staff must be immediately forwarded to the Hotline. This includes in person or written reports from any source.
- E. The Department criteria for accepting or rejecting a CPS report for investigation are described in [DCYF Policy 500.0010, Criteria for a Child Protective Services Investigation](#).
- F. For each report received by the Hotline alleging institutional abuse and/or neglect, a CPS report is completed and processed in conformance with [DCYF Policy 500.0060, Processing and Notifications for an Alleged Institutional Abuse/Neglect Case](#).
- G. In conformance with the Child Abuse and Treatment Act (PL 98 -457) and RI General Law 40-11-33, the Department immediately responds to any report that parents refuse, despite the reasonable medical judgment of the attending physician/nurse practitioner, to provide medically indicated treatment to a disabled infant with life threatening conditions or any child with medical needs.
 - 1. Any person who has knowledge or suspicion of medical neglect or withholding of medical treatment from a disabled infant (aged one year or less) must report it to the Child Protective Services Hotline immediately. The Department coordinates and consults with the medical staff designated by the hospital.
 - 2. Any person who has knowledge or suspicion of medical neglect or withholding of medical treatment from a child must report it to the Child Protective Services Hotline immediately.
 - 3. The Department initiates legal action as necessary through the initiation of court action and pursues a court order for an independent evaluation of the infant/child when necessary to resolve allegations related to medical neglect.