

Healthy Children and Youth
Strong Families
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DCYF



RI Mandatory Reporting Laws

Presented by:
The Department of Children, Youth & Families

Mandatory Reporting prior to July 2016

Rhode Island General Law (R.I.G.L.) §40-11-3:

“[a]ny person who has reasonable cause to know or suspect that any child has been abused or neglected as defined in R.I.G.L. §40-11-2 or has been a victim of sexual abuse by another child shall, within 24 hours, transfer that information to the Department of Children, Youth & Families or its agent who shall cause the report to be investigated immediately.”

**Since 1976, all Rhode Islanders have
been mandated reporters**

R.I.G.L. §40-11-3.3

Duty to report – Sexual abuse of a child in an educational program

Signed into law
July 6, 2016

The Governor signed R.I.G.L. §40-11-3.3 in 2016. This law is directly attributed to the St. George's sex abuse allegations (Middletown, RI).

Educational
institutions are
specifically required
to report sexual
abuse

Alleged victim: Child in an educational program.

Alleged perpetrator: Employee, agent, contractor, or volunteer of an educational program as defined by R.I.G.L. § 40-11-2.

Requirement: Any person who has reasonable cause to know or suspect that any child has been the victim of sexual abuse shall, within twenty-four (24) hours, transfer that information to the Department of Children, Youth and Families

What is the
difference
between §40-11-3
and §40-11-3.3?

The only difference is §40-11-3.3 clarifies the duty of school departments to report to the DCYF sexual abuse of a child in their program by an employee, agent, contractor, or volunteer.

R.I.G.L. §40-11-3.3 and “reasonable cause”

The law states: **“[a]ny person who has reasonable cause to know or suspect that any child has been the victim of sexual abuse** by an employee, agent, contractor, or volunteer of an **educational program** as defined in § 40-11-2 shall, within twenty-four (24) hours, transfer that information to the department of children, youth and families, or its agent,.....”

“Reasonable cause” is not intended to be an abstract principle; it involves a practical analysis from a reasonable and prudent person.

It does NOT require certainty that abuse has occurred.

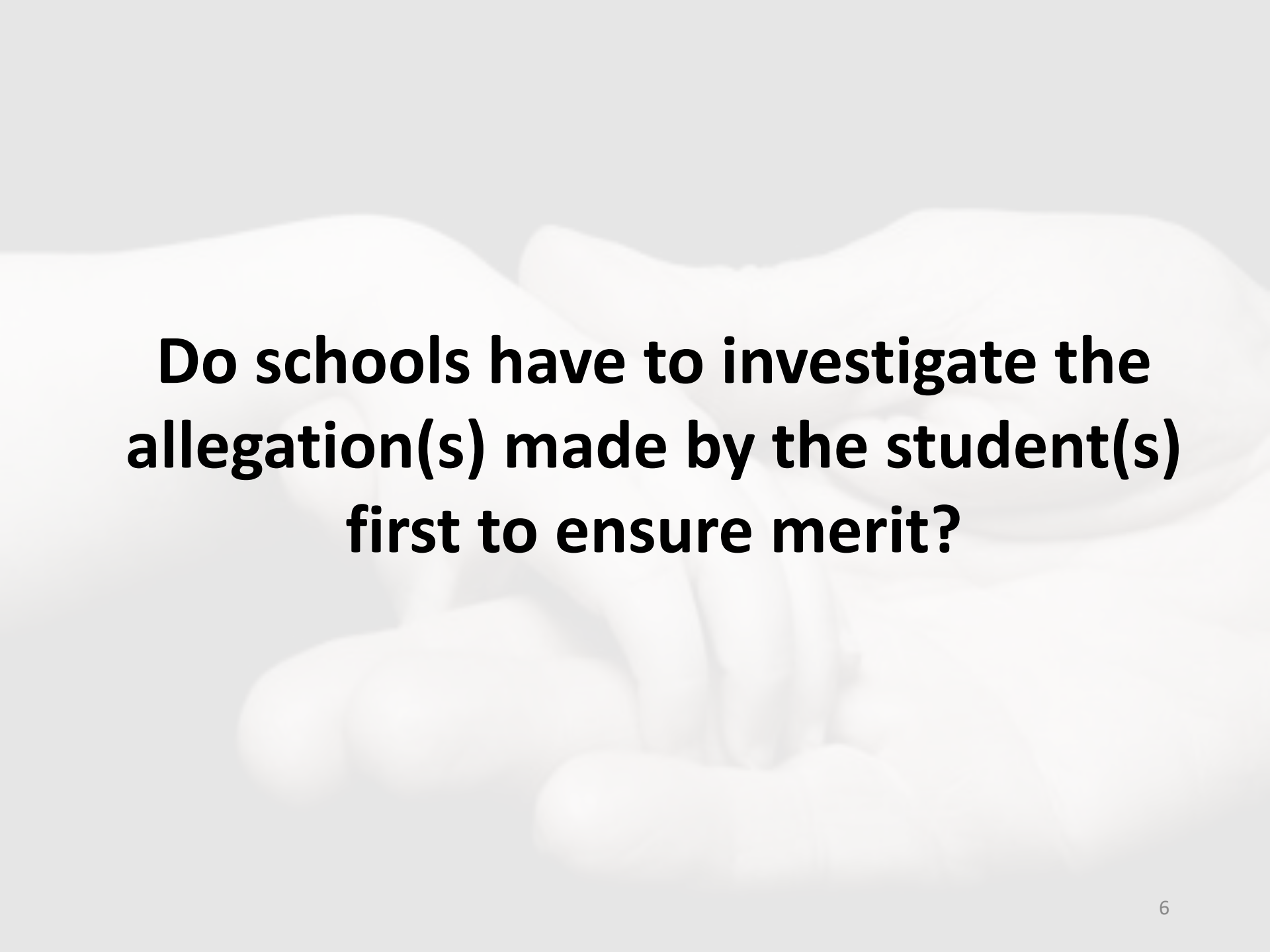
What does “sexual abuse” mean?

Guidance can be found in at least two places within the RI General Laws:

R.I.G.L. §11-37-1 –CHILD MOLESTATION LAWS defines the following terms:

“Sexual contact” as the intentional touching of the victim's or accused's intimate parts, clothed or unclothed, if that intentional touching can be reasonably construed as intended by the accused to be for the purpose of sexual arousal, gratification, **or** assault.

“Intimate parts” means the genital or anal areas, groin, inner thigh, or buttock of any person or the breast of a female.

A pair of hands holding a pen, with the text overlaid.

**Do schools have to investigate the
allegation(s) made by the student(s)
first to ensure merit?**

The answer is “NO!”

School administrators, teachers, and counselors already have a lot of responsibility – they are not law enforcement officers or professional investigators.

The 24-hour mandate to report was added to ensure that educators pass the responsibility of any investigation required, including weighing the credibility/veracity of said claims onto professionals equipped & trained to handle abuse allegations – i.e. DCYF investigators, police, and prosecutors (Attorney General’s office).



Call 1 (800) RI-CHILD

What if a child reports abuse to a school official?

(Or, if you observe signs of abuse or neglect?)

TAKE MINIMAL FACTS

Do not interrogate the child. Get enough information to make yourself aware of the situation but this is NOT the time to interview the child extensively.

TAKE NOTICE

If a child makes a disclosure that includes being touched “inappropriately” by anyone on their intimate body parts (chest/breasts, buttocks, inner thigh, anus, vagina, penis, etc.) that is enough to alert you that sexual abuse is being alleged.

APPLY COMMON SENSE

A child may not specifically state the words “breasts, buttocks, etc.” due to age, immaturity, fear, or nervousness. But, if you have a suspicion, **CALL!**

Call DCYF immediately - either solely or collectively with any other staff member or colleague that was made aware of the situation.

Why should I take only minimal facts?

There are important checks and balances in place within the criminal system to ensure that only valid, credible, and/or prosecutable cases go forward. Once a child discloses and the matter is referred to DCYF, it will also be reported to law enforcement.

What happens next?

- Police contact the Attorney General's office. Then, the offices work together to coordinate a forensic interview at the Child Advocacy Center at Day One with trained forensic interviewers.
- Medical examinations (if necessary) are scheduled with the Aubin Center at Hasbro Children's Hospital with staff trained to diagnose and treat alleged victims of abuse and/or neglect.
- The purpose of these protocols is to minimize how many times the child is interviewed and mitigate further trauma.
- After the above is completed, law enforcement in the city/town which confirmed child maltreatment are notified if findings are substantiated. In cases where abuse or neglect rises to the level of a criminal act, the Attorney General's office is notified and works with the DCYF and law enforcement to support the victim and their caregivers.

Why is it important for schools to report within 24 hours? Why not do their own investigation?

- Lessen the trauma for the children/victims.
- Prevents re-victimization of the children/victims by repeated interviews/questioning by school officials then law enforcement, which will have to occur anyway.
- Link victims and families immediately to support services available.
- Allows for the proper authorities to assess the credibility of said complaints faster.
- If accusations are not credible or cannot be prosecuted, a determination can be made in a more timely manner and avoid school officials from being wrongly accused and/or kept from his/her employment.
- The Attorney General's office works with the DCYF & local police on a daily basis screening complaints of sexual and physical abuse.
- The Child Abuse Unit (CAU) was created specifically within the Attorney General's Office for these types of cases. We also work with the police on a daily basis and if a case DOES NOT warrant prosecution for credibility reasons or lack of evidence CHARGES ARE NOT FILED.
- The sooner the appropriate authorities (DCYF and police) are notified, the sooner the proper PROTOCOLS for abuse investigations can commence.



Who calls if a child discloses to more than one school official and/or if I am made aware second-hand?

There are two options:

1. Each person can choose to call the hotline (1-800-RI-CHILD) individually.

OR

2. Have one person call on behalf all of the individuals who are aware of the disclosure(s). The person with the most recent and first-person witness testimony is preferable as they are more likely to be the most accurate and helpful.

SUGGESTION – The designated person calling should make the DCYF aware of all the parties that are jointly calling to make their concerns documented.

Give the Hotline all parties' names and titles (if necessary) that were privy to the allegations of abuse within the 24 hours.



Call 1 (800) RI-CHILD

THE BOTTOM LINE

**Everyone in Rhode Island is a mandated reporter.
New law only clarifies the obligation of school districts to ensure alleged sexual abuse
of a child in their program is reported to the DCYF.**

**You CANNOT assume if you told your principal/superior/administrator about
any allegations they will call.**

BE PROACTIVE and make sure the Hotline has been called within 24 hours.

**FOLLOW UP! Especially if you were the one to whom the child confided
directly.**

**Take initiative and call the Hotline yourself if you are concerned a call may not
be made in a timely fashion – especially if you have first-hand knowledge of
the allegations.**

The Take Away Lesson

The Office of the Attorney General reminds us, “Do not leave your common sense at the door!”

Even if you are in doubt or the allegation(s) give(s) you hesitation or pause – CALL DCYF IMMEDIATELY.

In the era of: Sandusky/Penn State sex abuse scandal, St. George's School sex abuse allegations, Boston Diocese sex abuse scandal, US Gymnastics/Michigan State allegations, etc. we all need to be more aware & more proactive.

Reminder: The law does not require you to weigh credibility of the allegations nor do an internal investigation.

Calling the DCYF Hotline

1-800-RI-CHILD (1-800-742-4453)

**The hotline is answered at DCYF's
101 Friendship Street Office.**

Open 24 hours a day, 7 days a week.

Calls are answered by Child Protective Investigators.

Helpful Hints to Remember When Reporting Abuse and Neglect

- Recent and first-person witness testimony is most accurate and helpful.
- Anticipate questions about identifying information (names, jobs, locations, relationships, witnesses...)
- Need to obtain the information in a timely manner
- All calls are recorded
- Reporter's identity is kept confidential or reporter can remain anonymous.
- If you have any questions or require additional assistance, you should ask to speak to the DCYF supervisor.

Role of a Child Protective Investigator

- CPI with or without parent's consent, may remove a child from location and secure examination by a physician (RIGL 40-11-6).
- CPI must interview child in the absence of the alleged perpetrator (RIGL 40-11-7).
- If access to the child is denied, the CPI is to seek the assistance of law enforcement or order to the court (RIGL 40-11-7).
- Attempts are made to maintain children in their own home if there is no immediate risk of harm and if support services for the family can be assessed in the community.

When a Child is Removed from a Parent:

- DCYF will first attempt to place a child with an appropriate relative or caretaker prior to placing the child in foster care.

The DCYF's Role

DCYF has a single, statewide toll-free telephone to operate 7 days a week, 24 hours a day for the receipt of reports concerning abuse and neglect of a child.

DCYF's Child Protective Services Units have the responsibility to investigate the report and to ensure the safety of the child/children. DCYF reports all findings of sexual or physical abuse of a child to law enforcement.

Please remember:

- Not all reports to the DCYF Hotline result in an investigation.
- Not all investigations will result in removal of the child from the home.
- The DCYF's practice approach is:
 - Child-centered, family focused, and community inclusive
 - Child Safety is our number one priority at home, in school, and in the community
 - Children grow best in families
 - We accomplish our mission with support of many others in our communities
- The Department is committed to refocusing efforts to primary prevention in order to reach families *before* crisis.