# Mandatory Reporting Requirements: Children

**Rhode Island**

## Question

### Who is required to report?

- Any person.

### When is a report required and where does it go?

#### When is a report required?

- When there is reasonable cause to know or suspect that a child has been abused or neglected, has been a victim of sexual abuse by another child, or has died as a result of abuse or neglect.
- If a physician, certified registered nurse practitioner or other health care provider is involved in the delivery or care of infants born with or identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure, or a fetal alcohol spectrum disorder, or has cause to suspect that a child coming to him or her for examination, care or treatment is an abused or neglected child or when he or she determines that a child under the age of 12 has a sexually transmitted disease.

#### Where does it go?

- The Department of Children, Youth, and Families Child Abuse Hotline (1-800-742-4453) or (1 (800) RI-CHILD); or online at: [http://www.dcyf.ri.gov/child_welfare/index.php](http://www.dcyf.ri.gov/child_welfare/index.php).
- If the person mandated to report sexual abuse of a child in an educational program is an employee, agent, contractor, or volunteer of that program, they shall immediately notify the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent.
  - In the case of a public educational program, the principal, headmaster, executive director, or other person in charge of the educational program, or his or her designated agent, shall also notify the superintendent of the public educational program.

## What definitions are important to know?

- **“Abused or neglected child”** means a child whose physical or mental welfare is harmed or threatened with harm when a parent or other person responsible for child’s welfare:
  - Inflicts or allows to be inflicted upon the child physical or mental injury (including excessive corporal punishment);
  - Creates or allows to be created a substantial risk thereof (including excessive corporal punishment);
  - Sexually abuses the child (or allows such acts to be committed);
  - 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;
  - 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

---

Last Updated: March 2020
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;

- Abandons or deserts the child;
- Sexually exploits the child in that the person allows, permits or encourages the child to engage in prostitution;
- 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 18 years of age, performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality;
- Commits or allows to be committed any sexual offense against the child; or
- Commits or allows to be committed against any child an act involving sexual penetration or sexual contact if the child is under 15 years of age; or if the child is 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 or physically helpless.

- “Child” means a person under the age of 18.
- “Educational Program” means any public or private school, including boarding schools, or any home-schooling program.
- “Health care provider” means any provider of health care services involved in the delivery or care of infants and/or care of children.
- “Institutional child abuse and neglect” means situations of known or suspected child abuse or neglect where the person allegedly responsible for the abuse or neglect is a foster parent or the employee of a public or private residential child care institution or agency; or any staff person providing out-of-home care or situations where the suspected abuse or neglect occurs as a result of the institution’s practices, policies or conditions.
- “Mental Injury” includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as: failure to thrive; ability to think or reason; control of aggressive or self-destructive impulses; acting-out or misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that the injury must be clearly attributable to the unwillingness or inability of the parent or other person responsible for the child’s welfare to exercise a minimum degree of care toward the child.
- “Person responsible for child’s welfare” means the child’s parent; guardian; any individual, 18 years of age or older, who resides in the home of a parent or guardian and has unsupervised access to a child; 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).
| What timing and procedural requirements apply to reports? | • Reports shall be made within 24 hours.  
• Reports of abuse or neglect resulting in death must be made immediately.  
• For reports by physicians and health care providers: An immediate oral report shall be made by telephone or otherwise to both the department and law enforcement.  
  • To be followed by a report in writing to the department and law enforcement agency explaining the extent and nature of the abuse or neglect the child is alleged to have suffered. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>What information must a report include?</td>
<td>• No requirements for reporting specified by statute.</td>
</tr>
</tbody>
</table>
| Anything else I should know? | • Reporting includes immediate notification of instances “where parents of an infant have requested deprivation of nutrition that is necessary to sustain life and/or who have requested deprivation of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition, if the nutrition or medical or surgical intervention is generally provided to similar nutritional, medical, or surgical conditioned infants, whether disabled or not.”  
• Reportable abuse (and a finding of neglect) may include situations in which a child is denied medical services for religious reasons (R.I. Atty. Gen. Op. No. 92-03-04, March 11, 1992).  
• Reportable abuse does not include situations where a child’s parents and physician discontinue the use of life-support systems or nonpalliative treatment for a child who is terminally ill where, in the opinion of the child’s physician exercising competent medical judgment, the child has no reasonable chance of recovery from the terminal illness despite every appropriate medical treatment to correct the condition.  
• Any person participating in good faith in making a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.  
• Any person, official, physician or institution required to report or perform any other act who knowingly fails to do so or knowingly prevents any person acting reasonably from doing so shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than $500 or imprisonment for not more than 1 year or both.  
• Any person who knowingly and willfully makes or causes to be made to the department a false report of child abuse or neglect shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or imprisoned not more than 1 year or both.  
• Any person, official, physician, or institution who knowingly fails to perform any act required by this chapter or who knowingly prevents another person from performing a required act shall be civilly liable for the damages proximately caused by that failure. |