

# OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492

FAX: (401) 222-3287

EMAIL TO: [info@ripd.org](mailto:info@ripd.org)

WEBSITE: [www.ripd.org](http://www.ripd.org)

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## **TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:**

**House Bill No. 8056**

**ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES—CHILDREN**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender opposes the passage of H8056, which would require the courts and bail commissioners to issue no contact orders against any person arrested for cruelty or neglect of a child, child abuse or child endangerment and to issue orders upon any finding of guilty (with a violation of such orders being a misdemeanor).

The OPD has long opposed the mandatory issuance of any orders, because each case is different. These charges, although they sound serious—and often are—come in many forms, particularly in the child neglect and endangerment cases. In many of these cases, the goal for the family is reunification, worked out through the Family Court. In incredibly serious cases, the no-contact orders might be appropriate, but in many, the family is best served by less draconian orders (such as those ordering supervised visitation). The Department of Children, Youth, and Families (DCYF) is in the best position to determine the appropriate level of interaction between parent and child, and we fear that this bill would undermine their discretion and cause more harm to a family already in turmoil.

In fact, the OPD suggests that, if the Committee is inclined to pass a bill regulating the issuance of these orders, it should be with the caveat that the Family Court and DCYF maintain discretion from the outset. As practitioners in the Family Court, we know that DCYF does not hesitate to file requests for no-contact orders when its workers believe the situation warrants it. They are also the experts in family relations, and often have deep involvement with the families they serve. We think it would be bad policy to remove these decisions from their hands and order mandatory orders be put in place in every single one of these situations.

Accordingly, the OPD opposes the passage of H8056.

Sincerely,

/s/ Angela M. Yingling

Angela M. Yingling

Legislative Liaison

Office of the Public Defender

401-222-1505  
ayingling@ripd.org