



General Assembly

February Session, 2008

Raised Bill No. 5489

LCO No. 1461

01461_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING THE RIGHTS OF PARTIES IN JUVENILE MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) On and after July 1, 2008,
2 whenever an employee or authorized representative of the Department
3 of Children and Families attempts to communicate with a child's
4 family member or guardian with respect to a department investigation,
5 such employee or authorized representative shall, before commencing
6 such communication, provide a plain-language form to the family
7 member or guardian that may be signed and dated by the family
8 member or guardian. Such employee or authorized representative
9 shall also provide the family member or guardian with a copy of such
10 form for the family member or guardian to retain. Such form shall
11 clearly state that: (1) The family member or guardian is not required to
12 permit the department employee or authorized representative to enter
13 the family member's or guardian's residence without a warrant; (2) the
14 family member or guardian is not required to speak with the
15 department employee or authorized representative; (3) the family
16 member or guardian is entitled to contact an attorney for legal advice

17 and an attorney may be present at all times when the family member
18 or guardian is communicating with the employee or authorized
19 representative of the department; (4) any communication or statement
20 made by the family member or guardian may be used in a department
21 report or in a court proceeding; (5) the department employee or
22 authorized representative does not represent the family member or
23 guardian and cannot provide legal advice to that person; and (6) the
24 family member or guardian is not required to sign any document, such
25 as a release or service agreement, and may seek the advice of an
26 attorney before signing any such document.

27 (b) No statement or communication by the family member or
28 guardian and no information obtained by the Department of Children
29 and Families during an investigation shall be admissible in any
30 administrative or judicial proceeding unless the provisions of this
31 section have been complied with.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2008</i> | New section |

Statement of Purpose:

To protect family members and guardians during an investigation of the Department of Children and Families in juvenile matters by requiring a notification of rights.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]