



General Assembly

February Session, 2008

Substitute Bill No. 5489

* HB05489KIDJUD030608 *

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, in the primary
7 language of the family, to the family member or guardian that may be
8 signed and dated by the family member or guardian. Such employee
9 or authorized representative shall also provide the family member or
10 guardian with a copy of such form for the family member or guardian
11 to retain. Such form shall clearly state that: (1) The family member or
12 guardian is not required to permit the department employee or
13 authorized representative to enter the family member's or guardian's
14 residence without a warrant; (2) the family member or guardian is not
15 required to speak with the department employee or authorized
16 representative; (3) the family member or guardian is entitled to contact
17 an attorney for legal advice and an attorney may be present at all times
18 when the family member or guardian is communicating with the
19 employee or authorized representative of the department; (4) any
20 communication or statement made by the family member or guardian

21 may be used in a department report or in a court proceeding; (5) the
22 department employee or authorized representative does not represent
23 the family member or guardian and cannot provide legal advice to that
24 person; (6) the family member or guardian is not required to sign any
25 document, such as a release or service agreement, and may seek the
26 advice of an attorney before signing any such document; and (7)
27 failure to cooperate with the department's representative may have
28 serious consequences, including the filing of a petition in the superior
29 court for juvenile matters or the removal of the child or children from
30 the home, and it is therefore in the interest of the family member or
31 guardian to either speak with the department representative or to
32 secure the advice of a qualified attorney as quickly as possible.

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

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

KID

Joint Favorable Subst. C/R

JUD