



General Assembly

Substitute Bill No. 5143

February Session, 2010

* HB05143HS 022510 *

AN ACT CONCERNING INVESTIGATIONS BY THE DEPARTMENT OF CHILDREN AND FAMILIES.

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

1 Section 1. (NEW) (*Effective July 1, 2010*) (a) (1) Upon receiving a
2 complaint of neglect or abuse of a child, at the time of initial contact
3 with the child's parent or guardian, the Department of Children and
4 Families shall provide the parent or guardian with written notice,
5 stated in plain language, that: (A) The parent or guardian is not
6 required to permit the department's representative to enter the
7 residence without having a warrant that gives such representative
8 authority to enter the residence; (B) the parent or guardian is not
9 required to speak with the department's representative at that time; (C)
10 the parent or guardian is entitled to the representation of an attorney
11 and to have an attorney present when the parent or guardian is
12 questioned by a representative of the department; (D) any statement
13 made by the parent, guardian or other family member may be used
14 against the parent or guardian in an administrative or court
15 proceeding; (E) the department's representative is not an attorney and
16 cannot provide legal advice to the parent or guardian; (F) the parent or
17 guardian is not required to sign any document presented by the
18 department's representative, including, but not limited to, a release of
19 claims or a service agreement, and is entitled to have an attorney
20 review such document before agreeing to sign the document; and (G) a

21 failure to communicate with a representative of the department may
22 have serious consequences, including the department's filing a petition
23 for the removal of the child from the home and, therefore, it is in the
24 parent's or guardian's best interest to either speak with the
25 department's representative or immediately seek the advice of a
26 qualified attorney. The department shall make reasonable efforts to
27 ensure that the notice provided to each recipient is written in a manner
28 that will be understood by the recipient, including, but not limited to,
29 being written in a language understood by the recipient.

30 (2) The parent or guardian shall sign and date the notice described
31 in subdivision (1) of this subsection as evidence of having received the
32 notice. The department shall provide the parent or guardian with a
33 copy of the notice, at the time of the department's initial contact with
34 the parent or guardian.

35 (b) If the Department of Children and Families does not comply
36 with the requirements of subsection (a) of this section, any statement
37 that the department obtains from the parent or guardian, or a child
38 who is a member of the parent's or guardian's family or household,
39 prior to the provision of such notice shall be deemed inadmissible in
40 any administrative or judicial proceeding.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	New section

HS *Joint Favorable Subst.*