



General Assembly

Substitute Bill No. 5143

February Session, 2010

* _____HB05143JUD___040810_____*

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

21 communicate with a representative of the department may have
22 serious consequences, including the department's filing a petition for
23 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 representative of the department 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 representative of the department shall request the parent or
31 guardian to sign and date the notice described in subdivision (1) of this
32 subsection as evidence of having received the notice. If the parent or
33 guardian refuses to sign and date the notice upon such request, the
34 representative of the department shall specifically indicate on the
35 notice that the parent or guardian was requested to sign and date the
36 notice and refused to do so and the representative of the department
37 shall sign the notice as witness to that fact. The department shall
38 provide the parent or guardian with a copy of the notice at the time of
39 the department's initial contact with the parent or guardian.

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

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

JUD *Joint Favorable Subst.*