

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-112—sHB 6312

Judiciary Committee

**AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN
IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND
FAMILIES**

SUMMARY: This act requires the Department of Children and Families (DCF), when making an initial, in-person investigation of a complaint of child abuse or neglect, to give the child's parent or guardian written notice of his or her rights, as well as the implications of his or her failure to communicate with the department.

The DCF representative must (1) ask the parent or guardian to sign and date the notice as evidence of having received it and (2) immediately provide a copy of the signed notice to the parent or guardian. If the parent or guardian refuses to sign, the representative must (1) indicate on the notice that he or she was asked to sign and date it, but refused to do so and (2) sign it as witness to that fact.

EFFECTIVE DATE: October 1, 2011

NOTICE OF PARENTAL RIGHTS

The act requires the notice to be written in plain language and DCF to make reasonable efforts to ensure that it is provided in a language and manner the parent or guardian understands. The notice must inform the parent or guardian that he or she is not required to:

1. permit the DCF representative to enter the residence;
2. speak to the DCF representative at that time; or
3. sign any document presented by the DCF representative, including any release of claims or service agreement.

In addition, the notice must inform the parent or guardian that:

1. he or she is entitled to legal representation, to have an attorney present when questioned by DCF, and to have an attorney review any document before agreeing to sign it;
2. any statement he or she or any other family member makes can be used against the parent or guardian in an administrative or court proceeding;
3. the DCF representative is not an attorney and cannot provide legal advice;
4. his or her failure to communicate with the DCF representative may have serious consequences, including the child's removal from the home; and
5. it is in his or her best interest to either speak with the DCF representative or immediately consult a qualified attorney.

Though the notice states that a parent or guardian is not required to allow the DCF representative to enter, if the DCF representative has probable cause to believe a child is at imminent risk of physical harm, the law allows the department to remove the child from a dangerous situation for a 96-hour period

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(CGS § 17a-101g(e) and (f) and DCF Policy Manual § 34-10-4).

BACKGROUND

DCF Communication

In practice, a DCF employee provides a copy of the brochure “A Parent’s Right to Know” at the start of an abuse and neglect investigation. It includes some of the information that the act requires, such as letting the parent know he or she does not have to speak with the DCF employee.

OLR Tracking: CR:JO:JL:ro