

HB340 INTRODUCED



1 HB340
2 IUYDZW6-1
3 By Representative Paschal
4 RFD: Children and Senior Advocacy
5 First Read: 25-Feb-25



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SYNOPSIS:

Existing law authorizes the State Department of Human Resources to investigate reports of child abuse and neglect. Existing law, administrative rules, and departmental internal policies detail the specific procedures for such an investigation.

Existing law does not provide a uniform procedure for notifying a parent or other individual with legal custody of a child that he or she is under investigation by the department for the alleged abuse or neglect of that child.

This bill would require the department to notify a parent or other individual with legal custody of a child that he or she is under investigation by the department for the abuse or neglect of that child.

This bill would require the department to provide the parent or other individual under investigation with a written explanation of his or her due process rights associated with the investigation, including, but not limited to, the right to review certain records, retain counsel, and seek an administrative review of investigation results.

This bill would require department employees involved with investigations of child abuse or neglect to undergo training.



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29 This bill would require the department to notify
30 individuals for whom child abuse or neglect is
31 indicated of their right to request an administrative
32 records review or, if applicable, an administrative
33 hearing.

34 This bill would require that certain family
35 preservation services be offered before a child is
36 removed from his or her home because of an
37 investigation under this act, with exceptions.

38 This bill would require the State Department of
39 Human Resources to adopt rules and develop a uniform
40 policy relating to the requirements of this act, and
41 would require each county department of human resources
42 to follow the uniform policy.

43 This bill would require the state department to
44 adopt rules to address county departments of human
45 resources that fail to comply with the uniform policy.

46 This bill would also require the department to
47 annually prepare and distribute a report relating to
48 child abuse and neglect investigations.

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A BILL

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TO BE ENTITLED

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AN ACT

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56 Relating to child abuse and neglect; to require the



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57 State Department of Human Resources to provide written
58 notification to parents and legal custodians who are under
59 investigation for the abuse or neglect of their child of the
60 investigation and of certain due process rights associated
61 with the investigation; to provide parameters for the written
62 notifications; to require certain employees of the department
63 to undergo training; to require the department to adopt rules
64 and develop a uniform policy; to require each county
65 department to follow the uniform policy; to authorize the
66 department to develop procedures to address noncompliant
67 county departments; to require the use of certain family
68 preservation services before a child is removed, with
69 exceptions; and to require the department to prepare and
70 distribute an annual report to the Legislature.

71 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

72 Section 1. This act shall be known and may be cited as
73 the Department of Human Resources Transparency and Due Process
74 Rights Notification Act.

75 Section 2. For the purposes of this act, the following
76 terms have the following meanings:

77 (1) DEPARTMENT. The State Department of Human Resources
78 and each county department of human resources.

79 (2) INVESTIGATION. An investigation by the department
80 into an allegation of child abuse or neglect pursuant to
81 Section 26-14-7, Code of Alabama 1975.

82 (3) LEGAL CUSTODIAN. Any individual, agency, or
83 guardian awarded legal custody of a child by a court order.

84 (4) PARENT. A biological parent or an adoptive parent.



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85 Section 3. (a) Any parent or legal custodian of a child
86 who is under investigation by the department for the alleged
87 abuse or neglect of that child is entitled to each of the
88 following:

89 (1) The following due process rights:

90 a. The right to review and copy at no cost all
91 departmental documents pertinent to the investigation,
92 provided that the department: (i) may withhold documents in
93 any investigation where the parent or legal custodian is
94 reported to have sexually abused his or her child; and (ii)
95 may redact documents to protect the confidentiality of reports
96 and other sensitive communications.

97 b. The right to record any interaction or interview
98 relating to the investigation in which the parent or legal
99 custodian is present.

100 c. The right to be represented by legal counsel at his
101 or her own expense, including the right to be represented
102 before agreeing to any volunteer safety plan. If a parent or
103 legal custodian retains legal counsel for an investigation, he
104 or she must notify the department of the legal counsel and the
105 department shall:

106 1. Include the legal counsel on all correspondence to
107 the individual under investigation; and

108 2. Provide an opportunity for the legal counsel to
109 represent the individual under investigation in any
110 communications, interviews, or meetings with the individual.

111 (2) A written explanation of his or her due process
112 rights pursuant to Section 4(a).



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113 (3) Written notice of the investigation pursuant to
114 Section 4(b).

115 (b) The department must record any communications or
116 interactions it has with a child who is the subject of an
117 investigation under this act when the parent or legal
118 custodian is not present, and preserve the record.

119 Section 4. (a) The written explanation of rights
120 required by Section 3 shall include all of the following:

121 (1) An explanation of the investigative process and the
122 timeline for completing the investigation.

123 (2) The name and contact information for the
124 individuals investigating the alleged child abuse or neglect.

125 (3) An explanation of the department's process for
126 making a complaint against an investigator, including the name
127 and contact information for the supervisor of the
128 investigators assigned to the investigation.

129 (4) An explanation of the individual's right to legal
130 counsel before he or she agrees to any voluntary safety plan
131 as provided in Section 3.

132 (5) A list of any free resources and services offered
133 by the department which may remedy the need for removal
134 without the requirement of a safety plan.

135 (6) That he or she has the right to withhold consent to
136 all of the following, and any impact that his or her
137 withholding may have on the investigation:

138 a. Allowing an investigator from the department to
139 enter his or her home or interview his or her child, unless
140 there is a court order.



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141 b. A medical or psychological examination of the child
142 who is the subject of the investigation, unless there is a
143 court order.

144 c. The release of his or her medical or mental health
145 records, unless there is a court order.

146 d. A drug or urine test, unless there is a court order
147 or just cause, including, but not limited to, a child being
148 directly exposed to an illegal drug or substance.

149 (7) An explanation of the individual's rights to review
150 records as provided in Section 3.

151 (8) A statement that any statement or admission made by
152 the parent or legal custodian to the department or anyone
153 acting on behalf of the department may be used against him or
154 her in a civil proceeding or a criminal case, including
155 temporary or permanent removal proceedings.

156 (b) The written notice required by Section 3 shall
157 include:

158 (1) A description of the reported abuse or neglect,
159 including the dates on which the abuse or neglect is alleged
160 to have occurred;

161 (2) The full name and the date of birth of the child
162 who is the subject of the investigation; and

163 (3) The name of the individual alleged to have
164 committed the abuse or neglect.

165 (c) (1) The department shall establish a training
166 program for employees and investigators involved in the
167 investigation of parents and legal custodians pursuant to this
168 act. The training must include, but is not limited to:



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169 a. Best practices for investigation techniques,
170 including how to balance personal feelings with
171 professionalism when decision-making; and

172 b. An explanation of family preservation services and
173 contingency plans, as provided in Section 5.

174 (2) No employee of the department may participate in an
175 investigation under this act or the removal of a child from
176 his or her home because of an investigation under this act
177 until the employee has participated in the training.

178 Section 5. (a) At the conclusion of an investigation
179 under this act, the department shall provide written notice to
180 the accused individual of the result of the investigation in
181 accordance with the time frame provided in department policy.

182 (b) (1) If the investigation indicated child abuse or
183 neglect, the department must inform the indicated individual
184 in writing of his or her rights to an administrative review
185 or, if applicable, an administrative hearing.

186 (2)a. If the indicated individual chooses to request an
187 administrative review or, if applicable, an administrative
188 hearing, he or she must request the review or hearing in
189 writing within 10 business days of receipt of notification of
190 the investigation's findings.

191 b. If the request for an administrative review or
192 administrative hearing is made by mail:

193 1. The request must be in the form of a certified
194 letter, restricted delivery, return receipt requested, and
195 postmarked within the 10 day period; and

196 2. The indicated individual, or his or her counsel,



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197 must notify the department via phone call or other electronic
198 communication that the request has been mailed.

199 (c) Upon the receipt of a request, the department shall
200 immediately provide the indicated individual and his or her
201 counsel with access to the relevant nonconfidential
202 investigation records. The department may redact investigation
203 records to protect sensitive communications and the identity
204 of the individual who reported the child abuse or neglect.

205 (d) Before a child may be removed from his or her home
206 because of the results of an investigation under this act, the
207 department must provide the opportunity to use family
208 preservation services, unless the child must be removed due to
209 imminent risk of abuse or neglect. If a child must be removed,
210 kinship placements, parental visitation, and efforts to
211 provide ongoing parental participation, including involvement
212 in medical and educational decisions, shall be prioritized and
213 the priority shall be noted in the initial Individualized
214 Service Plan (ISP) and any subsequent ISPs.

215 Section 6. (a) The department shall adopt rules to
216 implement and administer this act. The rules shall include:

217 (1) Procedures for the State Department of Human
218 Resources to address county departments and investigators that
219 are not compliant with the requirements of this act,
220 including, but not limited to, a defined time frame for
221 compliance and measures to compel county departments to
222 fulfill their legal duties under this act; and

223 (2) A uniform policy that addresses the requirements of
224 this act and provides a standard time frame for the department



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225 to conduct and complete an investigation into a parent or
226 legal custodian.

227 (b) Each county department of human resources must
228 follow the uniform policy created pursuant to this section.

229 Section 7. No later than March 1 of each year, the
230 department shall prepare and distribute a report to the chairs
231 of the House of Representatives Judiciary Committee, the House
232 of Representatives Children and Senior Advocacy Committee, the
233 Senate Judiciary Committee, and the Senate Children and Youth
234 Health Committee. The report shall detail the following
235 information for the previous calendar year:

236 (1) The number of administrative record review requests
237 made pursuant to this act and the result of those reviews.

238 (2) The number of employees employed by the department
239 who are trained pursuant to this act.

240 (3) The number of children who are placed in the legal
241 custody of relatives or next of kin following an investigation
242 under this act, including a breakdown of how many of those
243 children were voluntarily placed with kin to prevent removal
244 or foster care placement.

245 (4) The number of children who are placed in custody of
246 non-relatives.

247 (5) The number of children who are reunified with their
248 parents or legal custodians disaggregated by age, the reason
249 for initial removal, the length of time the child was removed,
250 and the location of the child during the removal.

251 (6) The number of cases where an advanced pick up order
252 was required for the removal of a child, disaggregated by the



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253 age of the child and the reason the child was removed.

254 (7) The number of cases in which a child was removed
255 without a pick up order, disaggregated by the age of the child
256 and the reason for removal.

257 Section 8. This act shall apply only to reports of
258 child abuse or neglect received by the department on or after
259 October 1, 2025. A report of alleged child abuse or neglect
260 that is received before October 1, 2025, shall be governed by
261 the law in effect on September 30, 2025.

262 Section 9. This act shall become effective on October
263 1, 2025.