

IN THE SENATE

SENATE BILL NO. 1106

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CHILD PROTECTION; AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1648, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING RIGHTS DURING CERTAIN INVESTIGATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 16, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-1648, Idaho Code, and to read as follows:

16-1648. NOTIFICATION OF RIGHTS. (1) When the department, in accordance with this chapter, commences an investigation after having received information that a child may be abused, neglected, or abandoned and in the course of such investigation contacts, directly and in person, the parents, guardians, or any persons having legal custody of the child, then the department shall notify such parents, guardians, or persons that they have the right to:

- (a) Refuse to answer questions;
- (b) Consult with an attorney and have an attorney present during an investigation;
- (c) Refuse entry to their home or other real property; and
- (d) Refuse the questioning of any minor children in their home or on their property, unless there is an order issued by a court of competent jurisdiction authorizing a particular entry or particular questioning or examination.

(2) The notification required by subsection (1) of this section shall be made in writing at the time of or within seventy-two (72) hours after the department makes the first contact directly and in person with the parents, guardians, or other persons having legal custody of the child.

(3) A parent, guardian, or other person having legal custody of the child may expressly assert the rights provided in this section.

(4) The notification required by subsection (1) of this section shall be made in writing on a form prescribed by the department.

(5) The parents, guardians, or other persons having legal custody of the child shall have standing to challenge a violation of the provisions of this section, and such parents, guardians, or persons shall be awarded costs and attorney's fees in accordance with section 12-117, Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2023.