

SENATE No. 114

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish miranda rights for families under investigation by the department of children and families.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Tatiana Rodriguez</i>		
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>3/19/2025</i>

SENATE No. 114

By Mr. DiDomenico (by request), a petition (accompanied by bill, Senate, No. 114) of Tatiana Rodriguez, for legislation to establish miranda rights for families under investigation by the department of children and families. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to establish miranda rights for families under investigation by the department of children and families.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Title

2 This Act shall be known and may be cited as the "Family Protection and Transparency
3 Act."

4 SECTION 2: Definitions

5 Department: Refers to the Massachusetts Department of Children and Families (DCF).

6 Caseworker: Any employee or agent of the DCF conducting investigations or
7 assessments related to child maltreatment claims.

8 Parent or Guardian: The person legally responsible for a child under investigation by the
9 DCF.

Miranda Rights for Families: A set of procedural safeguards for parents and guardians subject to DCF investigations.

SECTION 3: Rights of Families During DCF Investigations

Written Summary of Allegations

Upon first contact with a parent or guardian, the caseworker must provide the guardian/parent a physical written summary of the allegations made against the parent or guardian in a language the parent or guardian can read and/or understand. This document must include:

A clear, concise description of the alleged mistreatment.

A statement of the parent or guardian's rights, including the right to legal counsel, the right to remain silent, and the right to refuse entry into their home without a court order.

Explanation of the Investigation Process

The caseworker must also explain the DCF's investigation process. This written description must include:

The purpose of the investigation and the steps involved.

The legal authority and obligations of the DCF in conducting the investigation.

A timeline for the investigation, including potential outcomes (e.g., unfounded, substantiated).

Information on how the family can seek legal assistance or advocacy services.

29 Recording of Interviews and Written Consent

30 All interviews conducted with the parents, guardians, or children must be recorded, with
31 the parent or guardian's written consent.

32 The caseworker must inform the parent or guardian that any information provided can be
33 used against them in court.

34 SECTION 4: Notice of Rights to the Parent or Guardian

35 Before conducting any interviews or investigations, the caseworker must read and
36 provide in writing the following rights to the parent or guardian:

37 The Right to Remain Silent:

38 Parents or guardians are not required to answer any questions posed by the DCF without
39 the presence of an attorney.

40 The Right to Refuse Entry to the Home Without a Court Order:

41 Caseworkers do not have the right to enter the home without a valid court order, unless
42 there is an immediate and imminent danger to the child.

43 The Right to Legal Representation:

44 Parents or guardians have the right to consult with an attorney at any point during the
45 investigation and may have legal representation during any interaction with the DCF.

46 The Right to Understand the Investigation Process:

The parent or guardian has the right to be fully informed of the DCF's investigative process and timelines.

The Right to Review Evidence:

The parent or guardian is entitled to request and review any non-confidential evidence obtained during the investigation.

SECTION 5: Training and Implementation

Caseworker Training:

The DCF shall provide mandatory training to all caseworkers regarding the requirements of this Act, including proper documentation of allegations, the delivery of Miranda Rights for Families, and compliance with this Act's procedural safeguards.

SECTION 6: Enforcement and Penalties

Penalties for Non-Compliance:

Any caseworker found in violation of this Act by failing to provide the required information or infringing upon the rights of the parents or guardians as described in this Act will face disciplinary action, including suspension or termination of employment, and possible civil liability.

Civil Remedies:

Parents or guardians who are harmed by a violation of this Act have the right to pursue civil remedies, including damages for emotional distress and legal costs.