

1 SB406  
2 151228-1  
3 By Senators Williams, Bussman, Taylor and Fielding  
4 RFD: Judiciary  
5 First Read: 04-APR-13

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8 SYNOPSIS: This bill would provide that all persons  
9 affected by a juvenile court proceeding shall have  
10 the right to notice of the proceeding, the right to  
11 attend the proceeding, and the right for his or her  
12 counsel to receive notice of and attend the  
13 proceeding.

14 This bill would specify the persons who are  
15 entitled to notice.

16 This bill would provide that the right of  
17 notice extends to any proceeding contemplated by  
18 administrative rule promulgated by the Department  
19 of Human Resources. This bill would provide that if  
20 the department or another responsible party fails  
21 to give notice of an administrative proceeding, any  
22 evidence obtained during the proceeding is  
23 inadmissible.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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2           To add Section 12-15-145 to the Code of Alabama  
3 1975; to provide that all persons affected by a juvenile court  
4 proceeding have the right to notice of the proceeding and the  
5 right to attend the proceeding; to specify the persons  
6 entitled to notice; to provide that the right to notice  
7 extends to proceedings conducted pursuant to administrative  
8 rule; and to provide that certain evidence is inadmissible if  
9 the Department of Human Resources fails to provide notice.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11           Section 1. Section 12-15-145 is added to the Code of  
12 Alabama 1975, to read as follows:

13           §12-15-145.

14           (a) All persons affected by a juvenile court  
15 proceeding, including, but not limited to, delinquency,  
16 dependency, or custody brought pursuant to this chapter shall  
17 have the right to notice of and the right to attend all  
18 proceedings and the right for his or her counsel to receive  
19 notice of and to attend any and all proceedings. Notice shall  
20 be given to any class member, parent, foster parent, guardian  
21 ad litem, relative caregiver, preadoptive parent, and any  
22 other party that has a right to be heard in a juvenile  
23 proceeding being held with respect to a child in the state's  
24 care. This right includes all proceedings concerning the child  
25 at issue, the child's care, services provided to the child, or  
26 any plan for the care of the child conducted by any party  
27 including the Department of Human Resources. This right to

1 notice and to attend extends to any and all proceedings  
2 contemplated or established by any administrative rule  
3 promulgated by the Department of Human Resources.

4 (b) If the Department of Human Resources or another  
5 responsible party fails to give notice of a proceeding as  
6 required in this section, any evidence obtained during the  
7 proceeding shall be deemed inadmissible for the purposes of  
8 any court proceeding concerning the child.

9 Section 2. This act shall become effective on the  
10 first day of the third month following its passage and  
11 approval by the Governor, or its otherwise becoming law.