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SUMMARY OF LAWS

HOMESCHOOL LAWS

1. Forty states have adopted homeschool statutes or regulations in the following years:

2009 – ID, ND
2008 – NC, DC
2007 – NV
2006 – UT
2003 – ME
1997 – DE, AK
1996 – MI
1991 – IA
1990 – NH, CT
1989 – ND, HI, and OH
1988 – CO, NY, SC, NC and PA
1987 – MD, MN, VT and WV
1986 – MO
1985 – AR, FL, NM, OR, TN, WA and WY
1984 – GA, LA, RI*, and VA
1983 – WI and MT
1982 – AZ and MS
1947 – NV

** This state still gives superintendents or school boards the discretionary authority to “approve” homeschools.*

NOTE: The rules governing homeschooling in Maryland, New York, and Ohio are state board of education regulations rather than statutes. The rules governing homeschools in Connecticut are Department of Education “Guidelines.” The rest are homeschool or private school statutes enacted by the state legislatures or court decisions governing home education (for example, MA and TX).

2. In at least fifteen states—AK, AL, CA, IL, IN, KS, KY, MI, NE, LA, OH, PA, TN, TX, and WV—individual home education programs may operate under private school or church school laws. Nine of these states do not have specific homeschool statutes making the private school law their only realistic option under which to homeschool. In AK, LA, MI, OH, PA, TN, and WV, homeschoolers have the option to operate under the private school law or a homeschool law.

3. In five states—CO, FL, ME, VA, and UT—*groups* of homeschoolers, rather than individual homeschools, qualify as private or church schools: In these states, homeschoolers have the option to operate under either a homeschool law or the private school law.
4. At present, two states require homeschools to be subject to the discretionary “approval” of the local school district, school board or state commissioner: MA and RI.
5. South Carolina is the only state in which the legislature has specifically exempted homeschool *associations* from compulsory attendance. In South Carolina, any homeschooler enrolled in the South Carolina Association of Independent Home Schools (SCAIHS) or an association of 50 or more homeschoolers does not have to meet the homeschool law requirements.
6. Oklahoma, Idaho, New Jersey, and South Dakota are the only states that do not fit into the category of a homeschool state, private school law state, or approval state. Oklahoma is the only state with a constitutional amendment that specifically guarantees the right to homeschool (“other means of education”). In Idaho, children simply must be “otherwise comparably instructed.” No approval is involved. In New Jersey, homeschools are considered to be under the category “elsewhere than at school.” In South Dakota, they are “alternative instruction programs” along with private schools. They must annually notify and test.
7. Forty-one states *do not* require homeschool parents to meet any specific teacher qualifications. The nine states which require only a high school diploma or a GED are: GA, NC, ND, NM, OH, PA, SC, TN, and WV. The District of Columbia also requires a parent to have either a high school diploma or GED. (In TN, there is no homeschool teacher qualification requirement for grades K-8 and no qualification requirement whatsoever if the student is enrolled in a church-related or private school.) North Dakota does not require a high school diploma or GED, provided that the parent is monitored by a certified teacher for two years.

(Three states—CA, KS, and NY—require homeschool teachers to be “competent,” “qualified,” or “capable of teaching.” In California, Kansas, and New York, a parent can be recognized as competent or capable of teaching without having a high school diploma or GED. New York parents who comply with the home instruction regulation are deemed “competent.”)

8. Twenty-four states require standardized testing *or* evaluation if the family is operating under the homeschool law:
 - a. The following eleven states require standardized testing *only*: AR (standardized testing with the local public school or approved alternate testing procedure in grades K-9); GA (requires annual progress report by instructor and testing every three years beginning at grade 3); HI (grades 3, 5, 8, and 10); MN and NC (annual testing); ND (grades 4, 6, 8, and 10); OR (grades 3, 5, 8, and 10); PA (grades 3, 5, and 8); SD (grades 2, 4, 8, and 11); TN (5, 7, and 9 – homeschools only); and NY (grades 9-12). (Note: MN and GA do not

- require submission of results to the public school. Pennsylvania requires an annual portfolio review in addition to testing.)
- b. Thirteen of the 24 states provide an alternative to testing: CO, FL, IA, LA, ME, MA, NH, NY, OH, VT, VA, WA, and WV. (CO, NH, and WA do *not* require submission of test results or evaluation to the public school.)
9. Two states—VA and VT—allow homeschoolers to obtain some type of religious exemption from compulsory attendance laws:
- a. **Virginia:** “A school board shall excuse from attendance at school . . . any pupil who, together with his parents, by reason of *bona fide religious training or belief*, is conscientiously opposed to attendance at school.” § 22.1-254 (B)(1) (emphasis added). No other requirements apply.
 - b. **Vermont:** “After the filing of the enrollment notice or at a hearing, if the home study program is unable to comply with any specific requirements *due to deep religious conviction* shared by an organized group, the commissioner may waive such requirements if he or she determines that the educational purposes of this section are being or will be substantially met.” Title 16 § 166b(j) (emphasis added). (Note: This exemption is rarely granted.)
10. Five states—CT, IN, KS, ME, and NJ—require instruction or amount of time to be “equivalent” to that of the public school. In Indiana, although the “equivalent curriculum” requirement is still in place, the legislature rendered it inapplicable to homeschools by enacting Indiana Code § 20-33-2-12, which exempts private schools from all curriculum requirements. The term “equivalent” was struck down by courts as void for vagueness in MN and MO. Three states—MD, DE, and RI—require instruction to be “regular and thorough.” In ID, the legislature amended Idaho Code § 33-207 in the 2009 session, removing the vague requirement that children be “comparably” instructed, to read, “instructed in subjects commonly and usually taught in the public schools.”
11. Only three states—ND, NY, and PA—impose high school graduation requirements on homeschoolers.
- a. In **New York**, a high school graduate must complete 4 credits of English, 4 credits of social studies, 2 credits of math, 2 credits of science, 1 credit of art or music, .5 credits of health education, 2 credits of physical education, and 3 credits of electives. 8 N.Y. ADC 100.5.
 - b. **Pennsylvania** requires 4 credits of English, 3 credits of math, 3 credits of science, 3 credits of social studies, and 2 credits of arts and humanities. Pa. Stat. Ann. Tit. 24 § 13-1327.1(c-d).
 - c. **North Dakota** requires 4 credits of English language arts, 4 credits of math, 4 credits of science, 4 credits of social studies (which includes one of world history and one of United States history), .5 credits of health, .5 credits of physical education during each school

year, 2 credits of fine arts (at least one must be music), 2 credits of the same foreign language, and 2 credits of career and technical education. Also, every two years, .5 credits of North Dakota studies, with an emphasis on the geography, history, and agriculture of the state, must be completed. N.D. Cent. Code § 15.1-21-02.

12. Higher courts in six states have ruled that their states' compulsory attendance statutes were unconstitutional because they were too vague:

- a. **Georgia:** the case *Roemhild v. State*, 308 S.E.2d 154 (Ga. 1982), resulted in Georgia's legislature passing a favorable homeschool law.
- b. **Wisconsin:** the case *State v. Popanz*, 332 N.W.2d 750 (Wis. 1983), also resulted in the passage of a favorable homeschool law.
- c. **Minnesota:** the case *State v. Newstrom*, 371 N.W.2d 525 (Minn. 1985), declared the law void because it was too vague. This resulted in the passage of a favorable homeschool law.
- d. **Missouri:** the case *Ellis v. O'Hara*, 612 F. Supp. 379 (E.D. Mo. 1985), declared the law void because it was too vague. This resulted in the passage of a favorable homeschool law. After the homeschool law was passed, the *Ellis* case was reversed as moot. 802 F.2d 462 (8th Cir. 1986).
- e. **Iowa:** Fellowship *Baptist Church v. Benton*, 815 F.2d 485 (8th Cir. 1987), upheld certification requirements against private schools and remanded to a district court the issue of the vagueness of the equivalent instruction requirements. The district court ruled that new administrative regulations cured the vagueness of the statute. 678 F. Supp. 213 (S.D. Iowa 1988).
- f. **Pennsylvania:** the case *Jeffery v. O'Donnell*, 702 F. Supp. 516 (M.D. PA 1988), ruled that Pennsylvania's compulsory attendance statute was unconstitutionally vague as applied to homeschools. This resulted in the passage of a favorable homeschool law.

RELIGIOUS FREEDOM ACTS

13. Sixteen states have passed religious freedom restoration acts (RFRA) which protect religious homeschoolers' rights to train and homeschool their children:

Alabama:	Alabama Constitutional Amendment No. 622
Arizona:	A.R.S. § 41-1493 et seq.
Connecticut:	Conn. Gen. Stat. § 52-571b
Florida:	Fla. Stat. § 761.01 et seq.
Idaho:	Idaho Code § 73-401 et seq.
Illinois:	775 ILCS 35/1 et seq.
Missouri:	RSMo §§ 1.302 and 1.307.

Nevada:	Nev. Rev. Stat. § 392.700(13)
New Mexico:	N.M. Stat. Ann. § 28-22-1
Oklahoma:	Oklahoma Statutes, Section 251 of Title 51.
Pennsylvania:	71 P.S. 2401, <i>et. seq.</i>
Rhode Island:	R.I. Gen. Laws § 42-80.1-1 et seq.
South Carolina:	S.C. Code Ann. § 1-32-10 et seq.
Tennessee:	Tenn. Code Ann. § 4-1-407 (2009 House Bill 1598, effective July 1, 2009)
Texas:	Tex. Civ. Prac. & Rem. Code § 110.001 et seq.
Virginia:	Va. Code Ann. § 57-2.02

In addition to these sixteen states, eight additional states provide a safeguard equivalent to the RFRA through their own state supreme court case law. (These eight states are KS, MA, MN, OH, VT, WA, WI, and MI.)

If a parent in one of these states is homeschooling for religious reasons and has a religious conviction that he or she cannot comply with the state law, the parent could possibly invoke the state’s Religious Freedom Restoration Act as a defense to a truancy prosecution. Typically, in order to override the parents’ religious beliefs, these states require the government to prove with “clear and convincing evidence” that its regulation is “*essential*” for children to be educated and that it is the least restrictive means of fulfilling that interest. This Act restores the protection of individuals’ right to freely exercise their religious beliefs taken away by the U.S. Supreme Court in its 1997 *City of Boerne* decision. 521 U.S. 507. Before invoking such an argument, HSLDA strongly recommends that parents consult with legal counsel.

PARENTAL RIGHTS LAWS

14. Three states have passed Parental Rights Acts protecting the right of parents to train their children:

a. **Michigan**

“It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children.” M.C.L.A. § 380.10.

b. **Kansas**

“It shall be the public policy of this state that parents shall retain the fundamental right to exercise primary control over the care and upbringing of their children in their charge. . . . Any parent may maintain a cause of action in a state court or in any court of competent jurisdiction for claims arising under the principles established in subsection (b).” K.S.A. § 38-141.

c. **Texas**

“The department [of Family and Protective Services] shall... provide family support and family preservation services that respect the fundamental right of parents to control the education and upbringing of their children.” V.T.C.A., Human Resources Code § 40.002 (b)(2).

“A state agency may not adopt rules or policies or take any other action that violates the fundamental right and duty of a parent to direct the upbringing of the parent’s child.” V.T.C.A., Family Code § 151.003.

CHILD ABUSE PREVENTION AND TREATMENT ACT (CAPTA)

15. Twenty-two states have enacted laws giving greater protection to parents during investigations by Child Protective Services. These laws are all modeled after language passed by Congress in the Keeping Children and Families Safe Act of 2003 (S.342).

a. **Alaska** - House Bill 408 2006 (amending AS 47.17.033):

“The training required under (c) of this section must address the constitutional and statutory rights of children and families that apply throughout the investigation and department intervention. The training must inform department representatives of the applicable legal duties to protect the rights and safety of a child and the child’s family.” AS § 47.17.033(j).

b. **Arizona** - House Bill 2024 2003 (amending Section 8-802 of the Arizona Code):

“All child protective services workers shall be trained in their duty to protect the legal rights of children and families from the time of the initial contact through treatment....The training for child protective services workers shall also include instruction on the legal rights of parents and the requirements for legal search and seizure by law enforcement officers.” A.R.S. § 8-802(E).

c. **Arkansas** - Senate Bill 392 2005 (amending Arkansas Code § 12-12-503); In 2009, Senate Bill 464 moved the a slightly revised version of the provision to Arkansas Code § 12-18-602:

“At the initial time of contact with the alleged offender, the person conducting the investigation shall advise the alleged offender of the allegations made against the alleged offender in a manner that is consistent with the laws protecting the rights of the person who made the report.” A.C.A § 12-18-602(c).

d. **California** – Assembly Bill 2749 2004 (amending Section 11167 of the California Penal Code):

Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of

suspected child abuse or neglect made pursuant to Section 11166 or Section 11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in manner that is consistent with laws protecting the identity of the reporter under this article. Cal. Penal Code § 11167(e).

“The training provided pursuant to this section shall include all of the following ... The legal duties of a child protective services social worker, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment. Cal. Penal Code § 16206(c)(13).

e. **Idaho** - Senate Bill 1240 2005 (amending Idaho Code § 16-1629):

“[I]ncluding, but not limited to:

(a) Department employees whose job duties are related to the child protective services system under this chapter shall first be trained as their obligations under this chapter regarding the protection of children whose health and safety may be endangered. The curriculum shall include information regarding their legal duties, how to conduct their work in conformity with the requirements of this chapter, information regarding applicable federal and state laws with regard to the rights of the child, parent and others who may be under investigation under the child protective system, and the applicable legal and constitutional parameters within which they are to conduct their work.

(b) Department employees whose job duties are related to the child protective services system shall advise the individual of the complaints or allegations made against the individual at the time of the initial contact, consistent with protecting the identity of the referent.” I.C. § 16-1629(7).

f. **Illinois** - Senate Bill 2448 2005 (20 ILCS 505/21.5 added to Illinois Code):

“Training; advice to subjects of investigation. The Department shall train all child protective investigators concerning the statutory and constitutional rights of individuals subject to investigation for child abuse and neglect and shall require all child protective investigators to inform individuals subject to a child abuse and neglect investigation concerning the specific complaints or allegations made against the individual.” 20 ILCS 505/21.5.

g. **Indiana** – House Bill 1194 2004 (amending IC 31-33-2-2); In 2006, Senate Bill 132 amended and moved the provision to IC 31-25-2-10. It currently reads:

“The department of child services:

“(3) must provide training to representatives of the department regarding the legal duties of the representatives in carrying out the responsibility of the department under [section 7](#)

of this chapter, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and

(4) must provide training to representatives of the child protective services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an assessment of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana." IC § 31-25-2-10(3)-(4).

h. **Iowa** – House Bill 2327 2004 (amending Section 232.71B of the Iowa Code):

"If a parent is alleged to have committed the child abuse, the notice shall inform the parents regarding the complaint or allegation made regarding the parent. The parents shall be informed in a manner that protects the confidentiality rights of an individual who reported the child abuse or provided information as part of the assessment process." I.C.A. § 232.71B(2).

"The training of a child protection worker shall include but is not limited to the worker's legal duties to protect the constitutional and statutory rights of a child and the child's family members throughout the child or family members' period of involvement with the department beginning with the child abuse report and ending with the department's closure of the case. The curriculum used for the training shall specifically include instruction on the fourth amendment to the Constitution of the United States and parents' legal rights." I.C.A. § 232.76(2)(b).

i. **Louisiana** – Senate Bill 843 2004 (amending LSA-R.S. 46:285):

"No employee of the Department of Social Services ... shall exercise responsibility for any cases until that employee has completed a training program consisting of at least thirty-two hours of instruction, addressing such appropriate topics as ...

Legal aspects of child protection and foster care including the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the constitutional and statutory rights and safety of children and families from the initial time of contact during investigation through treatment." LSA-R.S. 46:285(A)(2).

"Training to ensure that workers are knowledgeable in best practices for promoting collaboration with families and that they are fully aware of the extent and the limits of their legal authority and the legal rights of parents in carrying out such investigations. Training shall include legal duties of workers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment." LSA-R.S. 46:285(A)(6).

"All representatives or employees of the Department of Social Services shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation,

advise the individual of the specific complaints or allegations made against the individual in a manner that is consistent with laws protecting the rights of the informant. LSA-R.S. 46:285(A)(7).

j. **Michigan** - House Bill 5589 2004 (amending MCL 722.628):

“In the course of an investigation, at the time that a department investigator contacts an individual about whom a report has been made under this act or contacts an individual responsible for the health or welfare of a child about whom a report has been made under this act, the department investigator shall advise that individual of the department investigator's name, whom the department investigator represents, and the specific complaints or allegations made against the individual. The department shall ensure that its policies, procedures, and administrative rules ensure compliance with the provisions of this act.” M.C.L.A. 722.628(2).

“All department employees involved in investigating child abuse or child neglect cases shall be trained in the legal duties to protect the state and federal constitutional and statutory rights of children and families from the initial contact of an investigation through the time services are provided.” M.C.L.A. 722.628(17).

k. **Minnesota** – House File 2277 2004 [amending Minnesota Statutes Annotated § 626.556 subsection 10(i)]:

“At the initial contact, the local child welfare agency or the agency responsible for assessing or investigating the report must inform the alleged offender of the complaints or allegations made against the individual in a manner consistent with laws protecting the rights of the person who made the report. The interview with the alleged offender may be postponed if it would jeopardize an active law enforcement investigation.” M.S.A. § 626.556 Subd. 10(i).

l. **Mississippi** – House Bill 1121, Section 3 2007 (amending Section 43-21-353 Mississippi Code of 1972):

“In the course of an investigation, at the initial time of contact with the individual(s) about whom a report has been made under this Youth Court Act or with the individual responsible for the health or welfare of a child about whom a report has been made under this chapter, the Department of Human Services shall inform the individual of the complaints or allegations made against the individual. Consistent with subsection (4), the identity of the person who reported his or her suspicion shall not be disclosed.” Miss. Code Ann. § 43-21-353(1).

m. **Nevada** – Assembly Bill 42 2005 (amending Nevada Revised Statutes Chapter 432B):

“The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for . . .

- (j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:
 - (1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;
 - (2) The procedures for taking a child for placement in protective custody; and
 - (3) The state and federal legal rights of:
 - (I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and
 - (II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding . . .” N.R.S. 432B.190(1)(j).

“1. An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the applicable state and federal constitutional and statutory rights of a person who is responsible for a child's welfare and who is:

- (a) The subject of an investigation of alleged abuse or neglect of a child; or
- (b) A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.” N.R.S. 432B.195(1).

n. **New Hampshire** – House Bill 587 2006 (amending New Hampshire Revised Statutes 169-C:34):

“At the first contact in person, any person investigating a report of abuse or neglect on behalf of the department shall verbally inform the parents of a child suspected of being a victim of abuse or neglect of the specific nature of the charges and that they are under no obligation to allow a social worker or state employee on their premises or surrender their children to interviews unless that social worker or state employee is in possession of a court order to that effect. Upon receiving such information, the parent shall sign a written acknowledgement indicating that the information required under this paragraph was provided by the person conducting the investigation. The parent and department shall each retain a copy of the acknowledgment.” N.H. Rev. Stat. § 169-C:34(VI).

- o. **North Dakota** - House Bill 1267 2005 (amending North Dakota Century Code § 50-25.1-19):

“1. The department, at the initial time of contact with an individual subject to a child abuse or neglect assessment, shall advise the individual of the specific complaints or allegations made against the individual.

2. The department shall provide training to all representatives of the child protective services system regarding the legal duties of the representatives. The training may consist of various methods of informing the representatives of these duties, to protect the legal rights and safety of children and families from the initial time of contact during assessment through treatment.

3. The department shall adopt rules to implement the requirements of this section.” NDCC, 50-25.1-19.

- p. **Ohio** – Senate Bill 185 2004 (amending Ohio Code §§ 2151.421 and 5153.122):

“A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (H)(1) of this section and protects the rights of the person making the report under this section.” O.R.C. § 2151.421(F)(1).

Second provision was amended by HB 7 in 2008 and currently reads:

“The training shall consist of courses in all of the following . . . The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents’ rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations” O.R.C. § 5153.122(K).

- q. **Oklahoma** – House Bill 2718 2004 (amending 10A Okl.St. Ann. 1-2-106) Provision was amended in 2009 and currently reads:

“At the initial time of contact with a person responsible for the health, safety, or welfare of a child who is the subject of an investigation pursuant to the Oklahoma Children’s Code, the Department of Human Services shall advise the person of the specific complaint or allegation made against the person.” 10A Okl. St. Ann. § 1-2-106.

- r. **Tennessee** – Senate Bill 2667 2004 (amending TCA §§ 37-5-106 and 37-1-406):

“All child protective services workers must be trained in their legal duties to protect the constitutional and statutory rights of children and families from the initial time of contact, during the investigation, and through the treatment.” T.C.A. § 37-5-106(a)(10).

“All representatives of the child protective services agency shall, at the initial time of contact with the individual who is subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual consistent with laws protecting the rights of the informant.” T.C.A. § 37-1-406(a).

- s. **Texas** - HouseBill 1 2003 included the following language:

“It is the intent of the Legislature that the training curriculum for CPS Caseworkers funded out of Strategy A.1.2, Child and Family Services, include instruction in the Fourth Amendment to the U.S. Constitution and parents’ rights.”

TX SB 6 2005 (adding Texas Family Code § 361.3011 and amending Texas Family Code § 361.310):

“[Department of Family and Protective Services investigator and law enforcement] training must include information on interviewing techniques, evidence gathering, and testifying in court for criminal investigations, *as well as instruction on rights provided by the Fourth Amendment to the United States Constitution.* V.T.C.A., Family Code § 261.3011(b) (emphasis added).

“The professional training curriculum developed under this section shall include . . . training regarding applicable federal law, including the Adoption and Safe Families Act of 1997 (Pub. L. No. 105-89) and the Child Abuse Prevention and Treatment Act (Pub. L. No. 93-247) and its subsequent amendments by the Keeping Children and Families Safe Act of 2003 (pub. L. No. 108-36).” V.T.C.A., Family Code § 261.310(3);

- t. **Virginia** – House Bill 1135 2004 (amending Virginia Code § 63.2-1502 and adding § 63.2-1516.01):

“[S]tandards of training shall include provisions regarding the legal duties of the workers in order to protect the constitutional and statutory rights and safety of children and families from the initial time of contact during investigation through treatment. Va. Code Ann. § 63.2-1502(6).

“The local department shall, at the initial time of contact with the person subject to a child abuse and neglect investigation, advise such person of the complaints or allegations made against the person, in a manner that is consistent with laws protecting the rights of the person making the report or complaint.” Va. Code Ann. § 63.2-1516.01.

- u. **Washington** – Senate Bill 5922 2005 (amending RCW 26.44.100, 13.34.138, 26.44.015, 26.44.020, 74.13.031, and 13.34.050):

“The department shall notify the parent, guardian, or legal custodian of a child of any allegations of child abuse or neglect made against such person at the initial point of contact with such person, in a manner consistent with the laws maintaining the confidentiality of the persons making the complaints or allegations. Investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.” RCWA 26.44.100(1).

“The department shall provide training to all department personnel who conduct investigations under this section that shall include, but is not limited to, training regarding the legal duties of the department from the initial time of contact during investigation through treatment in order to protect children and families.” RCWA 26.44.100(5).

v. **Wyoming** – Senate Bill 39 2005 (amending Wyoming Code section 14-3-203):

“The state agency shall ensure that all child protective service workers are trained . . . (ii) In the duty of the workers to inform the individual subject to a child abuse or neglect allegation, at the earliest opportunity during the initial contact, of the specific complaints or allegations made against the individual;

(iii) Concerning constitutional and statutory rights of children and families from and after the initial time of contact and the worker’s legal duty not to violate the constitutional and statutory rights of children and families from and after the initial time of contact”
W.S. § 14-3-203.