



General Assembly

February Session, 2012

Amendment

LCO No. 4011

HB0521704011HDO

Offered by:

REP. URBAN, 43rd Dist.

SEN. GERRATANA, 6th Dist.

REP. FAWCETT, 133rd Dist.

To: Subst. House Bill No. 5217

File No. 383

Cal. No. 293

**"AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING
THE DEPARTMENT OF CHILDREN AND FAMILIES."**

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- 1 Strike section 16 in its entirety
- 2 After the last section, add the following and renumber sections and
- 3 internal references accordingly:
- 4 "Sec. 501. (NEW) (*Effective October 1, 2012*) (a) If the Superior Court
- 5 grants a petition to terminate parental rights and appoints the
- 6 Commissioner of Children and Families as statutory parent, the
- 7 commissioner may, after the expiration of any appeal or appeal period,
- 8 file a petition for adoption, together with a written agreement of
- 9 adoption, in the Superior Court that granted the termination of
- 10 parental rights.
- 11 (b) All social studies, psychological reports and court documents
- 12 previously filed in the termination of parental rights proceeding shall

13 be available to the court, subject to the rules of evidence, for review
14 and consideration in acting upon the petition for adoption of such
15 child. The court shall, to the extent possible, protect the confidentiality
16 of biological relatives, unless such information has been previously
17 disclosed.

18 (c) The Department of Children and Families shall prepare and
19 submit with the petition for adoption an adoption social study
20 regarding the proposed adoption, which shall include, but not be
21 limited to, information required in reports filed with courts of probate
22 pursuant to subdivisions (2) and (3) of subsection (b) of section 45a-727
23 of the general statutes. All studies and reports filed with or subsequent
24 to the filing of the petition for adoption shall be available to the
25 adoptive parents. The studies and reports shall be admissible in
26 evidence subject to the right of any interested party to require that the
27 person making it appear as a witness, if available, and such person
28 shall be subject to examination. The court shall, to the extent possible,
29 protect the confidentiality of the biological relatives, unless such
30 information has been previously disclosed.

31 (d) Upon receipt of the petition and the adoption social study, the
32 court shall set a time and date for a hearing and shall give reasonable
33 notice to the Department of Children and Families and all other parties
34 of the adoption agreement, the child, if over twelve years of age, the
35 attorney for the child, and any such other parties, as the court may
36 require.

37 (e) Prior to acting on the petition, the court may continue the matter
38 for further investigation and report, issue orders of notice or take other
39 action. At the hearing, the court may deny the petition, or, if the court
40 is satisfied that the adoption is in the best interests of the child, the
41 court shall enter a decree approving the adoption.

42 (f) The adoptive parents shall be entitled to receive copies of the
43 records and other information relating to the history of the child
44 maintained by the commissioner. The adoptive parents shall be

45 entitled to receive copies of the records, provided, if required by law,
46 the copies have been edited to protect the identity of the biological
47 parents and any other person whose identity is confidential.

48 (g) The provisions of subdivision (3) of subsection (c) of section 45a-
49 727 of the general statutes, sections 45a-731, 45a-732, 45a-736, 45a-737,
50 45a-743 to 45a-746, inclusive, 45a-748 to 45a-753, inclusive, 45a-755 and
51 45a-756 of the general statutes shall apply to adoption proceedings in
52 the Superior Court and the Superior Court shall have all the powers
53 granted to probate courts under said subdivision and sections.

54 Sec. 502. Subdivision (1) of subsection (a) of section 46b-121 of the
55 2012 supplement to the general statutes, as amended by section 83 of
56 public act 09-7 of the September special session and section 6 of public
57 act 11-240, is repealed and the following is substituted in lieu thereof
58 (*Effective October 1, 2012*):

59 (a) (1) Juvenile matters in the civil session include all proceedings
60 concerning uncared-for, neglected or abused children and youths
61 within this state, termination of parental rights of children committed
62 to a state agency, adoption proceedings pursuant to section 501 of this
63 act, matters concerning families with service needs, contested matters
64 involving termination of parental rights or removal of guardian
65 transferred from the Probate Court and the emancipation of minors,
66 but does not include matters of guardianship and adoption or matters
67 affecting property rights of any child or youth over which the Probate
68 Court has jurisdiction, except that appeals from probate concerning
69 adoption, termination of parental rights and removal of a parent as
70 guardian shall be included.

71 Sec. 503. Section 46b-124 of the 2012 supplement to the general
72 statutes is repealed and the following is substituted in lieu thereof
73 (*Effective October 1, 2012*):

74 (a) For the purposes of this section, "records of cases of juvenile
75 matters" includes, but is not limited to, court records, records
76 regarding juveniles maintained by the Court Support Services

77 Division, records regarding juveniles maintained by an organization or
78 agency that has contracted with the Judicial Branch to provide services
79 to juveniles, records of law enforcement agencies including
80 fingerprints, photographs and physical descriptions, and medical,
81 psychological, psychiatric and social welfare studies and reports by
82 juvenile probation officers, public or private institutions, social
83 agencies and clinics.

84 (b) All records of cases of juvenile matters, as provided in section
85 46b-121, as amended by this act, except delinquency proceedings, or
86 any part thereof, and all records of appeals from probate brought to
87 the superior court for juvenile matters pursuant to section 45a-186,
88 shall be confidential and for the use of the court in juvenile matters,
89 and open to inspection or disclosure to any third party, including bona
90 fide researchers commissioned by a state agency, only upon order of
91 the Superior Court, except that: (1) The records concerning any matter
92 transferred from a court of probate pursuant to section 45a-623 or
93 subsection (g) of section 45a-715 or any appeal from probate to the
94 superior court for juvenile matters pursuant to subsection (b) of section
95 45a-186 shall be available to the court of probate from which such
96 matter was transferred or from which such appeal was taken; (2) such
97 records shall be available to (A) the attorney representing the child or
98 youth, including the Division of Public Defender Services, in any
99 proceeding in which such records are relevant, (B) the parents or
100 guardian of the child or youth until such time as the child or youth
101 reaches the age of majority or becomes emancipated, (C) an adult
102 adopted person in accordance with the provisions of sections 45a-736,
103 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the
104 Division of Criminal Justice who in the performance of their duties
105 require access to such records, (E) employees of the Judicial Branch
106 who in the performance of their duties require access to such records,
107 (F) another court under the provisions of subsection (d) of section 46b-
108 115j, (G) the subject of the record, upon submission of satisfactory
109 proof of the subject's identity, pursuant to guidelines prescribed by the
110 Office of the Chief Court Administrator, provided the subject has

111 reached the age of majority or has been emancipated, (H) the
112 Department of Children and Families, and (I) the employees of the
113 Division of Public Defender Services who, in the performance of their
114 duties related to Division of Public Defender Services assigned
115 counsel, require access to such records; and (3) all or part of the
116 records concerning a youth in crisis with respect to whom a court
117 order was issued prior to January 1, 2010, may be made available to
118 the Department of Motor Vehicles, provided such records are relevant
119 to such order. Any records of cases of juvenile matters, or any part
120 thereof, provided to any persons, governmental and private agencies,
121 and institutions pursuant to this section shall not be disclosed, directly
122 or indirectly, to any third party not specified in subsection (d) of this
123 section, except as provided by court order or in the report required
124 under section 54-76d or 54-91a.

125 (c) All records of cases of juvenile matters involving delinquency
126 proceedings, or any part thereof, shall be confidential and for the use
127 of the court in juvenile matters and shall not be disclosed except as
128 provided in this section.

129 (d) Records of cases of juvenile matters involving delinquency
130 proceedings shall be available to (1) Judicial Branch employees who, in
131 the performance of their duties, require access to such records, and (2)
132 employees and authorized agents of state or federal agencies involved
133 in (A) the delinquency proceedings, (B) the provision of services
134 directly to the child, or (C) the design and delivery of treatment
135 programs pursuant to section 46b-121j. Such employees and
136 authorized agents include, but are not limited to, law enforcement
137 officials, state and federal prosecutorial officials, school officials in
138 accordance with section 10-233h, court officials including officials of
139 both the regular criminal docket and the docket for juvenile matters
140 and officials of the Division of Criminal Justice, the Division of Public
141 Defender Services, the Department of Children and Families, the Court
142 Support Services Division and agencies under contract with the
143 Judicial Branch. Such records shall also be available to (i) the attorney
144 representing the child, including the Division of Public Defender

145 Services, in any proceeding in which such records are relevant, (ii) the
146 parents or guardian of the child, until such time as the subject of the
147 record reaches the age of majority, (iii) the subject of the record, upon
148 submission of satisfactory proof of the subject's identity, pursuant to
149 guidelines prescribed by the Office of the Chief Court Administrator,
150 provided the subject has reached the age of majority, (iv) law
151 enforcement officials and prosecutorial officials conducting legitimate
152 criminal investigations, (v) a state or federal agency providing services
153 related to the collection of moneys due or funding to support the
154 service needs of eligible juveniles, provided such disclosure shall be
155 limited to that information necessary for the collection of and
156 application for such moneys, and (vi) members and employees of the
157 Board of Pardons and Paroles and employees of the Department of
158 Correction who, in the performance of their duties, require access to
159 such records, provided the subject of the record has been convicted of
160 a crime in the regular criminal docket of the Superior Court and such
161 records are relevant to the performance of a risk and needs assessment
162 of such person while such person is incarcerated, the determination of
163 such person's suitability for release from incarceration or for a pardon,
164 or the determination of the supervision and treatment needs of such
165 person while on parole or other supervised release. Records disclosed
166 pursuant to this subsection shall not be further disclosed, except that
167 information contained in such records may be disclosed in connection
168 with bail or sentencing reports in open court during criminal
169 proceedings involving the subject of such information.

170 (e) Records of cases of juvenile matters involving delinquency
171 proceedings, or any part thereof, may be disclosed upon order of the
172 court to any person who has a legitimate interest in the information
173 and is identified in such order. Records disclosed pursuant to this
174 subsection shall not be further disclosed, except as specifically
175 authorized by a subsequent order of the court.

176 (f) Records of cases of juvenile matters involving delinquency
177 proceedings, or any part thereof, shall be available to the victim of the
178 crime committed by such child to the same extent as the record of the

179 case of a defendant in a criminal proceeding in the regular criminal
180 docket of the Superior Court is available to a victim of the crime
181 committed by such defendant. The court shall designate an official
182 from whom such victim may request such information. Records
183 disclosed pursuant to this subsection shall not be further disclosed,
184 except as specifically authorized by a subsequent order of the court.

185 (g) Information concerning a child who has escaped from a
186 detention center or from a facility to which he has been committed by
187 the court or for whom an arrest warrant has been issued with respect
188 to the commission of a felony may be disclosed by law enforcement
189 officials.

190 (h) Nothing in this section shall be construed to prohibit any person
191 employed by the Judicial Branch from disclosing any records,
192 information or files in his possession to any person employed by the
193 Division of Criminal Justice as a prosecutorial official, inspector or
194 investigator who, in the performance of his duties, requests such
195 records, information or files, or to prohibit any such employee of said
196 division from disclosing any records, information or files in his
197 possession to any such employee of the Judicial Branch who, in the
198 performance of his duties, requests such records, information or files.

199 (i) A state's attorney shall disclose to the defendant or his counsel in
200 a criminal prosecution, without the necessity of a court order,
201 exculpatory information and material contained in any record
202 disclosed to such state's attorney pursuant to this section and may
203 disclose, without a court order, information and material contained in
204 any such record which could be the subject of a disclosure order.

205 (j) Notwithstanding the provisions of subsection (d) of this section,
206 any information concerning a child that is obtained during any mental
207 health screening or assessment of such child, during the provision of
208 services pursuant to subsection (b) of section 46b-149, or during the
209 performance of an educational evaluation pursuant to subsection (e) of
210 section 46b-149, shall be used solely for planning and treatment

211 purposes and shall otherwise be confidential and retained in the files
212 of the entity providing such services or performing such screening,
213 assessment or evaluation. Such information may be further disclosed
214 only for the purposes of any court-ordered evaluation or treatment of
215 the child or provision of services to the child, or pursuant to sections
216 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such
217 information shall not be subject to subpoena or other court process for
218 use in any other proceeding or for any other purpose.

219 (k) Records of cases of juvenile matters involving delinquency
220 proceedings, or any part thereof, containing information that a child
221 has been convicted as delinquent for a violation of subdivision (e) of
222 section 1-1h, subsection (c) of section 14-147, subsection (a) of section
223 14-215, section 14-222, subsection (b) of section 14-223, subsection (a),
224 (b) or (c) of section 14-224, section 30-88a or subsection (b) of section
225 30-89, shall be disclosed to the Department of Motor Vehicles for
226 administrative use in determining whether administrative sanctions
227 regarding such child's motor vehicle operator's license are warranted.
228 Records disclosed pursuant to this subsection shall not be further
229 disclosed.

230 (l) Records of cases of juvenile matters involving adoption
231 proceedings, or any part thereof, shall be confidential and may only be
232 disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

233 Sec. 504. Subdivision (2) of subsection (a) of section 45a-727 of the
234 general statutes is repealed and the following is substituted in lieu
235 thereof (*Effective October 1, 2012*):

236 (2) The application shall incorporate a declaration that to the best of
237 the knowledge and belief of the declarant there is no other proceeding
238 pending or contemplated in any other court affecting the custody of
239 the child to be adopted, or if there is such a proceeding, a statement in
240 detail of the nature of the proceeding and affirming that the proposed
241 adoption would not conflict with or interfere with the other
242 proceeding. The court shall not proceed on any application which does

243 not contain such a declaration. [The application shall be signed by one
244 or more of the parties to the agreement, who may waive notice of any
245 hearing on it.] For the purposes of this declaration, visitation rights
246 granted by any court shall not be considered as affecting the custody of
247 the child."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2012</i>	New section
Sec. 502	<i>October 1, 2012</i>	46b-121(a)(1)
Sec. 503	<i>October 1, 2012</i>	46b-124
Sec. 504	<i>October 1, 2012</i>	45a-727(a)(2)