



# Senate

General Assembly

**File No. 208**

January Session, 2015

Senate Bill No. 622

*Senate, March 25, 2015*

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING ACCESS TO RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 17a-28 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (g) The department shall disclose records, subject to subsections (b)  
5 and (c) of this section, without the consent of the person who is the  
6 subject of the record, to:

7 (1) The person named in the record or such person's authorized  
8 representative, provided such disclosure shall be limited to  
9 information (A) contained in the record about such person or about  
10 such person's biological or adoptive minor child, if such person's  
11 parental rights to such child have not been terminated; and (B)  
12 identifying an individual who reported abuse or neglect of the person,  
13 including any tape recording of an oral report pursuant to section 17a-

14 103, if a court determines that there is reasonable cause to believe the  
15 reporter knowingly made a false report or that the interests of justice  
16 require disclosure;

17 (2) An employee of the department for any purpose reasonably  
18 related to the performance of such employee's duties;

19 (3) A guardian ad litem or attorney appointed to represent a child or  
20 youth in litigation affecting the best interests of the child or youth;

21 (4) The Attorney General, any assistant attorney general or any  
22 other legal counsel retained to represent the department during the  
23 course of a legal proceeding involving the department or an employee  
24 of the department;

25 (5) The Child Advocate or the Child Advocate's designee;

26 (6) The Chief Public Defender or the Chief Public Defender's  
27 designee for purposes of ensuring competent representation by the  
28 attorneys with whom the Chief Public Defender contracts to provide  
29 legal and guardian ad litem services to the subjects of such records and  
30 for ensuring accurate payments for services rendered by such  
31 attorneys;

32 (7) The Chief State's Attorney or the Chief State's Attorney's  
33 designee for purposes of investigating or prosecuting (A) an allegation  
34 related to child abuse or neglect, (B) an allegation that an individual  
35 made a false report of suspected child abuse or neglect, or (C) an  
36 allegation that a mandated reporter failed to report suspected child  
37 abuse or neglect in accordance with section 17a-101a, provided such  
38 prosecuting authority shall have access to records of a child charged  
39 with the commission of a delinquent act, who is not being charged  
40 with an offense related to child abuse, only while the case is being  
41 prosecuted and after obtaining a release;

42 (8) A state or federal law enforcement officer for purposes of  
43 investigating (A) an allegation related to child abuse or neglect, (B) an  
44 allegation that an individual made a false report of suspected child

45 abuse or neglect, or (C) an allegation that a mandated reporter failed to  
46 report suspected child abuse or neglect in accordance with section 17a-  
47 101a;

48 (9) A foster or prospective adoptive parent, if the records pertain to  
49 a child or youth currently placed with the foster or prospective  
50 adoptive parent, or a child or youth being considered for placement  
51 with the foster or prospective adoptive parent, and the records are  
52 necessary to address the social, medical, psychological or educational  
53 needs of the child or youth, provided no information identifying a  
54 biological parent is disclosed without the permission of such biological  
55 parent;

56 (10) Any person, if the records pertain to a child or youth receiving  
57 services from the department and the parent, guardian, foster parent  
58 or prospective adoptive parent with whom such child or youth lives or  
59 is placed is convicted of a crime involving an act of child abuse or  
60 neglect as described in section 46b-120 or a violation of section 53-21,  
61 53a-71 or 53a-73a, for the purpose of determining whether the  
62 department's services to such child or youth have provided adequate  
63 protection to such child or youth based on the known circumstances;

64 [(10)] (11) The Governor, when requested in writing in the course of  
65 the Governor's official functions, the Legislative Program Review and  
66 Investigations Committee, the joint standing committee of the General  
67 Assembly having cognizance of matters relating to human services, the  
68 joint standing committee of the General Assembly having cognizance  
69 of matters relating to the judiciary or the joint standing committee of  
70 the General Assembly having cognizance of matters relating to  
71 children, when requested in writing by any of such committees in the  
72 course of such committee's official functions, and upon a majority vote  
73 of such committee, provided no name or other identifying information  
74 is disclosed unless such information is essential to the gubernatorial or  
75 legislative purpose;

76 [(11)] (12) The Office of Early Childhood for the purpose of (A)  
77 determining the suitability of a person to care for children in a facility

78 licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining  
79 the suitability of such person for licensure; (C) an investigation  
80 conducted pursuant to section 19a-80f; (D) notifying the Department of  
81 Public Health when the Department of Children and Families places  
82 an individual licensed or certified by the Department of Public Health  
83 on the child abuse and neglect registry pursuant to section 17a-101k; or  
84 (E) notifying the Department of Public Health when the Department of  
85 Children and Families possesses information regarding a Department  
86 of Public Health regulatory violation committed by an individual  
87 licensed or certified by the Department of Public Health;

88 [(12)] (13) The Department of Developmental Services, to allow said  
89 department to determine eligibility, facilitate enrollment and plan for  
90 the provision of services to a child who is a client of said department  
91 and who is applying to enroll in or is enrolled in said department's  
92 voluntary services program. At the time that a parent or guardian  
93 completes an application for enrollment of a child in the Department of  
94 Developmental Services' voluntary services program, or at the time  
95 that said department updates a child's annual individualized plan of  
96 care, said department shall notify such parent or guardian that the  
97 Department of Children and Families may provide records to the  
98 Department of Developmental Services for the purposes specified in  
99 this subdivision without the consent of such parent or guardian;

100 [(13)] (14) A state agency that licenses or certifies an individual to  
101 educate or care for children or youth;

102 [(14)] (15) A judge or employee of a probate court who requires  
103 access to such records in order to perform such judge's or employee's  
104 official duties;

105 [(15)] (16) A judge of the Superior Court for purposes of  
106 determining the appropriate disposition of a child convicted as  
107 delinquent or a child who is a member of a family with service needs;

108 [(16)] (17) A judge of the Superior Court in a criminal prosecution  
109 for purposes of in camera inspection whenever (A) the court has

110 ordered that the record be provided to the court; or (B) a party to the  
111 proceeding has issued a subpoena for the record;

112 [(17)] (18) A judge of the Superior Court and all necessary parties in  
113 a family violence proceeding when such records concern family  
114 violence with respect to the child who is the subject of the proceeding  
115 or the parent of such child who is the subject of the proceeding;

116 [(18)] (19) The Auditors of Public Accounts, or their representative,  
117 provided no information identifying the subject of the record is  
118 disclosed unless such information is essential to an audit conducted  
119 pursuant to section 2-90;

120 [(19)] (20) A local or regional board of education, provided the  
121 records are limited to educational records created or obtained by the  
122 state or Connecticut Unified School District #2, established pursuant to  
123 section 17a-37;

124 [(20)] (21) The superintendent of schools for any school district for  
125 the purpose of determining the suitability of a person to be employed  
126 by the local or regional board of education for such school district  
127 pursuant to subsection (a) of section 10-221d;

128 [(21)] (22) The Department of Motor Vehicles for the purpose of  
129 criminal history records checks pursuant to subsection (e) of section  
130 14-44, provided information disclosed pursuant to this subdivision  
131 shall be limited to information included on the Department of  
132 Children and Families child abuse and neglect registry established  
133 pursuant to section 17a-101k, subject to the provisions of sections 17a-  
134 101g and 17a-101k concerning the nondisclosure of findings of  
135 responsibility for abuse and neglect;

136 [(22)] (23) The Department of Mental Health and Addiction Services  
137 for the purpose of treatment planning for young adults who have  
138 transitioned from the care of the Department of Children and Families;

139 [(23)] (24) The superintendent of a public school district or the  
140 executive director or other head of a public or private institution for

141 children providing care for children or a private school (A) pursuant to  
142 sections 17a-101b, 17a-101c and 17a-101i, or (B) when the Department  
143 of Children and Families places an individual employed by such  
144 institution or school on the child abuse and neglect registry pursuant  
145 to section 17a-101k;

146 [(24)] (25) The Department of Social Services for the purpose of (A)  
147 determining the suitability of a person for payment from the  
148 Department of Social Services for providing child care; (B) promoting  
149 the health, safety and welfare of a child or youth receiving services  
150 from either department; or (C) investigating allegations of fraud  
151 provided no information identifying the subject of the record is  
152 disclosed unless such information is essential to any such  
153 investigation;

154 [(25)] (26) The Court Support Services Division of the Judicial  
155 Branch, to allow the division to determine the supervision and  
156 treatment needs of a child or youth, and provide appropriate  
157 supervision and treatment services to such child or youth, provided  
158 such disclosure shall be limited to information that identifies the child  
159 or youth, or a member of such child's or youth's immediate family, as  
160 being or having been (A) committed to the custody of the  
161 Commissioner of Children and Families as delinquent, (B) under the  
162 supervision of the Commissioner of Children and Families, or (C)  
163 enrolled in the voluntary services program operated by the  
164 Department of Children and Families;

165 [(26)] (27) The Court Support Services Division of the Judicial  
166 Branch for the purpose of sharing common case records to track  
167 recidivism of juvenile offenders; and

168 [(27)] (28) The birth-to-three program's referral intake office for the  
169 purpose of (A) determining eligibility of, (B) facilitating enrollment for,  
170 and (C) providing services to (i) substantiated victims of child abuse  
171 and neglect with suspected developmental delays, and (ii) newborns  
172 impacted by withdrawal symptoms resulting from prenatal drug  
173 exposure.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2015</i>	17a-28(g)
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***KID***      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill does not result in a fiscal impact as it expands access to Department of Children and Family records in circumstances when a caregiver is convicted of certain crimes involving child abuse or neglect.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 622*****AN ACT CONCERNING ACCESS TO RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill expands the circumstances in which the Department of Children and Families (DCF) must disclose records without the subject's consent.

Under the bill, DCF must disclose records to any person (i.e., an individual named in the record, his or her authorized representative if he or she is deceased, or the subject's parent or guardian if he or she is still a minor) if the records pertain to a child receiving services from the department and the parent, guardian, foster parent, or prospective parent who the child lives with is convicted of a crime involving child abuse or neglect or any of the following:

1. injury or risk of injury to a child,
2. impairing a child's morals,
3. selling a child,
4. intentionally and unreasonably interfering or preventing someone from reporting child abuse or neglect, or
5. second or fourth degree sexual assault.

The department must only make the disclosure if the purpose is to determine if the department's services to the child provide him or her adequate protection based on the known circumstances.

Generally, DCF records are confidential but can be disclosed (1) with the consent of the subject or (2) without such consent and for

certain purposes to a guardian ad litem or attorney representing a child or youth in litigation affecting the child's or youth's best interests, certain foster or prospective adoptive parents, and various agencies officials, and other persons for certain purposes.

EFFECTIVE DATE: October 1, 2015

**COMMITTEE ACTION**

Committee on Children

Joint Favorable

Yea 13 Nay 0 (03/10/2015)