



General Assembly

February Session, 2008

**Raised Bill No. 325**

LCO No. 1897

\*01897\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE COMMISSION ON CHILD PROTECTION.**

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

1 Section 1. Section 46b-123c of the 2008 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2008*):

4 (a) There is established a Commission on Child Protection that shall  
5 consist of eleven members appointed as follows: (1) The Chief Justice  
6 of the Supreme Court shall appoint two judges of the Superior Court,  
7 or a judge of the Superior Court and a retired judge of the Superior  
8 Court; (2) the speaker of the House of Representatives, the president  
9 pro tempore of the Senate, the majority leader of the House of  
10 Representatives, the majority leader of the Senate, the minority leader  
11 of the House of Representatives and the minority leader of the Senate  
12 shall each appoint one member; and (3) the Governor shall appoint  
13 three members, one of whom shall serve as chairperson.

14 (b) Each member of the commission shall serve for a term of three  
15 years and until the appointment and qualification of his or her  
16 successor. No more than three of the members, other than the

17 chairperson, may be members of the same political party. Of the four  
18 nonjudicial members, other than the chairperson, at least two shall not  
19 be members of the bar of any state.

20 (c) If any vacancy occurs on the commission, the appointing  
21 authority having the power to make the initial appointment under this  
22 section shall appoint a person for the unexpired term in accordance  
23 with the provisions of this section.

24 (d) The members of the commission shall serve without  
25 compensation but shall be reimbursed for actual expenses incurred  
26 while engaged in the duties of the commission. The members of the  
27 commission shall not be employed in any other position under this  
28 section or section 46b-123d of the 2008 supplement to the general  
29 statutes, as amended by this act.

30 (e) The commission may adopt such rules as it deems necessary for  
31 the conduct of its internal affairs.

32 (f) The commission shall be responsible for carrying out the  
33 purposes of this section and section 46b-123d of the 2008 supplement  
34 to the general statutes, as amended by this act, and shall appoint a  
35 Chief Child Protection Attorney, who shall serve at the pleasure of the  
36 commission and whose compensation shall be fixed by the  
37 commission. The commission shall also appoint, after consultation  
38 with the Chief Child Protection Attorney, a director of family matters  
39 to oversee the responsibilities set forth in subparagraph (A) of  
40 subdivision (1) of subsection (a) of section 46b-123d of the 2008  
41 supplement to the general statutes, as amended by this act.

42 (g) The commission shall be within the Division of Public Defender  
43 Services for administrative purposes only.

44 (h) The commission may accept funds from the federal government,  
45 other state agencies and private organizations.

46 (i) The commission may establish such requirements for the

47 submission of billing statements, receipts and other documentation by  
48 not-for-profit legal services agencies, individual attorneys and private  
49 law firms as the commission deems necessary in furnishing  
50 compensation to such agencies, attorneys and law firms for providing  
51 legal services and serving as guardians ad litem pursuant to  
52 subdivision (1) of subsection (a) of section 46b-123d of the 2008  
53 supplement to the general statutes, as amended by this act.

54 Sec. 2. Section 46b-123d of the 2008 supplement to the general  
55 statutes is repealed and the following is substituted in lieu thereof  
56 (*Effective July 1, 2008*):

57 (a) The Chief Child Protection Attorney appointed under section  
58 46b-123c of the 2008 supplement to the general statutes shall:

59 (1) Establish a system to provide (A) legal services and guardians ad  
60 litem to children, youths and indigent respondents in family relations  
61 matters in which the state has been ordered to pay the cost of such  
62 legal services and guardians ad litem, provided legal services shall be  
63 provided to indigent respondents pursuant to this subparagraph only  
64 in paternity proceedings and contempt proceedings, and (B) legal  
65 services and guardians ad litem to children, youths and indigent legal  
66 parties in proceedings before the superior court for juvenile matters,  
67 other than legal services for children in delinquency matters. To carry  
68 out the requirements of this section, the Chief Child Protection  
69 Attorney may contract with (i) appropriate not-for-profit legal services  
70 agencies, and (ii) law firms and individual lawyers for the delivery of  
71 legal services to represent children and indigent legal parties in such  
72 proceedings;

73 (2) Establish a system to ensure that attorneys providing legal  
74 services pursuant to this section are assigned to cases in a manner that  
75 will avoid conflicts of interest, as defined by the Rules of Professional  
76 Conduct; and

77 (3) Establish training, practice and caseload standards for the

78 representation of children, youths, indigent respondents and indigent  
79 legal parties pursuant to subdivision (1) of this subsection. Such  
80 standards shall apply to each attorney who represents children,  
81 youths, indigent respondents or indigent legal parties pursuant to this  
82 section and shall be designed to ensure a high quality of legal  
83 representation. The training standards for attorneys required by this  
84 subdivision shall be designed to ensure proficiency in the procedural  
85 and substantive law related to such matters and to establish a  
86 minimum level of proficiency in relevant subject areas, including, but  
87 not limited to, family violence, child development, behavioral health,  
88 educational disabilities and cultural competence.

89 (b) Any contract entered into pursuant to subdivision (1) of  
90 subsection (a) of this section may include terms encouraging or  
91 requiring the use of a multidisciplinary agency model of legal  
92 representation.

93 Sec. 3. Section 46b-129a of the general statutes is repealed and the  
94 following is substituted in lieu thereof (*Effective October 1, 2008*):

95 In proceedings in the Superior Court under section 46b-129 of the  
96 2008 supplement to the general statutes: (1) The court may order the  
97 child, the parents, the guardian, or other persons accused by a  
98 competent witness with abusing the child, to be examined by one or  
99 more competent physicians, psychiatrists or psychologists appointed  
100 by the court; (2) a child shall be represented by counsel knowledgeable  
101 about representing such children who shall be appointed [by the court]  
102 to represent the child by the Chief Child Protection Attorney, or by the  
103 court if there is an immediate need for the appointment of counsel  
104 during a court proceeding. Counsel for a child under the age of seven  
105 shall act as attorney and [to act as] guardian ad litem for the child.  
106 Counsel for a child age seven years or older shall act solely as attorney  
107 for the child. The primary role of any counsel for the child, including  
108 the counsel who also serves as guardian ad litem, shall be to advocate  
109 for the child in accordance with the Rules of Professional Conduct.

110 [When a conflict arises between the child's wishes or position and that  
111 which counsel for the child believes is in the best interest of the child,  
112 the court shall appoint another person as guardian ad litem for the  
113 child.] If the court or counsel for the child determines that the child  
114 cannot adequately act in his or her own interest and the court  
115 determines that it requires a different person to assess and advocate  
116 for the child's best interests in order to reach an appropriate decision  
117 based on all relevant facts, the court may appoint a separate guardian  
118 ad litem for the child. The guardian ad litem shall speak on behalf of  
119 the best [interest] interests of the child and is not required to be an  
120 attorney-at-law but shall be knowledgeable about the needs and  
121 protection of children. In the event that a separate guardian ad litem is  
122 appointed, the person previously serving as counsel or as both counsel  
123 and guardian ad litem for the child shall continue to serve as counsel  
124 for the child and a different person shall be appointed as guardian ad  
125 litem, unless the court for good cause also appoints a different person  
126 as counsel for the child. No person who has served as both counsel and  
127 guardian ad litem for a child shall thereafter serve solely as the child's  
128 guardian ad litem. The counsel and guardian ad litem's fees, if any,  
129 shall be paid by the parents or guardian, or the estate of the child, or, if  
130 such persons are unable to pay, by the [court] Chief Child Protection  
131 Attorney; (3) the privilege against the disclosure of communications  
132 between husband and wife shall be inapplicable and either may testify  
133 as to any relevant matter; and (4) evidence that the child has been  
134 abused or has sustained a nonaccidental injury shall constitute prima  
135 facie evidence that shall be sufficient to support an adjudication that  
136 such child is uncared for or neglected.

137 Sec. 4. Section 4-165 of the general statutes is repealed and the  
138 following is substituted in lieu thereof (*Effective October 1, 2008*):

139 (a) No state officer or employee shall be personally liable for  
140 damage or injury, not wanton, reckless or malicious, caused in the  
141 discharge of his or her duties or within the scope of his or her  
142 employment. Any person having a complaint for such damage or

143 injury shall present it as a claim against the state under the provisions  
144 of this chapter.

145 (b) For the purposes of this section, (1) "scope of employment"  
146 includes but is not limited to, (A) representation by an attorney  
147 appointed by the Public Defender Services Commission as a public  
148 defender, assistant public defender or deputy assistant public defender  
149 or an attorney appointed by the court as a special assistant public  
150 defender of an indigent accused or of a child on a petition of  
151 delinquency, (B) representation by such other attorneys, referred to in  
152 section 4-141, of state officers and employees in actions brought  
153 against such officers and employees in their official and individual  
154 capacities, (C) the discharge of duties as a trustee of the state  
155 employees retirement system, (D) the discharge of duties of a  
156 commissioner of the Superior Court hearing small claims matters or  
157 acting as a fact-finder, arbitrator or magistrate or acting in any other  
158 quasi-judicial position, (E) the discharge of duties of a person  
159 appointed to a committee established by law for the purpose of  
160 rendering services to the Judicial Department, including, but not  
161 limited to, the Legal Specialization Screening Committee, the State-  
162 Wide Grievance Committee, the Client Security Fund Committee, the  
163 advisory committee appointed pursuant to section 51-81d and the  
164 State Bar Examining Committee, [and] (F) military duty performed by  
165 the armed forces of the state while under state active duty, and (G)  
166 representation by an attorney appointed by the Commission on Child  
167 Protection, or by the court, as an attorney for an indigent respondent  
168 subject to a neglect petition, or as an attorney or guardian ad litem for  
169 a child subject to a petition related to neglect, delinquency or being a  
170 child of a family with service needs; provided the actions described in  
171 subparagraphs (A) to [(F)] (G), inclusive, of this subdivision arise out  
172 of the discharge of the duties or within the scope of employment of  
173 such officers or employees, and (2) "state employee" includes a  
174 member or employee of the soil and water district boards established  
175 pursuant to section 22a-315.

176 Sec. 5. Section 17a-28 of the 2008 supplement to the general statutes  
177 is repealed and the following is substituted in lieu thereof (*Effective*  
178 *October 1, 2008*):

179 (a) As used in this section:

180 (1) "Person" means (A) any individual named in a record,  
181 maintained by the department, who (i) is presently or at any prior time  
182 was a ward of or committed to the commissioner for any reason; (ii)  
183 otherwise received services, voluntarily or involuntarily, from the  
184 department; or (iii) is presently or was at any prior time the subject of  
185 an investigation by the department; (B) [the] a parent whose parental  
186 rights have not been terminated, or current guardian, of a person, as  
187 defined in subparagraph (A) of this subdivision, if such person is a  
188 minor; [or] (C) the authorized representative of a person, as defined in  
189 subparagraph (A) of this subdivision, if such person is deceased;

190 (2) "Attorney" means the licensed attorney authorized to assert the  
191 confidentiality of or right of access to records of a person;

192 (3) "Authorized representative" means a parent, guardian, guardian  
193 ad litem, attorney, conservator or other individual authorized to assert  
194 the confidentiality of or right of access to records of a person;

195 (4) "Consent" means permission given in writing by a person, [his]  
196 the person's attorney or [his] the person's authorized representative to  
197 disclose specified information, within a limited time period, regarding  
198 the person to specifically identified individuals or entities;

199 (5) "Records" means information created or obtained in connection  
200 with the department's child protection activities or other activities  
201 related to a child while in the care or custody of the department,  
202 including information in the registry of reports to be maintained by the  
203 commissioner pursuant to section 17a-101k; [, provided records which  
204 are not created by the department are not subject to disclosure, except  
205 as provided pursuant to subsection (f), (l) or (n) of this section;]

206 (6) "Disclose" means (A) to provide an oral summary of records  
207 maintained by the department to an individual, agency, corporation or  
208 organization or (B) to allow an individual, agency, corporation or  
209 organization to review or obtain copies of such records in whole, part  
210 or summary form;

211 (7) "Near fatality" means an act, as certified by a physician, that  
212 places a child in serious or critical condition.

213 (b) Notwithstanding the provisions of section 1-210 of the 2008  
214 supplement to the general statutes, 1-211 or 1-213, records maintained  
215 by the department shall be confidential and [shall not be disclosed.  
216 Such records of any person] may only be disclosed, in whole or in part,  
217 to any individual, agency, corporation or organization with the  
218 consent of the person or as provided in this section. Any unauthorized  
219 disclosure shall be punishable by a fine of not more than one thousand  
220 dollars or imprisonment for not more than one year, or both.

221 [(c) When information concerning an incident of abuse or neglect  
222 has been made public or when the commissioner reasonably believes  
223 publication of such information is likely, the commissioner or the  
224 commissioner's designee may disclose, with respect to an investigation  
225 of such abuse or neglect: (1) Whether the department has received a  
226 report in accordance with sections 17a-101a to 17a-101c, inclusive, or  
227 section 17a-103, and (2) in general terms, any action taken by the  
228 department, provided (A) the names or other individually identifiable  
229 information of the minor victim or other family member is not  
230 disclosed, and (B) the name or other individually identifiable  
231 information of the person suspected to be responsible for the abuse or  
232 neglect is not disclosed unless the person has been arrested for a crime  
233 due to such abuse or neglect.

234 (d) The commissioner shall make available to the public, without  
235 the consent of the person, information in general terms or findings  
236 concerning an incident of abuse or neglect which resulted in a child  
237 fatality or near fatality of a child, provided disclosure of such

238 information or findings does not jeopardize a pending investigation.]

239 (c) Notwithstanding any provision of the general statutes, records  
240 that (1) contain privileged communications, or (2) are confidential  
241 pursuant to any federal law or regulation shall not be disclosed, except  
242 as authorized by law.

243 (d) Any information disclosed from a person's record shall not be  
244 disclosed further without the written consent of the person, except if  
245 disclosed pursuant to an order of a court of competent jurisdiction.

246 (e) The commissioner shall, upon written request, disclose the  
247 following information concerning agencies licensed by the Department  
248 of Children and Families, except foster care parents, relatives of the  
249 child who are certified to provide foster care or prospective adoptive  
250 families: (1) The name of the licensee; (2) the date the original license  
251 was issued; (3) the current status of the license; (4) whether an agency  
252 investigation or review is pending or has been completed; and (5) any  
253 licensing action taken by the department at any time during the period  
254 such license was issued and the reason for such action, provided  
255 disclosure of such information will not jeopardize a pending  
256 investigation.

257 [(f) The commissioner or the commissioner's designee shall, upon  
258 request, promptly provide copies of records, without the consent of a  
259 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,  
260 or the Chief State's Attorney's designee, or a state's attorney for the  
261 judicial district in which the child resides or in which the alleged abuse  
262 or neglect occurred, or the state's attorney's designee, for purposes of  
263 investigating or prosecuting an allegation of child abuse or neglect, (3)  
264 the attorney appointed to represent a child in any court in litigation  
265 affecting the best interests of the child, (4) a guardian ad litem  
266 appointed to represent a child in any court in litigation affecting the  
267 best interests of the child, (5) the Department of Public Health, which  
268 licenses any person to care for children for the purposes of  
269 determining suitability of such person for licensure, subject to the

270 provisions of sections 17a-101g and 17a-101k, (6) any state agency  
271 which licenses such person to educate or care for children pursuant to  
272 section 10-145b or 17a-101j, subject to the provisions of sections 17a-  
273 101g and 17a-101k concerning nondisclosure of findings of  
274 responsibility for abuse and neglect, (7) the Governor, when requested  
275 in writing, in the course of the Governor's official functions or the  
276 Legislative Program Review and Investigations Committee, the joint  
277 standing committee of the General Assembly having cognizance of  
278 matters relating to the judiciary and the select committee of the  
279 General Assembly having cognizance of matters relating to children  
280 when requested in the course of said committees' official functions in  
281 writing, and upon a majority vote of said committee, provided no  
282 names or other identifying information shall be disclosed unless it is  
283 essential to the legislative or gubernatorial purpose, (8) a local or  
284 regional board of education, provided the records are limited to  
285 educational records created or obtained by the state or Connecticut-  
286 Unified School District #2, established pursuant to section 17a-37, (9) a  
287 party in a custody proceeding under section 17a-112 or 46b-129, in the  
288 Superior Court where such records concern a child who is the subject  
289 of the proceeding or the parent of such child, (10) the Chief Child  
290 Protection Attorney, or his or her designee, for purposes of ensuring  
291 competent representation by the attorneys whom the Chief Child  
292 Protection Attorney contracts with to provide legal and guardian ad  
293 litem services to the subjects of such records and to ensure accurate  
294 payments for services rendered by such contract attorneys, and (11)  
295 the Department of Motor Vehicles, for purposes of checking the state's  
296 child abuse and neglect registry pursuant to subsection (e) of section  
297 14-44. A disclosure under this section shall be made of any part of a  
298 record, whether or not created by the department, provided no  
299 confidential record of the Superior Court shall be disclosed other than  
300 the petition and any affidavits filed therewith in the superior court for  
301 juvenile matters, except upon an order of a judge of the Superior Court  
302 for good cause shown. The commissioner shall also disclose the name  
303 of any individual who cooperates with an investigation of a report of

304 child abuse or neglect to such law enforcement agency or state's  
305 attorney for purposes of investigating or prosecuting an allegation of  
306 child abuse or neglect. The commissioner or the commissioner's  
307 designee shall, upon request, subject to the provisions of sections 17a-  
308 101g and 17a-101k, promptly provide copies of records, without the  
309 consent of the person, to (A) the Department of Public Health for the  
310 purpose of determining the suitability of a person to care for children  
311 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82  
312 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social  
313 Services for determining the suitability of a person for any payment  
314 from the department for providing child care.

315 (g) When the commissioner or his designee determines it to be in a  
316 person's best interest, the commissioner or his designee may disclose  
317 records, whether or not created by the department and not otherwise  
318 privileged or confidential communications under state or federal law,  
319 without the consent of a person to:

320 (1) Multidisciplinary teams which are formed to assist the  
321 department in investigation, evaluation or treatment of child abuse  
322 and neglect cases or a multidisciplinary provider of professional  
323 treatment services under contract with the department for a child  
324 referred to the provider;

325 (2) Any agency in another state which is responsible for  
326 investigating or protecting against child abuse or neglect for the  
327 purpose of investigating a child abuse case;

328 (3) An individual, including a physician, authorized pursuant to  
329 section 17a-101f to place a child in protective custody if such  
330 individual has before him a child whom he reasonably suspects may  
331 be a victim of abuse or neglect and such individual requires the  
332 information in a record in order to determine whether to place the  
333 child in protective custody;

334 (4) An individual or public or private agency responsible for a

335 person's care or custody and authorized by the department to  
336 diagnose, care for, treat or supervise a child who is the subject of a  
337 record of child abuse or neglect or a public or private agency  
338 responsible for a person's education for a purpose related to the  
339 individual's or agency's responsibilities;

340 (5) The Attorney General or any assistant attorney general  
341 providing legal counsel for the department;

342 (6) Individuals or public or private agencies engaged in medical,  
343 psychological or psychiatric diagnosis or treatment of a person  
344 perpetrating the abuse or who is unwilling or unable to protect the  
345 child from abuse or neglect when the commissioner or his designee  
346 determines that the disclosure is needed to accomplish the objectives  
347 of diagnosis or treatment;

348 (7) A person who reports child abuse pursuant to sections 17a-101a  
349 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse  
350 involving the subject child, provided the information disclosed is  
351 limited to (A) the status of the investigation and (B) in general terms,  
352 any action taken by the department;

353 (8) An individual conducting bona fide research, provided no  
354 information identifying the subjects of records shall be disclosed  
355 unless (A) such information is essential to the purpose of the research;  
356 (B) each person identified in a record or his authorized representative  
357 has authorized such disclosure in writing; and (C) the department has  
358 given written approval;

359 (9) The Auditors of Public Accounts or their representative,  
360 provided no information identifying the subjects of the records shall be  
361 disclosed unless such information is essential to an audit conducted  
362 pursuant to section 2-90;

363 (10) The Department of Social Services, provided the information  
364 disclosed is necessary to promote the health, safety and welfare of the

365 child;

366 (11) A judge of the Superior Court for purposes of determining the  
367 appropriate disposition of a child convicted as delinquent or a child  
368 who is a member of a family with service needs; and

369 (12) The superintendents, or their designees, of state-operated  
370 facilities within the department.

371 (h) The commissioner or his designee may disclose the name,  
372 address and fees for services to a person, to individuals or agencies  
373 involved in the collection of fees for such services, except as provided  
374 in section 17b-225. In cases where a dispute arises over such fees or  
375 claims or where additional information is needed to substantiate the  
376 fee or claim, such disclosure of further information shall be limited to  
377 the following: (1) That the person was in fact committed to or  
378 otherwise served by the department; (2) dates and duration of service;  
379 and (3) a general description of the service, which shall include  
380 evidence that a service or treatment plan exists and has been carried  
381 out and evidence to substantiate the necessity for admission and  
382 length of stay in any institution or facility.

383 (i) Notwithstanding the provisions of subsections (f) and (l) of this  
384 section, the name of an individual reporting child abuse or neglect  
385 shall not be disclosed without his written consent except to (1) an  
386 employee of the department responsible for child protective services or  
387 the abuse registry; (2) a law enforcement officer; (3) an appropriate  
388 state's attorney; (4) an appropriate assistant attorney general; (5) a  
389 judge of the Superior Court and all necessary parties in a court  
390 proceeding pursuant to section 46b-129, or a criminal prosecution  
391 involving child abuse or neglect; or (6) a state child care licensing  
392 agency, executive director of any institution, school or facility or  
393 superintendent of schools pursuant to section 17a-101i.

394 (j) Notwithstanding the provisions of subsection (g) of this section,  
395 the name of any individual who cooperates with an investigation of a

396 report of child abuse or neglect shall be kept confidential upon request  
397 or upon determination by the department that disclosure of such  
398 information may be detrimental to the safety or interests of the  
399 individual, except the name of any such individual shall be disclosed  
400 to the persons listed in subsection (i) of this section.

401 (k) Notwithstanding the confidentiality provisions of this section,  
402 the commissioner, upon request of an employee, shall disclose such  
403 records to such employee or his authorized representative which  
404 would be applicable and necessary for the purposes of an employee  
405 disciplinary hearing or appeal from a decision after such hearing.

406 (l) Information disclosed from a person's record shall not be  
407 disclosed further without the written consent of the person, except if  
408 disclosed to a party or his counsel pursuant to an order of a court in  
409 which a criminal prosecution or an abuse, neglect, commitment or  
410 termination proceeding against the party is pending. A state's attorney  
411 shall disclose to the defendant or his counsel in a criminal prosecution,  
412 without the necessity of a court order, exculpatory information and  
413 material contained in such record and may disclose, without a court  
414 order, information and material contained in such record which could  
415 be the subject of a disclosure order. All written records disclosed to  
416 another individual or agency shall bear a stamp requiring  
417 confidentiality in accordance with the provisions of this section. Such  
418 material shall not be disclosed to anyone without written consent of  
419 the person or as provided by this section. A copy of the consent form  
420 specifying to whom and for what specific use the record is disclosed or  
421 a statement setting forth any other statutory authorization for  
422 disclosure and the limitations imposed thereon shall accompany such  
423 record. In cases where the disclosure is made orally, the individual  
424 disclosing the information shall inform the recipient that such  
425 information is governed by the provisions of this section.

426 (m) In addition to the right of access provided in section 1-210, any  
427 person, regardless of age, his authorized representative or attorney

428 shall have the right of access to any records made, maintained or kept  
429 on file by the department, whether or not such records are required by  
430 any law or by any rule or regulation, when those records pertain to or  
431 contain information or materials concerning the person seeking access  
432 thereto, including but not limited to records concerning investigations,  
433 reports, or medical, psychological or psychiatric examinations of the  
434 person seeking access thereto, provided that (1) information  
435 identifying an individual who reported abuse or neglect of a person,  
436 including any tape recording of an oral report pursuant to section 17a-  
437 103, shall not be released unless, upon application to the Superior  
438 Court by such person and served on the Commissioner of Children  
439 and Families, a judge determines, after in camera inspection of  
440 relevant records and a hearing, that there is reasonable cause to believe  
441 the reporter knowingly made a false report or that other interests of  
442 justice require such release; and (2) if the commissioner determines  
443 that it would be contrary to the best interests of the person or his  
444 authorized representative or attorney to review the records, he may  
445 refuse access by issuing to such person or representative or attorney a  
446 written statement setting forth the reasons for such refusal, and advise  
447 the person, his authorized representative or attorney of the right to  
448 seek judicial relief. When any person, attorney or authorized  
449 representative, having obtained access to any record, believes there are  
450 factually inaccurate entries or materials contained therein, he shall  
451 have the unqualified right to add a statement to the record setting  
452 forth what he believes to be an accurate statement of those facts, and  
453 said statement shall become a permanent part of said record.

454 (n) (1) Any person, attorney or authorized representative aggrieved  
455 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or  
456 of subsection (m) of this section, except subdivision (2) of said  
457 subsection (m), may seek judicial relief in the same manner as  
458 provided in section 52-146j; (2) any person, attorney or authorized  
459 representative denied access to records by the commissioner under  
460 subdivision (2) of subsection (m) of this section may petition the  
461 superior court for the venue district provided in section 46b-142 in

462 which the person resides for an order requiring the commissioner to  
463 permit access to those records, and the court after hearing, and an in  
464 camera review of the records in question, shall issue such an order  
465 unless it determines that to permit such access would be contrary to  
466 the best interests of the person or authorized representative.

467 (o) The commissioner shall promulgate regulations pursuant to  
468 chapter 54, within one year of October 1, 1996, to establish procedures  
469 for access to and disclosure of records consistent with the provisions of  
470 this section.]

471 (f) The name of any individual who reports suspected abuse or  
472 neglect of a child or youth or cooperates with an investigation of child  
473 abuse or neglect shall be kept confidential upon request or upon  
474 determination by the department that disclosure of such information  
475 may be detrimental to the safety or interests of the individual, except  
476 the name of any such individual shall be disclosed (1) to (A) an  
477 employee of the department for reasons reasonably related to the  
478 business of the department, (B) a law enforcement officer for purposes  
479 of investigating abuse or neglect of a child or youth, (C) a state's  
480 attorney for purposes of investigating or prosecuting abuse or neglect  
481 of a child or youth, (D) an assistant attorney general or other legal  
482 counsel representing the department, (E) a judge of the Superior Court  
483 and all necessary parties in a court proceeding pursuant to section 17a-  
484 112 or 46b-129 of the 2008 supplement to the general statutes, or a  
485 criminal prosecution involving child abuse or neglect, (F) a state child  
486 care licensing agency, or (G) the executive director of any institution,  
487 school or facility or superintendent of schools pursuant to section 17a-  
488 101i, and (2) in accordance with the provisions of subparagraph (B) of  
489 subdivision (1) of subsection (g) of this section.

490 (g) The department, subject to subsection (c) of this section, shall  
491 disclose records, without the consent of the person who is the subject  
492 of the record, to:

493 (1) Any person who is named in the record or the person's

494 authorized representative, provided (A) such person shall only have  
495 access to information about such person or such person's biological or  
496 adoptive minor children and provided such person's parental rights to  
497 said children have not been terminated; and (B) information  
498 identifying an individual who reported abuse or neglect of a person,  
499 including any tape recording of an oral report pursuant to section 17a-  
500 103, shall not be disclosed unless, upon application to the Superior  
501 Court by such person and served on the Commissioner of Children  
502 and Families, a judge determines after a hearing and an in camera  
503 review of relevant records, that there is reasonable cause to believe the  
504 reporter knowingly made a false report or that other interests of justice  
505 require such disclosure;

506 (2) Any employee of the department for any purpose reasonably  
507 related to the business of the department;

508 (3) Any guardian ad litem or attorney appointed to represent a child  
509 or youth in any court in litigation affecting the best interests of the  
510 child or youth;

511 (4) Any employee or former employee of the department or such  
512 employee or former employee's authorized representative for purposes  
513 of participating in litigation in any court or in any administrative or  
514 disciplinary hearing or other proceeding or appeal from decision after  
515 such hearing, provided such disclosure shall be limited to those  
516 records that are applicable and necessary for the purpose of such  
517 hearing or appeal as determined by the department;

518 (5) The Attorney General, any assistant attorney general or any  
519 other legal counsel retained to represent the department during the  
520 course of a legal proceeding involving the department or an individual  
521 employee of the department;

522 (6) The Child Advocate, or a designee;

523 (7) The Chief Child Protection Attorney, or a designee;

524 (8) The Chief State's Attorney, or a designee; for purposes of  
525 investigating or prosecuting an allegation of child abuse or neglect;

526 (9) Any state or federal law enforcement officer for purposes of  
527 investigating an allegation of child abuse or neglect;

528 (10) Multidisciplinary teams pursuant to the provisions of section  
529 17a-106a;

530 (11) Any provider of professional services for a child, youth or  
531 parent referred to the provider, provided disclosure is limited to such  
532 information necessary to provide services to the child, youth or parent;

533 (12) Any individual or agency under contract with the department  
534 for the purpose of identifying and assessing potential foster or  
535 prospective adoptive homes for a child or youth who is the subject of  
536 the record, provided no information that identifies a biological parent  
537 of a child or youth may be disclosed further without the permission of  
538 such biological parent;

539 (13) Any foster or prospective adoptive parent, if the records pertain  
540 to a child or youth currently placed with the foster or prospective  
541 adoptive parent, or a child or youth being considered for placement  
542 with the foster or prospective adoptive parent and the records relate to  
543 the social, medical, psychological or educational needs of the child or  
544 youth, provided no information identifying a biological parent may be  
545 disclosed without the permission of such biological parent;

546 (14) The Governor, when requested in writing, in the course of the  
547 Governor's official functions or the Legislative Program Review and  
548 Investigations Committee, the joint standing committees of the General  
549 Assembly having cognizance of matters relating to human services and  
550 the judiciary and the select committee of the General Assembly having  
551 cognizance of matters relating to children, when requested in writing,  
552 in the course of such committees' official functions, and upon a  
553 majority vote of said committees, provided no names or other

554 identifying information shall be disclosed unless the disclosure is  
555 essential to the gubernatorial or legislative purpose;

556 (15) The Department of Public Health, subject to the provisions of  
557 section 17a-101g and section 17a-101k, for the purpose of (A)  
558 determining the suitability of a person to care for children in a facility  
559 licensed pursuant to section 19a-77 of the 2008 supplement to the  
560 general statutes, section 19a-80 of the 2008 supplement to the general  
561 statutes or section 19a-87b of the 2008 supplement to the general  
562 statutes, or (B) determining the suitability of such person for licensure;

563 (16) The Department of Social Services, subject to the provisions of  
564 section 17a-101g and section 17a-101k, for purposes of (A) determining  
565 the suitability of a person for any payment from the Department of  
566 Social Services for providing child care, or (B) promoting the health,  
567 safety and welfare of the child or youth;

568 (17) Any state agency that licenses or certifies a person to educate or  
569 care for children or youth, subject to the provisions of section 17a-101g  
570 and section 17a-101k concerning nondisclosure of findings of  
571 responsibility for abuse and neglect;

572 (18) Any individual, including a physician, authorized pursuant to  
573 section 17a-101f to place a child or youth in protective custody if such  
574 individual has before him or her a child or youth whom the individual  
575 reasonably suspects may be a victim of abuse or neglect and such  
576 individual requires the information in a record in order to determine  
577 whether to place the child or youth in protective custody;

578 (19) Any individual who reports child abuse pursuant to sections  
579 17a-101a to 17a-101c, inclusive, or section 17a-103, who made a report  
580 of abuse involving the subject child or youth, provided the information  
581 disclosed is limited to (A) the status of the investigation, and (B) in  
582 general terms, any action taken by the department;

583 (20) Any employee of the Board of Pardons and Paroles, the

584 Department of Correction or the Judicial Department for the purpose  
585 of assessing treatment needs and determining terms or conditions of  
586 pretrial release, pretrial or postdisposition detention or incarceration,  
587 probation or parole;

588 (21) Any judge of the Superior Court or Probate Court and any  
589 necessary party in a custody proceeding where such records concern  
590 the child or youth who is the subject of the proceeding or the parent of  
591 such child or youth;

592 (22) Any judge of the Superior Court (A) for purposes of  
593 determining the appropriate disposition of a child convicted as  
594 delinquent or a child who is a member of a family with service needs;  
595 or (B) in a criminal prosecution, for purposes of an in camera review if  
596 (i) the court has ordered that the record be provided to the court, or (ii)  
597 a party to the proceeding has issued a subpoena for the record;

598 (23) Any individual or public or private agency engaged in medical,  
599 psychological or psychiatric diagnosis, or treatment of a person who  
600 has perpetrated abuse or neglect or who is unwilling or unable to  
601 protect the child or youth from abuse or neglect when the  
602 commissioner, or the commissioner's designee, determines that the  
603 disclosure is necessary to accomplish the objectives of diagnosis or  
604 treatment;

605 (24) Any court or public agency in another state, or a federally  
606 recognized Indian tribe which is responsible for investigating or  
607 protecting against child abuse or neglect or providing services to  
608 families at risk of abuse or neglect, for the purpose of investigating or  
609 protecting against abuse or neglect or providing services to such  
610 family;

611 (25) Any individual conducting bona fide research, provided no  
612 information identifying the subject of the record shall be disclosed  
613 unless (A) such information is essential to the purpose of the research,  
614 and (B) the department has given written approval;

615 (26) The Auditors of Public Accounts or their representative,  
616 provided no information identifying the subject of the record shall be  
617 disclosed unless such information is essential to an audit conducted  
618 pursuant to section 2-90;

619 (27) Any individual or agency involved in the collection of fees for  
620 services, provided such information is limited to the name and address  
621 of the person who received the services and the fees for services,  
622 except as provided in section 17b-225. In cases where a dispute arises  
623 over such fees or claims or where additional information is needed to  
624 substantiate the fee or claim, such disclosure of further information  
625 shall be limited to the following: (A) That the person was in fact  
626 provided services by the department; (B) dates and duration of service;  
627 and (C) a general description of the service, which shall include  
628 evidence that a service or treatment plan exists and has been carried  
629 out and evidence to substantiate the necessity for admission and  
630 length of stay in any institution or facility; and

631 (28) Any local or regional board of education, provided the records  
632 are limited to educational records created or obtained by the state or  
633 Connecticut-Unified School District #2, established pursuant to section  
634 17a-37.

635 (h) The department, subject to subsection (c) of this section, may  
636 disclose records without the consent of the person who is the subject of  
637 the record, to:

638 (1) Any law enforcement officer or state's attorney if there is  
639 reasonable cause to believe that a child or youth is being abused or  
640 neglected, or at risk of being abused or neglected as a result of any  
641 suspected criminal activity by any person;

642 (2) Any individual interviewed as part of an investigation  
643 conducted pursuant to section 17a-101g who is not otherwise entitled  
644 to such information, provided such information shall be limited to: (A)  
645 The general nature of the allegations contained in the reports; (B) the

646 identity of the child or youth alleged to have been abused or neglected;  
647 (C) the identity of the alleged perpetrator; and (D) information  
648 necessary to further the course of the investigation;

649 (3) School employees who (A) are mental health professionals, as  
650 defined in section 10-76t, or (B) have direct responsibility for  
651 implementing the educational program of the child or youth receiving  
652 services from the department, provided such disclosure is limited to  
653 information reasonably necessary to provide educational services to  
654 the child or youth;

655 (4) Any individual, when information concerning an incident of  
656 abuse or neglect has been made public or the commissioner reasonably  
657 believes publication of such information is likely, provided such  
658 disclosure is limited to: (A) Whether the department has received a  
659 report in accordance with sections 17a-101a to 17a-101c, inclusive, or  
660 section 17a-103; (B) in general terms, any action taken by the  
661 department, provided: (i) Names or other individually identifiable  
662 information of the minor victim or other family members is not  
663 disclosed, regardless of whether such individually identifiable  
664 information is otherwise available, and (ii) the name or other  
665 individually identifiable information of the person suspected to be  
666 responsible for the abuse or neglect is not disclosed unless such person  
667 has been arrested for a crime due to such abuse or neglect; (C)  
668 confirmation or denial of the accuracy of information that has been  
669 made public; and (D) in general terms, the current legal status of the  
670 case;

671 (5) Any individual for the purposes of locating a missing parent,  
672 child or youth, provided such disclosure is limited to information that  
673 assists in locating such missing parent, child or youth;

674 (6) Any individual, when the information or findings concern an  
675 incident of abuse or neglect which resulted in a child or youth fatality  
676 or near fatality of a child or youth, provided disclosure of such  
677 information or findings is in general terms and does not jeopardize a

678 pending investigation;

679 (7) Any court of competent jurisdiction whenever an employee of  
680 the department is subpoenaed and ordered to testify about such  
681 records; and

682 (8) Individuals not employed by the department who arrange,  
683 perform or assist in performing functions or activities on behalf of the  
684 department, including, but not limited to, data analysis, processing or  
685 administration, utilization review, quality assurance, practice  
686 management, consultation, data aggregation and accreditation  
687 services.

688 (i) Notwithstanding the provisions of subsections (e) to (h),  
689 inclusive, of this section, the department may refuse to disclose records  
690 to any individual, provided the department gives such individual  
691 notice (1) that records are being withheld, (2) of the general nature of  
692 the records being withheld, (3) of the department's reason for refusing  
693 to disclose the records, and (4) of the individual's right to judicial relief  
694 pursuant to subsection (j) of this section.

695 (j) Any person or the person's authorized representative (1)  
696 aggrieved by a violation of subsection (b), (d), (f) to (h), inclusive, or (l)  
697 of this section may seek judicial relief in the manner prescribed in  
698 section 52-146j, or (2) denied access to records by the department  
699 under subsection (i) of this section, may petition the superior court for  
700 juvenile matters for the venue district provided in section 46b-142 in  
701 which the person resides, for an order requiring the commissioner to  
702 permit access to the records, and the court, after a hearing and an in  
703 camera review of the records in question, shall issue such order unless  
704 the court determines that to permit such disclosure of all or any  
705 portion of the record (A) would be contrary to the best interests of the  
706 person, the person's authorized representative or the person who is the  
707 subject of the record, (B) could reasonably result in the risk of harm to  
708 any person, or (C) would contravene the public policy of this state.

709 (k) Any party to a civil proceeding may petition the superior court  
710 for juvenile matters for the venue district provided in section 46b-142  
711 in which the party resides for an order authorizing disclosure of the  
712 record of another party to the civil proceeding, provided the court,  
713 after an in camera review, finds the records are material and relevant  
714 to those proceedings and that good cause exists to disclose the records.  
715 Good cause may include, but is not limited to, the fact that the party  
716 seeking the record has no other available means of obtaining the  
717 information sought.

718 (l) Each written record disclosed to another individual or agency  
719 shall bear a stamp requiring confidentiality in accordance with this  
720 section. Such material shall not be disclosed without the written  
721 consent of the person or as provided by this section. A copy of the  
722 consent form specifying to whom and for what specific use the record  
723 is disclosed or a statement setting forth any other statutory  
724 authorization for disclosure and the limitations imposed on disclosure  
725 shall accompany the record. In cases where the disclosure is made  
726 orally, the individual disclosing the information shall inform the  
727 recipient that the information is governed by the provisions of this  
728 section.

729 (m) Whenever any person, attorney or authorized representative,  
730 having obtained access to any record, believes there are factually  
731 inaccurate entries or materials contained in the record, such person  
732 shall have the unqualified right to add a statement to the record setting  
733 forth what such person believes to be an accurate statement of those  
734 facts, and the statement shall become a permanent part of the record.

735 Sec. 6. (*Effective July 1, 2008*) The sum of \_\_\_\_\_ is appropriated to the  
736 Commission on Child Protection, from the General Fund, for the fiscal  
737 year ending June 30, 2009, for the purpose of increasing staffing in  
738 order to provide services pursuant to section 46b-123d of the 2008  
739 supplement to the general statutes, as amended by this act, with such  
740 staff to include a director of family matters appointed pursuant to

741 section 46b-123c of the 2008 supplement to the general statutes, as  
742 amended by this act, two staff attorneys and one paralegal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	46b-123c
Sec. 2	<i>July 1, 2008</i>	46b-123d
Sec. 3	<i>October 1, 2008</i>	46b-129a
Sec. 4	<i>October 1, 2008</i>	4-165
Sec. 5	<i>October 1, 2008</i>	17a-28
Sec. 6	<i>July 1, 2008</i>	New section

**Statement of Purpose:**

To amend statutes related to the representation of children by attorneys and guardian ad litem by: (1) Increasing staff within the Commission on Child Protection to provide and oversee required services, (2) revise the role of attorneys and guardian ad litem in certain court proceedings, (3) provide immunity to contract attorneys who represent children, similar to the immunity provided to certain appointed special assistant public defenders, and (4) revise provisions concerning the confidentiality of certain Department of Children and Families' records and retain the Chief Child Protection Attorney's access to such records.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*