

**Legislative Regulation  
Review Committee**

2008-014b

Department of Children and Families

**CHILD ABUSE AND NEGLECT REGISTRY**

STATE OF CONNECTICUT  
**REGULATION**  
OF

NAME OF AGENCY

Department of Children and Families

Concerning

SUBJECT MATTER OF REGULATION

*Child Abuse and Neglect Registry*Section: 1

**Section 1.** The Regulations of Connecticut State Agencies are amended by adding sections 17a-101k-1 to 17a-101k-16, inclusive, to read as follows:

**(NEW) Section 17a-101k-1. Definitions**

As used in sections 17a-101k-1 to 17a-101k-16, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Department" means Department of Children and Families;
- (2) "Commissioner" means the Commissioner of the Department of Children and Families;
- (3) "Child" means any person under eighteen (18) years of age;
- (4) "Reports of child abuse or neglect" or "referrals" means complaints received by the department alleging that a person under the age of eighteen (18) has had physical injury or injuries inflicted upon him or her by a person responsible for such child's health, welfare or care, by a person entrusted with the care of such child, or by a person given access to such child, other than by accidental means or has injuries that are at variance with the history given of them, or is in a condition that is the result of maltreatment such as, but not limited to, malnutrition, sexual abuse, sexual exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment, or has been abandoned or is being denied proper care and attention, physically, educationally, emotionally, or morally, or is being permitted to live under conditions, circumstances or associations injurious to his or her well-being;
- (5) "A person responsible for such child's health, welfare or care" means a child's or youth's parent, guardian or foster parent; an employee of a public or private residential home, agency or institution or other person legally responsible in a residential setting, or any staff person providing out-of-home care, including center-based child day care, family day care or group day care;
- (6) "A person entrusted with the care of a child" means a person given access to a child by a person responsible for the health, welfare or care of a child for the purpose of providing education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring of such child;
- (7) "A person given access to a child" means a person who is permitted to have personal interaction with a child by a person responsible or a person entrusted under circumstances in which the person responsible or the person entrusted has a reasonable expectation that the person given access will exercise some responsibility, control, influence or supervisory role with the child.;
- (8) "Guardian" means the person who has the obligation of care and control, the right to custody, and the duty and authority to make major decisions affecting a minor's welfare;
- (9) "Hotline" means the Department of Children and Families' centralized intake unit which receives all reports of child abuse or neglect made to the department;

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- (10) "Individual responsible" means a person substantiated by the department, after an investigation of a report of child abuse or neglect, as a perpetrator of abuse or neglect;
- (11) "Substantiated" means that the department has found after investigation of a report, pursuant to section 17a-101g of the Connecticut General Statutes, that there is reasonable cause to believe that child abuse or neglect has occurred and that a specific person is the individual responsible for an act or acts of child abuse or neglect;
- (12) "Substantiation" means the designation given by the department to a report of alleged child abuse or neglect that has been substantiated after investigation;
- (13) "Registry finding" means the determination by the commissioner or the commissioner's designee, based on a standard of reasonable cause, that a person who has been substantiated as an individual responsible for abuse or neglect of a child poses a risk to the health, safety or well-being of children consistent with the requirements of subsection (b) of section 17a-101g of the Connecticut General Statutes and sections 17a-101k-1 to 17a-101k-16, inclusive, of the Regulations of Connecticut State Agencies;
- (14) "Central registry" or "registry" means the confidential data file maintained as part of the department's computerized database, of persons who have been substantiated as individuals responsible for an act or acts of child abuse or neglect and for whom the commissioner has made a determination, based upon a standard of reasonable cause, that the individual poses a risk to the health, safety or well-being of children; and
- (15) "Expunged" means the deletion from the department's computerized database of unsubstantiated reports and the associated investigation protocols five years from the completion of the last unsubstantiated allegation provided that no referrals have been made on the case and there are no other substantiated reports.

**(NEW) Section 17a-101k-2. Notice of Substantiation or Listing on Central Registry**

(a) Any person: (1) who has been substantiated as an individual responsible for child abuse or neglect pursuant to section 17a-101g of the Connecticut General Statutes; (2) against whom a registry finding is made that the person's name should be entered in the central registry; or (3) who is a parent or guardian of a child who has been substantiated as an individual responsible for the abuse or neglect of a child shall be informed of any such substantiation or registry finding by the department not later than five (5) business days after the date of the substantiation or registry finding by first class mail sent to the person's last known address.

(b) The notification required under subsection (a) of this section shall include: (1) the name of the child abused or neglected; (2) the date of the report; (3) the date of the substantiation; (4) the name of the individual responsible; (5) a short and plain description of the type of abuse or neglect alleged; and (6) the steps that shall be followed to request an internal review of the substantiation.

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(c) The notification required under subsection (a) of this section shall also: (1) inform the individual responsible for the abuse or neglect of the existence of the registry; (2) if applicable, the registry finding that the individual's name should be entered on the central registry, and the commissioner's intention to enter the name of the individual responsible on the registry unless the individual exercises the right to appeal the registry finding; (3) inform the individual responsible of the adverse consequences of being entered on the registry, including, but not limited to, the potential effect on the individual obtaining or retaining employment, licensure or engaging in activities involving direct contact with children; and (4) inform the individual responsible of his or her right to administrative procedures to contest the registry finding as provided in sections 17a-101k-1 to 17a-101k-16, inclusive, of the Regulations of Connecticut State Agencies.

(d) The notification required under subsection (a) of this section shall also include a written form for the individual responsible to sign and return to the department, indicating whether the individual intends to invoke the internal review provided for in section 17a-101k-4 of the Regulations of Connecticut State Agencies.

(e) Any person or entity that denies employment, licensing or certification to an individual based on the results of a search of the department's central registry shall inform the individual who is denied employment, licensing or certification that such individual's name is entered on the central registry. The department shall instruct persons, agencies or other public or private entities requesting a background check for employment, licensing or certification purposes that: (1) they shall inform the subject of the background check that he or she is entered in the central registry, as a individual responsible for abuse or neglect; and (2) that the subject may be able to contest the substantiation and registry finding pursuant to sections 17a-101k-1 to 17a-101k-16, inclusive, of the Regulations of Connecticut State Agencies.

**(NEW) Section 17a-101k-3. Criteria for Registry Finding that Individual Responsible for Abuse or Neglect of a Child Poses a Risk to the Health, Safety or Well-being of Children**

(a) In order to enter the name of an individual responsible on the central registry, the commissioner, or the commissioner's designee, shall make a determination that: (1) child abuse or neglect has occurred; (2) there is an identifiable individual responsible for abuse or neglect; (3) the individual responsible poses a risk to the health, safety or well-being of children; and (4) the individual's name should be entered on the central registry, provided that the individual's name shall not actually be disclosed pursuant to a check of the registry until the exhaustion or waiver of all available administrative appeals, except as provided in subsection (d) of section 17a-101g of the Connecticut General Statutes.

(b) A person shall be deemed to pose a risk to the health, safety or well-being of children, and listed on the central registry, when: the child abuse or neglect resulted in or involves (1) the death of a child; (2) the risk of serious physical injury of a child; (3) the serious physical or emotional harm of a child; (4) the substantiation is for sexual abuse and the individual responsible is over sixteen (16) years of age; (5) there is a second substantiation for physical or emotional abuse; (6) the individual responsible for physical or emotional abuse is a person entrusted

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with the care of a child within the meaning of section 17a-101k-1(6) of the Regulations of Connecticut State Agencies; (7) the individual responsible is arrested for the act of abuse or neglect that is substantiated; or (8) a petition alleging that a child is neglected or uncared for, or a petition alleging grounds for the termination of parental rights pursuant to section 46b-129 or section 17a-112 of the Connecticut General Statutes respectively, and based at least in part on the allegations that form the basis of the substantiation, is pending in Superior Court or on appeal.

(c) In all other cases in which the department substantiates abuse or neglect by an individual responsible, and the individual responsible is not recommended for entry on the central registry pursuant to subsection (b) this section, the investigator shall review the case to determine whether the individual responsible poses a risk to the health, safety and well-being of children and should be listed on the central registry.

(d) In cases reviewed for a determination of risk to the health, safety and well-being of child as set forth in subsection (c) of this section, the criteria applied by the investigator shall include, where applicable: (1) whether the abuse or neglect was related to medically-defined malnutrition or failure to thrive and the individual responsible could reasonably be expected to have had sufficient knowledge about the basic nutritional needs of the victim; (2) whether there is evidence of cruelty by the individual responsible for the abuse or neglect; (3) whether there is information that would lead to the conclusion that the individual responsible had reason to know that his or her acts or statements were cruel and unconscionable; (4) whether the individual responsible could have reasonably been expected to know that his or her acts or statements would be detrimental to the child's health, safety or well-being; (5) regardless of the intent of the individual responsible, the severity, chronicity, or the use of force involved in the neglect or abuse; (6) whether the individual responsible could have been reasonably expected to know that his or her actions had a high likelihood of resulting in serious injury to the victim; (7) if the neglect or abuse resulted in death, rendering unconscious, concussion, internal head injury, lasting physical impairment of the normal functioning of the child, or from the perspective of qualified medical personnel, the necessity for immediate medical attention for the victim; (8) if there was information that reasonably led to the conclusion that the substantiated neglect or abuse was not an isolated incident; (9) the amount of force used leading to the abuse or neglect of the child was unreasonable given the age, size or intellectual capacity of the child; and (10) whether the impact on the child is likely to be of lasting duration.

(e) In cases of neglect, in addition to the criteria set forth in subsection (d) of this section, the investigator, shall consider the intent, severity, chronicity and behavioral health or domestic violence concerns based on a review of the abuse or neglect that led to the substantiation, including, but not limited to if: (1) there was reason to believe that the individual responsible had sufficient knowledge and resources, the ability to utilize them and an understanding of the implications for failing to provide appropriate care, but made a conscious decision not to do so; (2) there was an adverse impact to the victim, or a serious disregard for the victim's welfare; (3) there is a pattern or chronic nature to the neglect regardless of the measurable impact to the victim; (4) there was a previous substantiation of neglect by the individual responsible for the current abuse or neglect for an incident or conduct

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unrelated to the current incident or conduct; or (5) substance abuse or domestic violence was a significant contributing factor in the substantiation and the individual responsible refused to acknowledge that factor, refused to take responsibility for the resulting conduct or failed to provide a viable plan to address the contributing factor.

(f) In cases of physical abuse, in addition to the criteria set forth in subsections (d) and (e) of this section, the investigator shall consider factors including: (1) the intent of the individual responsible, including but not limited to, the intent to cause physical harm; or (2) the severity of the impact on the child.

(g) In cases of sexual abuse, in addition to the criteria set forth in subsections (d) and (e) of this section, the investigator shall consider whether the individual responsible was under the age of sixteen (16) years, whether an evaluation has been conducted by a licensed evaluator with expertise in determining the risk of re-offending who has concluded that the individual responsible is at moderate to high risk of re-offending.

(h) No individual shall be recommended for entry on the central registry if the only substantiated allegation is educational neglect.

**(NEW) Section 17a-101k-4. Request for Internal Review**

(a) Any person: (1) who has been substantiated as an individual responsible for child abuse or neglect; (2) against whom a determination is made that the individual's name should be entered on the central registry; or (3) who is the parent or guardian of a child who has been substantiated as an individual responsible for child abuse or neglect, and who disagrees with such substantiation or registry finding may request an internal review of the substantiation or registry finding.

(b) To request an internal review, the individual responsible or his or her legal representative shall make such request in writing or return the form provided pursuant to subsection (d) of section 17a-101k-2 of the Regulations of Connecticut State Agencies to the department office or unit that conducted the investigation not later than thirty (30) days after the date of the notification letter sent by the department pursuant to section 17a-101k-2 of the Regulations of Connecticut State Agencies.

(c) A request for an internal review shall be denied by the department when a criminal court proceeding has been finally disposed with a factual determination by the court that the identified person committed the act of child abuse or neglect that is the subject of the substantiation.

(d) A request for an internal review shall be denied by the department when a civil court proceeding has been finally disposed with a factual determination by the court that the identified person committed the act of child abuse or neglect that is the subject of the substantiation.

(e) An internal review shall be deferred pending disposition of any criminal court proceeding arising from the allegation of child abuse or neglect which is the subject of the internal review unless the individual responsible files a written objection to such deferral.

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(f) An internal review shall be deferred pending disposition of any civil court proceeding arising from the allegation of child abuse or neglect which is the subject of the internal review.

**(NEW) Section 17a-101k-5. Conduct of the Internal Review**

(a) Upon timely receipt by the department office or unit that conducted the abuse or neglect investigation of a request for an internal review of a substantiation or registry finding, the office or unit's designated reviewer shall commence a review of the case to determine whether the substantiation or registry finding is factually or legally deficient and ought to be reversed.

(b) Prior to the completion of the internal review, the department shall provide the individual responsible with all relevant documents in the possession of the department regarding the substantiation or registry finding as provided in subdivision (1) of subsection (c) of section 17a-101k of the Connecticut General Statutes.

(c) Such review shall be completed not later than thirty (30) days after the date of the notification letter sent by the department for an internal review and shall consist of a review of all relevant information relating to the substantiation or registry finding, including any documentation submitted by the individual responsible or his or her representative for purposes of the review. Additionally, such review may, in the discretion of the reviewer, include a telephone conference or face-to-face meeting with the individual responsible conducted for the purpose of gathering additional relevant information.

(d) Notwithstanding the foregoing, a registry finding based solely on an arrest as set forth in subdivision (7) of subsection (b) of section 17a-101k-3 of the Regulations of Connecticut State Agencies or a petition as set forth in subdivision (8) of subsection (b) of 17a-101k-3 of the Regulations of Connecticut State Agencies shall be reversed upon a showing that the criminal or civil case was finally disposed without a factual determination by a court that the individual responsible committed the act of child abuse or neglect that is the subject of the substantiation.

(e) If the designated reviewer determines the substantiation or registry finding is factually or legally deficient, he or she shall direct that the substantiation or registry finding be reversed and shall take action to assure that the department's records are amended and such substantiation or registry finding is reversed. The individual requesting the review shall be informed of such reversal by certified mail not later than five (5) days after such determination. The department's records shall be amended with reasonable immediacy.

(f) If the designated reviewer determines the substantiation or registry finding is legally and factually sufficient, the reviewer shall inform the individual responsible by certified mail not later than five (5) days after such determination.

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(g) The written notice given pursuant to subsection (f) of this section shall include: (1) a reference to sections 17a-101k-1 to 17a-101k-16, inclusive, of the Regulations of Connecticut State Agencies; (2) the department's grounds for the substantiation; (3) the registry finding, if applicable; (4) the right of the individual responsible to request an administrative hearing; (5) how the individual responsible shall apply for an administrative hearing; and (6) notice that the request for an administrative hearing must be made not later than thirty (30) days after receipt of the notice by the individual responsible.

(h) A copy of the notice provided to the individual responsible shall be maintained in the case record.

(i) If the department fails to conduct an internal review not later than thirty (30) days after receipt of the notice, the individual responsible, or parent or guardian of an individual responsible who is a minor, may request an administrative hearing from the department administrative hearings unit.

**(NEW) Section 17a-101k-6. Request for an Administrative Hearing**

(a) Any person: (1) who has been substantiated as an individual responsible for child abuse or neglect; (2) against whom a registry finding is made; or (3) who is the parent or guardian of a child who has been substantiated as an individual responsible for child abuse or neglect, and has received notice of the decision reached after an internal review as provided in section 17a-101k-5 of the Regulations of Connecticut State Agencies, or who has timely requested an internal review and has not received a decision pursuant to subsection (i) of section 17a-101k-5 of the Regulations of Connecticut State Agencies, may request an administrative hearing to contest the department's decisions.

(b) The request shall be made by the individual responsible or his or her legal representative sending a written request for an administrative hearing to the commissioner not later than thirty (30) days after the receipt of the decision reached after an internal review or, in the case in which the department has failed to timely conduct an internal review, at any time thirty one (31) or more days after sending the request for an internal review.

**(NEW) Section 17a-101k-7. Scheduling the Administrative Hearing**

(a) The administrative hearing shall be scheduled by the department not later than thirty (30) days after the date the request is received by the commissioner. Notice of the hearing date shall be provided in accordance with section 4-177 of the Connecticut General Statutes.

(b) The administrative hearing shall be held in the office of the department or unit that conducted the investigation or another location designated by the commissioner or designee.

(c) An administrative hearing shall not be continued or postponed except when requested in writing and for good cause shown as determined by the hearing officer.

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- (d) An administrative hearing may be consolidated with any other reasonably-related department administrative hearings at the discretion of the commissioner or designee.
- (e) The hearing officer may dismiss an administrative hearing if the individual responsible, without good cause shown, fails to attend a hearing after receiving notice.
- (f) An administrative hearing may be deferred pending disposition of any civil court proceeding arising from or including the incident of abuse or neglect that is the subject of the administrative hearing.
- (g) An administrative hearing may be deferred pending disposition of any criminal court proceeding arising from or including the incident of abuse or neglect that is the subject of the administrative hearing unless the individual responsible files a written objection to such deferral.
- (h) A request for an administrative hearing shall be denied and the registry finding shall be confirmed in accordance with subsection (b) of section 17a-101k-3 of the Regulations of Connecticut State Agencies by the department when a criminal court proceeding has been finally disposed with a factual determination by the court that the individual responsible committed the act of child abuse or neglect that is the subject of the substantiation.
- (i) A request for an administrative hearing shall be denied by the department when a civil court proceeding has been finally disposed with a factual determination by the court that the identified person committed the act of child abuse or neglect that is the subject of the substantiation. Notwithstanding the foregoing, the department shall proceed with an administrative hearing for the sole purpose of determining the legal sufficiency of the registry finding in any civil case that does not result in a factual determination that at least one of the circumstances listed in subsection (b) of section 17a-101k-3 of the Regulations of Connecticut State Agencies exists.

**(NEW) Section 17a-101k-8. Conduct of the Administrative Hearing**

- (a) The administrative hearing shall be conducted by a hearing officer designated by the commissioner or designee. The agency's case may be presented by any agency employee or other designee of the commissioner. The person requesting the hearing may be represented by legal counsel, except that the department shall have no obligation to appoint or retain counsel for any person.
- (b) The hearing officer shall have the power to administer oaths and affirmations, subpoena witnesses and require the production of records, physical evidence, papers and documents to any hearing held in the case.
- (c) The hearing officer shall have the authority to limit witnesses and take any other necessary actions that will facilitate the hearing process.

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- (d) No pre-hearing discovery shall be permitted except for the opportunity to inspect and copy relevant and material records, papers and documents.
- (e) The department may amend its allegation(s) at any time prior to or at the start of the hearing, provided that such amendment is in writing and that the appellant shall be granted, upon request, a continuance for the purpose of preparing a response to the amended allegation(s).
- (f) The department's investigative record including protocol, medical records and other materials used to substantiate abuse or neglect or to make the registry finding, and any relevant documents submitted to the department by the individual responsible for use during the internal review shall be admitted as part of the hearing record.
- (g) Any oral or documentary evidence may be received provided: (1) the hearing officer shall limit or exclude any evidence that is irrelevant, immaterial or unduly repetitious; (2) the hearing officer shall recognize the rules of privilege governing confidential professional communications; (3) when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form; (4) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and, upon request, parties shall be given an opportunity to compare the copy with the original; (5) notice may be taken of generally recognized technical or scientific facts within common knowledge or the agency's specialized knowledge; (6) parties shall be notified in a timely manner of any material noticed, including any agency memoranda or data, and they shall be afforded an opportunity to contest the material so noticed; (7) the agency's experience, technical compliance, and specialized knowledge may be used in the evaluation of the evidence; (8) all parties and their attorneys shall be permitted to examine all records and documents introduced by the parties to the hearing. Should any record or document that a party was not permitted to examine in advance of the hearing be introduced, that party may request a continuance, which may be granted at the discretion of the hearing officer, to allow the requesting party an opportunity to prepare a response to the record or document; and (9) a party may present evidence and argument in support of his position on all issues involved and cross-examine witnesses presented by the opposing party or parties.
- (h) The abused or neglected child who is the subject of the substantiation shall not testify in an administrative hearing while that child is still a minor.
- (i) The full proceedings of administrative hearings shall be audio recorded.
- (j) In an administrative hearing, the burden of proof shall be on the department to prove by a fair preponderance of the evidence submitted at the hearing, that (1) the allegations of at least one substantiation; and (2) if applicable, the registry finding, was based on the proper application of the criteria set forth in section 17a-101k-3 of the Regulations of Connecticut State Agencies.

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(k) The hearing shall be limited to the evidence available to the department at the time of the internal review, except that a party may be permitted to introduce additional evidence if the hearing officer finds, after an offer of proof, that the additional evidence is relevant and material, that the introduction of such evidence will promote the interests of justice, and that, in the exercise of due diligence, the additional evidence could not have been available to and considered by the department during the investigation or by the internal reviewer.

**(NEW) Section 17a-101k-9. The Administrative Hearing Record**

The record shall include: (1) written notices related to the case; (2) all petitions, pleadings, motions and intermediate rulings, if any; (3) evidence received or considered; (4) questions and offers of proof, objections and rulings thereon; (5) the official recording of the proceedings; and (6) the final decision.

**(NEW) Section 17a-101k-10. The Administrative Hearing Decision**

(a) The administrative hearing decision shall be a final decision, pursuant to section 4-179 of the Connecticut General Statutes, unless designated in writing as a proposed decision by the commissioner or designee.

(b) The hearing officer shall be responsible for preparing the memorandum of final decision that shall be mailed not later than thirty (30) days after the conclusion of the hearing to the: (1) parties or their attorneys; (2) the department Bureau Chief for Child Welfare; (3) administrative, legal and casework staff involved in the investigation, internal review and hearing; and (4) the hearings unit file.

(c) The memorandum of final decision shall contain: (1) the names of the persons present, except that the name of an individual responsible, a victim and any non-professional witnesses, shall be represented by first name and last initial or other pseudonym; (2) the provisions of law, regulation and policy applicable to the case; (3) findings of fact; and (4) conclusions of law on which the decision is based. Other information that tends to identify persons whose names are represented by pseudonym shall, wherever possible, be edited in such a manner as to protect the confidentiality of those persons.

(d) If the hearing officer reverses the substantiation decision or the registry finding, the hearing officer shall direct that the department's records be amended with reasonable immediacy.

**(NEW) Section 17a-101k-11. Reconsideration and Appeal**

(a) Any request for reconsideration of a final decision is governed by section 4-181a of the Connecticut General Statutes.

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(b) Any individual found to be responsible for abuse or neglect who is aggrieved by the final decision of the hearing officer may appeal the final decision to the superior court in accordance with section 4-183 of the Connecticut General Statutes. Such individual may also seek a stay of the adverse decision of the hearing officer's final decision from the commissioner in accordance with subsection (f) of section 4-183 of the Connecticut General Statutes.

**(NEW) Section 17a-101k-12. Substantiations prior to May 1, 2000**

A person may appeal a substantiation of abuse or neglect made by the department prior to May 1, 2000, by sending a written request for an internal review to the department, unless such substantiation has already been appealed.

**(NEW) Section 17a-101k-13. Disclosure**

(a) Information about an investigation, a substantiation or the name of a person entered on the central registry may only be disclosed outside the department in accordance with sections 17a-28 and 17a-101a to 17a-101k, inclusive, of the Connecticut General Statutes or as otherwise permitted by law.

(b) The factual allegations underlying an investigation, whether or not there is a substantiation or a registry finding, may be included in a petition filed by the commissioner pursuant to section 17a-112, 45a-715 or 46b-129 of the Connecticut General Statutes, or an action to revoke a license issued by a state agency, or as may otherwise be permitted by law, so long as the agency disclosing such factual allegations also discloses whether the person was substantiated or unsubstantiated as a individual responsible for abuse or neglect, or whether the investigation is ongoing.

(c) In response to a lawful request for a background check for purposes of eligibility for employment, licensure, or benefits, the department unit conducting the background check shall disclose only the following information: (1) whether the person's name is entered on the central registry, and, if so, (2) the substantiated allegations of abuse or neglect, and (3) the date(s) of the investigation(s). If the person's name is entered on the central registry, the department unit conducting the background check may also refer the requestor to the department office or unit that conducted the investigation for further information as authorized by law. If the requestor is the Department of Public Health or Department of Social Services, the department shall provide the investigation file, if requested.

(d) In response to a lawful request for a background check for purposes of eligibility for employment, licensure or benefits, the department shall not disclose: (1) the existence of an unsubstantiated allegation of abuse or neglect; (2) a substantiated allegation of abuse or neglect that has been appealed if the appeal is pending, except as provided in section 17a-101k-14 of the Regulations of Connecticut State Agencies; (3) a substantiated allegation of abuse or neglect, if the time frame for requesting an appeal has not yet expired; or (4) a substantiated allegation of abuse or neglect if the individual responsible was not deemed a risk to the health, safety or well-being of children and the individual's name was not listed on the central registry.

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(e) If a lawful request for a background check for purposes of eligibility for employment, licensure or benefits reveals that the name of the subject of the background check is entered on the central registry, the department shall instruct the person, agency or other public or private entity requesting the background check that: (1) they shall inform the subject of the background check that his or her name is entered on the central registry; and (2) the subject may be eligible to appeal the registry finding and underlying substantiation pursuant to sections 17a-101k-1 to 17a-101k-16, inclusive, of the Regulations of Connecticut State Agencies.

(f) Any request for information concerning a child abuse or neglect investigation, or concerning records about an individual responsible, other than a background check for purposes of eligibility for employment, licensure or benefits, shall be processed by the department office or unit responsible for the investigation in accordance with sections 17a-28 and 17a-101a to 17a-101k, inclusive, of the Connecticut General Statutes or as otherwise permitted by law.

**(NEW) Section 17a-101k-14. Disclosure Pending Appeal**

(a) If the department receives a request for a background check of an individual responsible before the time for requesting an internal review or administrative hearing has expired or while an appeal is pending, the department shall not disclose any information concerning the pending matter, except if the child abuse or neglect resulted in or involves: (1) the death of a child; (2) the risk of serious physical injury or emotional harm of a child; (3) the serious physical harm of a child; (4) the arrest of the person due to abuse or neglect of a child; (5) the filing, by the commissioner, of a neglect or termination of parental rights petition; or (6) sexual abuse of a child.

(b) A substantiated allegation of child abuse or neglect that has been appealed and deferred because of a pending court matter shall not be disclosed while the court matter is pending except as provided in subsection (a) of this section. It shall be the responsibility of the individual responsible to notify the department that the court matter is no longer pending and that the individual responsible would like to proceed with the appeal. If the individual responsible does not notify the department no later than three (3) years after the date of deferral of the appeal, the individual's name shall be entered on the central registry without further notice, if such registry finding was made in the original investigation.

**(NEW) Section 17a-101k-15. Access to the Central Registry**

(a) The department shall provide for use of the central registry on a twenty-four (24) hour daily basis to prevent or discover abuse of children.

(b) Access to the central registry shall be limited to duly authorized persons for purposes of obtaining information for the investigation of child abuse and neglect, background checks, and other uses as permitted by law.

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(c) As permitted by law, prospective employers, licensing authorities and other public agencies, may request background checks for any person, provided they submit the request on a form approved by the department for that purpose, signed by the subject of the background check.

(d) As permitted by law, Connecticut state agencies may request background checks under certain circumstances without signed releases pursuant to section 17a-28 of the Connecticut General Statutes.

**(NEW) Section 17a-101k-16. Expunged Reports and Investigations**

Reports of neglect and abuse that were not accepted for investigation by the Hotline shall be kept for sixty (60) days from the date the report is received and then expunged. Reports of neglect and abuse that have been investigated and not substantiated shall be kept for five (5) years from the completion date of the investigation and then expunged. If the department has received more than one report on a person, and they are all unsubstantiated, they shall be expunged five (5) years from the completion date of the most recent investigation. Unsubstantiated investigations will not be expunged if the person has been substantiated as an individual responsible for abuse or neglect in any other investigation. Reports of neglect and abuse that have been investigated and substantiated shall be kept in the department's computerized database and hard copy record indefinitely, regardless of whether or not the person has been determined to pose a risk to the health, safety and well-being of children and has been entered on the central registry.

**Sec. 2.** Sections 17a-101-1 to 17a-101-10, inclusive, of the Regulations of Connecticut State Agencies are repealed.

**Statement of Purpose:** To provide notice of a DCF determination, following an investigation of child abuse or neglect, that a person has been substantiated as an individual responsible for abuse or neglect of a child and whether or not that person poses a risk to the health, safety or well-being of children. To establish criteria for determining whether the name of a person who has been substantiated as an individual responsible should be entered on central registry. To establish an internal review and administrative appeal process through which a person responsible may challenge a substantiation or registry finding. The regulations detail the process for the scheduling, conduct and the manner of decision of such interview reviews and administrative hearings. Also, the regulations address the method of reconsideration and appeal of such administrative decisions. The regulations address the process for requesting administrative reviews or appeals for substantiations determined prior to May 1, 2000. Finally, the regulations include provisions regarding disclosure of information, access to the central registry and the process for expunged reports and investigations.

**CERTIFICATION**

R-39 REV. 1/77

Be it known that the foregoing:

Regulations       Emergency Regulations

Are:

Adopted       Amended as herinabove stated       Repealed

By the aforesaid agency pursuant to:

Section 17a-101k of the General Statutes

Section \_\_\_\_\_ of the General Statutes as amended by Public Act No. \_\_\_\_\_ of the \_\_\_\_\_ Public Acts.

Public Act No. \_\_\_\_\_ of the Public Acts.

After Publication in the Connecticut Law Journal on April 3, 2007, of the notice of the proposal to:

Adopt       Amend       Repeal such regulations

(If applicable):  And the holding of an advertised public hearing on the 4th day of May 2007

WHEREFORE, the foregoing regulations are hereby:

Adopted       Amended as herinabove stated       Repealed

Effective:

When filed with the Secretary of the State  
(OR)

The \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

In Witness Whereof:	DATE <u>8/27/2008</u>	SIGNED (Head of Board, Agency or Commission) <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED <u>Deputy Commissioner</u>
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED <i>[Signature]</i>	DATE <u>8/28/08</u>	OFFICIAL TITLE, DULY AUTHORIZED <u>ASSOC. ATTY. GENERAL</u>
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- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.		
DATE	SIGNED (Secretary of the State.)	BY

**INSTRUCTIONS**

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes
3. Each Regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-179 of the General Statutes.