



House of Representatives

General Assembly

File No. 330

January Session, 2009

Substitute House Bill No. 6235

House of Representatives, March 30, 2009

The Committee on Human Services reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE USE OF CRIMINAL HISTORY RECORD INFORMATION FOR EMERGENCY PLACEMENT OF CHILDREN.

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

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) For purposes of this
2 section, "emergency placement" means the placement of a child by the
3 Department of Children and Families in the home of a private
4 individual, including a neighbor, friend or relative of a child, as a
5 result of the sudden unavailability of the child's primary caretaker.

6 (b) When the Department of Children and Families makes an
7 emergency placement, the department may request a criminal justice
8 agency to perform a federal name-based criminal history search of any
9 person residing in the home. The results of such name-based search
10 shall be provided to the department.

11 (c) No later than fifteen calendar days after the date such name-
12 based search is performed pursuant to subsection (b) of this section,
13 the department may request the State Police Bureau of Identification to

14 perform a state and national criminal history records check in
 15 accordance with section 29-17a of the general statutes of any person
 16 residing in the home. Such criminal history records checks shall be
 17 deemed as required by this section for purposes of said section 29-17a
 18 and the department may request that such records checks be
 19 performed in accordance with subsection (c) of section 29-17a of the
 20 general statutes. The results of such criminal history records checks
 21 shall be provided to the department.

22 (d) If the department denies emergency placement or removes a
 23 child from a home based on the results of a federal name-based
 24 criminal history search performed pursuant to subsection (b) of this
 25 section, the person whose name-based search was the basis for such
 26 denial or removal may contest such denial or removal by requesting
 27 that a full criminal history records check be performed in accordance
 28 with subsection (c) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	New section

KID *Joint Favorable C/R* HS

HS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Depts. of Children & Families, Public Safety	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill authorizes the Department of Children and Families (DCF) to access the federal Interstate Identification Index in circumstances involving the emergency placement of children. It also allows the DCF to request that the Department of Public Safety (DPS) conduct a state and national criminal history records check of any person residing in the home of a child placed on an emergency basis. No fiscal impact is anticipated, as this codifies current practice.

The Out Years

None

Source: 2/5/09 Public Hearing Testimony.

OLR Bill Analysis**sHB 6235****AN ACT CONCERNING THE USE OF CRIMINAL HISTORY RECORD INFORMATION FOR EMERGENCY PLACEMENT OF CHILDREN.****SUMMARY:**

This bill codifies the Department of Children and Families' (DCF) practice of making emergency placements of children with friends and relatives who have been cleared by an FBI instant criminal record search. It includes provisions for a subsequent fingerprint-based check at DCF's discretion or for anyone whose name-based search resulted in DCF removing the child from the household.

EFFECTIVE DATE: July 1, 2009

FBI NAME-BASED CRIMINAL RECORDS CHECKS FOR EMERGENCY CHILD PLACEMENTS

State and federal law prohibit DCF from placing children in homes without conducting a fingerprint-based criminal records check of all adults living there. The bill codifies DCF's ability to use the FBI's instant name-based data base of people who have been arrested for felonies and serious misdemeanors when it seeks to place children with people they know (such as relatives, friends, or neighbors) when their primary caretaker becomes suddenly unable to care for them. It authorizes DCF to request a criminal justice agency (presumably the state police) to perform the check and share the results with the department.

Under the bill, DCF may later request that the state police conduct fingerprint-based state and national criminal history checks of household members. It must make the request within 15 days after the date the name-based check was conducted and follow existing

statutory procedures for submitting fingerprints and paying for those checks. DCF must remove children if any household member refuses a request to (1) give written permission for the records check or (2) provide fingerprints.

When DCF denies an emergency placement or removes a child from a household based on the results of a name-based criminal history search, the bill allows the resident whose reported criminal history resulted in the denial or removal to challenge the action by requesting the State Police Bureau of Identification to conduct a fingerprint-based check following procedures specified in law.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 11 Nay 0 (02/10/2009)

Human Services Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/12/2009)