



House of Representatives

File No. 689

General Assembly

January Session, 2009

(Reprint of File No. 330)

Substitute House Bill No. 6235
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 16, 2009

**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 shall request the State Police Bureau of Identification
14 to 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. If any person refuses to provide
 22 fingerprints or other positive identifying information for purposes of
 23 such checks when requested, the department shall immediately
 24 remove the child from the home.

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

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

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

OFA Fiscal Note***State Impact:*** None***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 requires 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.

House "A" makes changes that do not result in a fiscal impact.

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

Sources: 2/5/09 Public Hearing Testimony

OLR Bill Analysis**sHB 6235 (as amended by House "A")*****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 (1) provisions for a subsequent mandatory fingerprint-based check, (2) requires the child's removal if a person refuses to give fingerprints or other identifying information, and (3) allows anyone whose name-based search resulted in DCF removing the child from the household to request a full criminal history records check.

*House Amendment "A" makes fingerprint-based background checks mandatory and requires the child's removal when any person refuses to give fingerprints or other identifying information on request.

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 database 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 must 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 immediately if any person refuses a request to (1) give written permission for the records check or (2) provide fingerprints or other positive identifying information for purposes of conducting the background check.

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 that the State Police Bureau of Identification 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)