



General Assembly

**Substitute Bill No. 6403**

January Session, 2009

\*          HB06403HS          031909          \*

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

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

1       Section 1. Section 17a-28 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2009*):

3       (a) As used in this section:

4       (1) "Person" means (A) any individual named in a record,  
5       maintained by the department, who (i) is presently or at any prior time  
6       was a ward of or committed to the commissioner for any reason; (ii)  
7       otherwise received services, voluntarily or involuntarily, from the  
8       department; or (iii) is presently or was at any prior time the subject of  
9       an investigation by the department; (B) [the] a parent whose parental  
10      rights have not been terminated or current guardian of [a person, as  
11      defined] an individual described in subparagraph (A) of this  
12      subdivision, if such [person] individual is a minor; or (C) the  
13      authorized representative of [a person] an individual, as defined in  
14      subparagraph (A) of this subdivision, if such person is deceased;

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

17      (3) "Authorized representative" means a parent, guardian, guardian

18 ad litem, attorney, conservator or other individual authorized to assert  
19 the confidentiality of or right of access to records of a person;

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

24 (5) "Records" means information created or obtained in connection  
25 with the department's child protection activities or other activities  
26 related to a child while in the care or custody of the department,  
27 including information in the registry of reports to be maintained by the  
28 commissioner pursuant to section 17a-101k, as amended by this act,  
29 provided records which are not created by the department are not  
30 subject to disclosure, except as provided pursuant to subsection (f) []  
31 or (l) [or (n)] of this section;

32 (6) "Disclose" means (A) to provide an oral summary of records  
33 maintained by the department to an individual, agency, corporation or  
34 organization, or (B) to allow an individual, agency, corporation or  
35 organization to review or obtain copies of such records in whole, part  
36 or summary form;

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

39 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,  
40 records maintained by the department shall be confidential and [shall  
41 not be disclosed. Such records of any person] may only be disclosed, in  
42 whole or in part, to any individual, agency, corporation or  
43 organization with the consent of the person or as provided in this  
44 section. Any unauthorized disclosure shall be punishable by a fine of  
45 not more than one thousand dollars or imprisonment for not more  
46 than one year, or both.

47 [(c) When information concerning an incident of abuse or neglect  
48 has been made public or when the commissioner reasonably believes

49 publication of such information is likely, the commissioner or the  
50 commissioner's designee may disclose, with respect to an investigation  
51 of such abuse or neglect: (1) Whether the department has received a  
52 report in accordance with sections 17a-101a to 17a-101c, inclusive, or  
53 section 17a-103, and (2) in general terms, any action taken by the  
54 department, provided (A) the names or other individually identifiable  
55 information of the minor victim or other family member is not  
56 disclosed, and (B) the name or other individually identifiable  
57 information of the person suspected to be responsible for the abuse or  
58 neglect is not disclosed unless the person has been arrested for a crime  
59 due to such abuse or neglect.

60 (d) The commissioner shall make available to the public, without  
61 the consent of the person, information in general terms or findings  
62 concerning an incident of abuse or neglect which resulted in a child  
63 fatality or near fatality of a child, provided disclosure of such  
64 information or findings does not jeopardize a pending investigation.]

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

69 (d) Any information disclosed from a person's record shall not be  
70 disclosed to another individual or entity without the written consent of  
71 the person, except if disclosed pursuant to an order of a court of  
72 competent jurisdiction.

73 (e) The commissioner shall, upon written request, disclose the  
74 following information concerning agencies licensed by the Department  
75 of Children and Families, except foster care parents, relatives of the  
76 child who are certified to provide foster care or prospective adoptive  
77 families: (1) The name of the licensee; (2) the date the original license  
78 was issued; (3) the current status of the license; (4) whether an agency  
79 investigation or review is pending or has been completed; and (5) any  
80 licensing action taken by the department at any time during the period

81 such license was issued and the reason for such action, provided  
82 disclosure of such information will not jeopardize a pending  
83 investigation.

84 [(f) The commissioner or the commissioner's designee shall, upon  
85 request, promptly provide copies of records, without the consent of a  
86 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,  
87 or the Chief State's Attorney's designee, or a state's attorney for the  
88 judicial district in which the child resides or in which the alleged abuse  
89 or neglect occurred, or the state's attorney's designee, for purposes of  
90 investigating or prosecuting an allegation of child abuse or neglect, (3)  
91 the attorney appointed to represent a child in any court in litigation  
92 affecting the best interests of the child, (4) a guardian ad litem  
93 appointed to represent a child in any court in litigation affecting the  
94 best interests of the child, (5) the Department of Public Health, which  
95 licenses any person to care for children for the purposes of  
96 determining suitability of such person for licensure, subject to the  
97 provisions of sections 17a-101g and 17a-101k, (6) any state agency  
98 which licenses such person to educate or care for children pursuant to  
99 section 10-145b or 17a-101j, subject to the provisions of sections 17a-  
100 101g and 17a-101k concerning nondisclosure of findings of  
101 responsibility for abuse and neglect, (7) the Governor, when requested  
102 in writing, in the course of the Governor's official functions or the  
103 Legislative Program Review and Investigations Committee, the joint  
104 standing committee of the General Assembly having cognizance of  
105 matters relating to the judiciary and the select committee of the  
106 General Assembly having cognizance of matters relating to children  
107 when requested in the course of said committees' official functions in  
108 writing, and upon a majority vote of said committee, provided no  
109 names or other identifying information shall be disclosed unless it is  
110 essential to the legislative or gubernatorial purpose, (8) a local or  
111 regional board of education, provided the records are limited to  
112 educational records created or obtained by the state or Connecticut-  
113 Unified School District #2, established pursuant to section 17a-37, (9) a  
114 party in a custody proceeding under section 17a-112 or 46b-129, in the

115 Superior Court where such records concern a child who is the subject  
116 of the proceeding or the parent of such child, (10) the Chief Child  
117 Protection Attorney, or his or her designee, for purposes of ensuring  
118 competent representation by the attorneys whom the Chief Child  
119 Protection Attorney contracts with to provide legal and guardian ad  
120 litem services to the subjects of such records and to ensure accurate  
121 payments for services rendered by such contract attorneys, and (11)  
122 the Department of Motor Vehicles, for purposes of checking the state's  
123 child abuse and neglect registry pursuant to subsection (e) of section  
124 14-44. A disclosure under this section shall be made of any part of a  
125 record, whether or not created by the department, provided no  
126 confidential record of the Superior Court shall be disclosed other than  
127 the petition and any affidavits filed therewith in the superior court for  
128 juvenile matters, except upon an order of a judge of the Superior Court  
129 for good cause shown. The commissioner shall also disclose the name  
130 of any individual who cooperates with an investigation of a report of  
131 child abuse or neglect to such law enforcement agency or state's  
132 attorney for purposes of investigating or prosecuting an allegation of  
133 child abuse or neglect. The commissioner or the commissioner's  
134 designee shall, upon request, subject to the provisions of sections 17a-  
135 101g and 17a-101k, promptly provide copies of records, without the  
136 consent of the person, to (A) the Department of Public Health for the  
137 purpose of determining the suitability of a person to care for children  
138 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82  
139 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social  
140 Services for determining the suitability of a person for any payment  
141 from the department for providing child care.

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

147 (1) Multidisciplinary teams which are formed to assist the  
148 department in investigation, evaluation or treatment of child abuse

149 and neglect cases or a multidisciplinary provider of professional  
150 treatment services under contract with the department for a child  
151 referred to the provider;

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

155 (3) An individual, including a physician, authorized pursuant to  
156 section 17a-101f to place a child in protective custody if such  
157 individual has before him a child whom he reasonably suspects may  
158 be a victim of abuse or neglect and such individual requires the  
159 information in a record in order to determine whether to place the  
160 child in protective custody;

161 (4) An individual or public or private agency responsible for a  
162 person's care or custody and authorized by the department to  
163 diagnose, care for, treat or supervise a child who is the subject of a  
164 record of child abuse or neglect or a public or private agency  
165 responsible for a person's education for a purpose related to the  
166 individual's or agency's responsibilities;

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

169 (6) Individuals or public or private agencies engaged in medical,  
170 psychological or psychiatric diagnosis or treatment of a person  
171 perpetrating the abuse or who is unwilling or unable to protect the  
172 child from abuse or neglect when the commissioner or his designee  
173 determines that the disclosure is needed to accomplish the objectives  
174 of diagnosis or treatment;

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

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

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

190 (10) The Department of Social Services, provided the information  
191 disclosed is necessary to promote the health, safety and welfare of the  
192 child;

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

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

198 (h) The commissioner or his designee may disclose the name,  
199 address and fees for services to a person, to individuals or agencies  
200 involved in the collection of fees for such services, except as provided  
201 in section 17b-225. In cases where a dispute arises over such fees or  
202 claims or where additional information is needed to substantiate the  
203 fee or claim, such disclosure of further information shall be limited to  
204 the following: (1) That the person was in fact committed to or  
205 otherwise served by the department; (2) dates and duration of service;  
206 and (3) a general description of the service, which shall include  
207 evidence that a service or treatment plan exists and has been carried  
208 out and evidence to substantiate the necessity for admission and  
209 length of stay in any institution or facility.

210 (i) Notwithstanding the provisions of subsections (f) and (l) of this

211 section, the name of an individual reporting child abuse or neglect  
212 shall not be disclosed without his written consent except to (1) an  
213 employee of the department responsible for child protective services or  
214 the abuse registry; (2) a law enforcement officer; (3) an appropriate  
215 state's attorney; (4) an appropriate assistant attorney general; (5) a  
216 judge of the Superior Court and all necessary parties in a court  
217 proceeding pursuant to section 46b-129, or a criminal prosecution  
218 involving child abuse or neglect; or (6) a state child care licensing  
219 agency, executive director of any institution, school or facility or  
220 superintendent of schools pursuant to section 17a-101i.

221 (j) Notwithstanding the provisions of subsection (g) of this section,  
222 the name of any individual who cooperates with an investigation of a  
223 report of child abuse or neglect shall be kept confidential upon request  
224 or upon determination by the department that disclosure of such  
225 information may be detrimental to the safety or interests of the  
226 individual, except the name of any such individual shall be disclosed  
227 to the persons listed in subsection (i) of this section.

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

233 (l) Information disclosed from a person's record shall not be  
234 disclosed further without the written consent of the person, except if  
235 disclosed to a party or his counsel pursuant to an order of a court in  
236 which a criminal prosecution or an abuse, neglect, commitment or  
237 termination proceeding against the party is pending. A state's attorney  
238 shall disclose to the defendant or his counsel in a criminal prosecution,  
239 without the necessity of a court order, exculpatory information and  
240 material contained in such record and may disclose, without a court  
241 order, information and material contained in such record which could  
242 be the subject of a disclosure order. All written records disclosed to  
243 another individual or agency shall bear a stamp requiring

244 confidentiality in accordance with the provisions of this section. Such  
245 material shall not be disclosed to anyone without written consent of  
246 the person or as provided by this section. A copy of the consent form  
247 specifying to whom and for what specific use the record is disclosed or  
248 a statement setting forth any other statutory authorization for  
249 disclosure and the limitations imposed thereon shall accompany such  
250 record. In cases where the disclosure is made orally, the individual  
251 disclosing the information shall inform the recipient that such  
252 information is governed by the provisions of this section.

253 (m) In addition to the right of access provided in section 1-210, any  
254 person, regardless of age, his authorized representative or attorney  
255 shall have the right of access to any records made, maintained or kept  
256 on file by the department, whether or not such records are required by  
257 any law or by any rule or regulation, when those records pertain to or  
258 contain information or materials concerning the person seeking access  
259 thereto, including but not limited to records concerning investigations,  
260 reports, or medical, psychological or psychiatric examinations of the  
261 person seeking access thereto, provided that (1) information  
262 identifying an individual who reported abuse or neglect of a person,  
263 including any tape recording of an oral report pursuant to section 17a-  
264 103, shall not be released unless, upon application to the Superior  
265 Court by such person and served on the Commissioner of Children  
266 and Families, a judge determines, after in camera inspection of  
267 relevant records and a hearing, that there is reasonable cause to believe  
268 the reporter knowingly made a false report or that other interests of  
269 justice require such release; and (2) if the commissioner determines  
270 that it would be contrary to the best interests of the person or his  
271 authorized representative or attorney to review the records, he may  
272 refuse access by issuing to such person or representative or attorney a  
273 written statement setting forth the reasons for such refusal, and advise  
274 the person, his authorized representative or attorney of the right to  
275 seek judicial relief. When any person, attorney or authorized  
276 representative, having obtained access to any record, believes there are  
277 factually inaccurate entries or materials contained therein, he shall

278 have the unqualified right to add a statement to the record setting  
279 forth what he believes to be an accurate statement of those facts, and  
280 said statement shall become a permanent part of said record.

281 (n) (1) Any person, attorney or authorized representative aggrieved  
282 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or  
283 of subsection (m) of this section, except subdivision (2) of said  
284 subsection (m), may seek judicial relief in the same manner as  
285 provided in section 52-146j; (2) any person, attorney or authorized  
286 representative denied access to records by the commissioner under  
287 subdivision (2) of subsection (m) of this section may petition the  
288 superior court for the venue district provided in section 46b-142 in  
289 which the person resides for an order requiring the commissioner to  
290 permit access to those records, and the court after hearing, and an in  
291 camera review of the records in question, shall issue such an order  
292 unless it determines that to permit such access would be contrary to  
293 the best interests of the person or authorized representative.

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

298 (f) The name of any individual who reports suspected abuse or  
299 neglect of a child or youth or cooperates with an investigation of child  
300 abuse or neglect shall be kept confidential upon request or upon  
301 determination by the department that disclosure of such information  
302 may be detrimental to the safety or interests of the individual, except  
303 the name of any such individual shall be disclosed (1) to (A) an  
304 employee of the department for reasons reasonably related to the  
305 business of the department, (B) a law enforcement officer for purposes  
306 of investigating abuse or neglect of a child or youth, (C) a state's  
307 attorney for purposes of investigating or prosecuting abuse or neglect  
308 of a child or youth, (D) an assistant attorney general or other legal  
309 counsel representing the department, (E) a judge of the Superior Court  
310 and all necessary parties in a court proceeding pursuant to section 17a-

311 112 or 46b-129, or a criminal prosecution involving child abuse or  
312 neglect, (F) a state child care licensing agency, or (G) the executive  
313 director of any institution, school or facility or superintendent of  
314 schools pursuant to section 17a-101i; and (2) in accordance with the  
315 provisions of subparagraph (B) of subdivision (1) of subsection (g) of  
316 this section.

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

320 (1) A person who is named in the record or such person's  
321 authorized representative, provided (A) such person only has access to  
322 information about such person or such person's biological or adoptive  
323 minor children and provided such person's parental rights to such  
324 children have not been terminated; and (B) information identifying an  
325 individual who reported abuse or neglect of a person, including any  
326 tape recording of an oral report pursuant to section 17a-103, is not  
327 disclosed unless, upon application to the Superior Court by such  
328 person and served on the Commissioner of Children and Families, a  
329 judge determines after an in camera inspection of relevant records and  
330 a hearing that there is reasonable cause to believe the reporter  
331 knowingly made a false report or that other interests of justice require  
332 such disclosure;

333 (2) An employee of the department for any purpose reasonably  
334 related to the business of the department;

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

337 (4) An employee or former employee of the department or such  
338 employee or former employee's authorized representative for purposes  
339 of participating in litigation in any court or in any administrative or  
340 disciplinary hearing or other proceeding or appeal from decision after  
341 such hearing, provided such disclosure shall be limited to those  
342 records that are applicable and necessary for the purpose of such

343 hearing or appeal, as determined by the department;

344 (5) The Attorney General, any assistant attorney general or any  
345 other legal counsel retained to represent the department during the  
346 course of a legal proceeding involving the department or an individual  
347 employee of the department;

348 (6) The Child Advocate or the Child Advocate's designee;

349 (7) The Chief Child Protection Attorney or the Chief Child  
350 Protection Attorney's designee;

351 (8) The Chief State's Attorney or the Chief State's Attorney's  
352 designee for purposes of investigating or prosecuting an allegation of  
353 child abuse or neglect, provided such prosecuting authority shall have  
354 access to such records of a delinquency defendant, who is not being  
355 charged with an offense related to child abuse, only while the case is  
356 being prosecuted and after obtaining a release;

357 (9) A state or federal law enforcement officer for purposes of  
358 investigating an allegation of child abuse or neglect;

359 (10) Multidisciplinary teams pursuant to the provisions of section  
360 17a-106a;

361 (11) A provider of professional services for a child or youth or  
362 parent referred to the provider, provided disclosure is limited to such  
363 information necessary to provide services to the child or youth or  
364 parent;

365 (12) An individual or agency under contract with the department  
366 for the purpose of identifying and assessing potential foster homes or  
367 prospective adoptive homes for a child or youth who is the subject of  
368 the record, provided no information that identifies a biological parent  
369 of a child or youth is further disclosed without the permission of such  
370 biological parent;

371 (13) Any foster or prospective adoptive parent, if the records pertain

372 to a child or youth currently placed with the foster or prospective  
373 adoptive parent, or a child or youth being considered for placement  
374 with the foster or prospective adoptive parent and the records relate to  
375 the social, medical, psychological or educational needs of the child or  
376 youth, provided no information identifying a biological parent is  
377 disclosed without the permission of such biological parent;

378 (14) The Governor, when requested in writing in the course of the  
379 Governor's official functions, the Legislative Program Review and  
380 Investigations Committee, the joint standing committees of the General  
381 Assembly having cognizance of matters relating to human services and  
382 the judiciary and the select committee of the General Assembly having  
383 cognizance of matters relating to children, when requested in writing  
384 in the course of said committees' official functions, and upon a  
385 majority vote of said committees, provided no names or other  
386 identifying information is disclosed unless it is essential to the  
387 gubernatorial or legislative purpose;

388 (15) The Department of Public Health, subject to the provisions of  
389 section 17a-101g and section 17a-101k, as amended by this act, for the  
390 purpose of (A) determining the suitability of a person to care for  
391 children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-  
392 87b, or (B) determining the suitability of such person for licensure;

393 (16) The Department of Social Services, subject to the provisions of  
394 section 17a-101g and section 17a-101k, as amended by this act, for the  
395 purpose of (A) determining the suitability of a person for any payment  
396 from the Department of Social Services for providing child care; or (B)  
397 promoting the health, safety and welfare of the child or youth;

398 (17) The Department of Developmental Services for the purposes of  
399 eligibility and enrollment and service planning of clients in the  
400 voluntary services program operated by the Department of  
401 Developmental Services;

402 (18) A state agency that licenses or certifies a person to educate or  
403 care for children or youth, subject to the provisions of section 17a-101g

404 and section 17a-101k, as amended by this act, concerning  
405 nondisclosure of findings of responsibility for abuse and neglect;

406 (19) An individual, including a physician, authorized pursuant to  
407 section 17a-101f to place a child or youth in protective custody if such  
408 individual has before him or her a child or youth whom the individual  
409 reasonably suspects may be the victim of abuse or neglect and such  
410 individual requires the information in a record in order to determine  
411 whether the child or youth should be placed in protective custody;

412 (20) An individual who reports child abuse pursuant to sections  
413 17a-101a to 17a-101c, inclusive, and section 17a-103, who made a report  
414 of abuse involving the subject child or youth, provided the information  
415 disclosed is limited to (A) the status of the investigation, and (B) in  
416 general terms, any action taken by the department;

417 (21) An employee of the Board of Pardons and Paroles, the  
418 Department of Correction or the Judicial Branch for the purpose of  
419 assessing treatment needs and determining terms or conditions of  
420 pretrial release, pretrial or postdisposition detention or incarceration,  
421 probation or parole;

422 (22) A judge of the Superior Court or Probate Court and all  
423 necessary parties in a custody proceeding where such records concern  
424 the child or youth who is the subject of the proceeding or the parent of  
425 such child or youth;

426 (23) A judge of the Superior Court for purposes of determining the  
427 appropriate disposition of a child convicted as delinquent or a child  
428 who is a member of a family with service needs, or a judge of the  
429 Superior Court in a criminal prosecution for purposes of in camera  
430 inspection whenever (A) the court has ordered that the record be  
431 provided to the court; or (B) a party to the proceeding has issued a  
432 subpoena for the record;

433 (24) An individual or public or private agency engaged in medical,  
434 psychological or psychiatric diagnosis or treatment of a person who

435 has perpetrated abuse or neglect or who is unwilling or unable to  
436 protect the child or youth from abuse or neglect when the  
437 commissioner, or the commissioner's designee, determines that the  
438 disclosure is needed to accomplish the objectives of diagnosis or  
439 treatment;

440 (25) A court or public agency in another state or a federally  
441 recognized Indian tribe, which is responsible for investigating or  
442 protecting children against abuse or neglect or providing services to  
443 families at risk of abuse or neglect, for the purpose of investigating or  
444 protecting children against abuse or neglect or providing services to  
445 such family;

446 (26) An individual conducting bona fide research, provided no  
447 information identifying the subject of the record shall be disclosed  
448 unless (A) such information is essential to the purpose of the research;  
449 and (B) the department has given written approval;

450 (27) The Auditors of Public Accounts or their representative,  
451 provided no information identifying the subject of the record is  
452 disclosed unless such information is essential to an audit conducted  
453 pursuant to section 2-90;

454 (28) An individual or agency involved in the collection of fees for  
455 services, provided such information is limited to the name and address  
456 of the person who received the services and the fees for services,  
457 except as provided in section 17b-225. In cases where a dispute arises  
458 over such fees or claims or where additional information is needed to  
459 substantiate the fee or claim, such disclosure of further information  
460 shall be limited to the following: (A) That the person was, in fact,  
461 provided services by the department; (B) dates and duration of service;  
462 and (C) a general description of the service, which includes evidence  
463 that a service or treatment plan exists and has been carried out, and  
464 evidence to substantiate the necessity for admission and length of stay  
465 in any institution or facility;

466 (29) A local or regional board of education, provided the records are

467 limited to educational records created or obtained by the state or  
468 Unified School District #2, established pursuant to section 17a-37;

469 (30) The Department of Motor Vehicles for the purpose of criminal  
470 history records checks pursuant to subsection (e) of section 14-44; and

471 (31) The Department of Mental Health and Addiction Services for  
472 the purpose of treatment planning for young adults who have  
473 transitioned from the care of the Department of Children and Families.

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

477 (1) A law enforcement officer or state's attorney if there is  
478 reasonable cause to believe that a child or youth is being abused or  
479 neglected or at risk of being abused or neglected as a result of any  
480 suspected criminal activity by any person;

481 (2) Any individual interviewed as part of an investigation  
482 conducted pursuant to section 17a-101g, who is not otherwise entitled  
483 to such information, provided such disclosure is limited to: (A) The  
484 general nature of the allegations contained in the reports; (B) the  
485 identity of the child or youth alleged to have been abused or neglected;  
486 (C) the identity of the alleged perpetrator; and (D) information  
487 necessary to further the course of the investigation;

488 (3) Any individual, when information concerning an incident of  
489 abuse or neglect has been made public or when the commissioner  
490 reasonably believes publication of such information is likely, (A)  
491 provided such disclosure is limited to: (i) Whether the department has  
492 received a report in accordance with sections 17a-101a to 17a-101c,  
493 inclusive, or section 17a-103, and (ii) in general terms, any action taken  
494 by the department, and (B) the following information is not disclosed:  
495 (i) The names or other individually identifiable information of the  
496 minor victim or other family member, and (ii) the name or other  
497 individually identifiable information of the person suspected to be

498 responsible for the abuse or neglect is not disclosed unless such person  
499 has been arrested for a crime due to such abuse or neglect;

500 (4) Any individual for the purposes of locating a missing parent,  
501 child or youth, provided such disclosure is limited to information that  
502 assists in locating such missing parent, child or youth;

503 (5) Any individual, when the information or findings concern an  
504 incident of abuse or neglect that resulted in a child or youth fatality or  
505 near fatality of a child or youth, and provided disclosure of such  
506 information or findings is in general terms and does not jeopardize a  
507 pending investigation;

508 (6) A court of competent jurisdiction whenever an employee of the  
509 department is subpoenaed and ordered to testify about such records;  
510 and

511 (7) Individuals not employed by the department who arrange,  
512 perform or assist in performing functions or activities on behalf of the  
513 department, including, but not limited to, data analysis, processing or  
514 administration, utilization reviews, quality assurance, practice  
515 management, consultation, data aggregation and accreditation  
516 services.

517 (i) Notwithstanding the provisions of subsections (e) to (h),  
518 inclusive, of this section, the department may refuse to disclose records  
519 to any individual, provided the department gives such individual  
520 notice (1) that records are being withheld, (2) of the general nature of  
521 the records being withheld, (3) of the department's reason for refusing  
522 to disclose the records, and (4) of the individual's right to judicial relief  
523 pursuant to subsection (j) of this section.

524 (j) Any person (1) aggrieved by a violation of subsection (b) or (d),  
525 subsections (f) to (h), inclusive, or subsection (l) of this section, or the  
526 person's authorized representative, may seek judicial relief in the  
527 manner prescribed in section 52-146j, or (2) denied access to records by  
528 the department under subsection (i) of this section, or the person's

529 authorized representative, may petition the superior court for juvenile  
530 matters for the venue district, established pursuant to section 46b-142,  
531 in which the person resides for an order requiring the commissioner to  
532 permit access to the records, and the court, after a hearing and an in  
533 camera review of the records in question, shall issue such order unless  
534 it determines that permitting such disclosure of all or any portion of  
535 the record (A) would be contrary to the best interests of the person, the  
536 person's authorized representative or the person who is the subject of  
537 the record; (B) could reasonably result in the risk of harm to any  
538 person; or (C) would contravene the public policy of the state.

539 (k) A party to a civil proceeding may petition the superior court for  
540 juvenile matters for the venue district, established pursuant to section  
541 46b-142, in which the party resides for an order authorizing disclosure  
542 of the record of another party to the civil proceeding, provided the  
543 court, after an in camera inspection, finds the records are material and  
544 relevant to those proceedings and that good cause exists to disclose  
545 such records. For purposes of this subsection, good cause exists, but is  
546 not limited to, situations in which there are no other available means of  
547 obtaining the information sought in such record by the party seeking  
548 such record.

549 (l) All written records disclosed to another individual or agency  
550 shall bear a stamp requiring confidentiality in accordance with the  
551 provisions of this section. Such material shall not be disclosed to  
552 anyone without the written consent of the person or as provided by  
553 this section. A copy of the consent form specifying to whom and for  
554 what specific use the record is disclosed or a statement setting forth  
555 any other statutory authorization for disclosure and the limitations  
556 imposed on such disclosure, shall accompany the record. In cases  
557 where the disclosure is made orally, the individual disclosing the  
558 information shall inform the recipient that such information is  
559 governed by the provisions of this section.

560 (m) Whenever any person, attorney or authorized representative,  
561 having obtained access to any record, believes there are factually

562 inaccurate entries or materials contained in such record, such person  
563 may add a statement to the record setting forth what such person  
564 believes to be an accurate statement of those facts and such statement  
565 shall become a permanent part of the record.

566 Sec. 2. Subdivision (1) of subsection (c) of section 17a-101k of the  
567 general statutes is repealed and the following is substituted in lieu  
568 thereof (*Effective October 1, 2009*):

569 (c) (1) Following a request for appeal, the commissioner or the  
570 commissioner's designee shall conduct an internal review of the  
571 recommended finding to be completed no later than thirty days after  
572 the request for appeal is received by the department. The  
573 commissioner or the commissioner's designee shall review all relevant  
574 information relating to the recommended finding, to determine  
575 whether the recommended finding is factually or legally deficient and  
576 ought to be reversed. Prior to the review, the commissioner shall  
577 provide the individual access to all relevant documents in the  
578 possession of the commissioner regarding the finding of responsibility  
579 for abuse or neglect of a child, as provided in [subsection (m) of]  
580 section 17a-28, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	17a-28
Sec. 2	<i>October 1, 2009</i>	17a-101k(c)(1)

**HS**      *Joint Favorable Subst.*