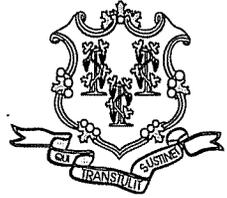


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STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES



Public Hearing Testimony  
Select Committee on Children  
March 1, 2011

**S.B. No. 1043 (RAISED) AN ACT CONCERNING ACCESS TO THE RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES**

The Department of Children and Families **supports** SB 1043, An Act Concerning Access to the Records of the Department of Children and Families. This bill is part of DCF's legislative package this year and we thank the Committee for raising the bill.

**Summary**

This bill revises, updates, and reorganizes section 17a-28 of the general statutes, DCF's confidential records law. In general, DCF cannot disclose information created or obtained in connection with its child protection activities or other activities related to a child while that child is in its care or custody without (1) obtaining permission from the subject of the record or an authorized representative, or (2) legal authorization to do so without the subject's consent. Existing law specifies a number of officials and entities to whom DCF must disclose information that would otherwise be confidential and, in most cases, states the limited use the recipients can make of the information. The current statute also lists people and entities with whom DCF may share information when the Commissioner or her designee determines disclosure to be in the best interests of the person who is the subject of the record.

One purpose of this bill is to reorganize the statute for clarity and ease of application to real life events. This has been done by placing all of the mandatory disclosure sections together in subsection (g), and all of the discretionary disclosures together in subsection (h). Another purpose of this bill is to update the list of officials and entities to whom records shall or may be released. These updates amend language that has unnecessarily restricted the Department from sharing information with other state agencies and service providers, with resulting inefficient delivery of services to families. The proposed language also permits some additional limited disclosure of information to law enforcement and other entities in order ensure the safety and well-being of children.

**New Required Disclosures**

Under the bill, the following are individuals or entities that DCF *must* disclose records to without the subject's consent, which are not permitted under current law:

- the Child Advocate or the Child Advocate's designee;
- foster or prospective adoptive parents, but only records relating to social, medical, psychological, or educational needs of children currently placed with them or



- being considered for placement, and so long as no information that identifies biological parents is disclosed without their consent;
- employees of the Department of Mental Health and Addiction Services, for the purpose of treatment planning for young adults who have transitioned from DCF care;
  - legal counsel representing DCF during the course of a legal proceeding involving the department or a DCF employee; and
  - specifies the circumstances for sharing information with Superior Court judges when they are determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs, or a judge of the Superior Court in a criminal prosecution for purposes of in-camera inspection if: (1) the court has ordered that it be given the record, or (2) a party to the proceeding has subpoenaed the record.

### **New Discretionary Disclosures**

The following are individuals or entities that DCF *is permitted to* disclose records to without the subject's consent, which are not permitted under current law:

- individuals or agencies under contract with DCF, for the purpose of identifying and assessing potential placements for the child who is the subject of the record, so long as no information that identifies biological parents is disclosed without their consent;
- Courts or public agencies in other states and federally recognized Indian tribes which are responsible for child protection or provide services to families involved in the child welfare system.
- individuals DCF interviews in abuse and neglect investigations who are not otherwise entitled to this information, but disclosure is limited to: (1) the general nature of the allegations, (2) the child's identity, and (3) the information necessary to further the course of the investigation;
- people attempting to locate a missing parent or child, but disclosure is limited to information that assists them in doing so;
- courts of competent jurisdiction, when a DCF employee has been subpoenaed to testify about the record's contents; and
- people not employed by DCF who arrange, perform, or assist in performing functions or activities on DCF's behalf, including data analysis, processing or administration, utilization reviews, quality assurance, practice management, consultation, data aggregation and accreditation services

### **Disclosure When Incident Has Been Publicized.**

Under current law, when an incident of abuse or neglect has been made public, or the DCF Commissioner reasonably believes this will occur, the Commissioner can publicly disclose whether DCF received a complaint and provide a general description of actions taken by the agency, so long as the Commissioner does not disclose personally identifying information about (1) the victim or family, or (2) the suspected abuser unless that person has been arrested for the underlying conduct. The bill adds a provision



allowing DCF to confirm or deny the accuracy of information that has been made public and generally describe the case's current legal status.

### **Conclusion**

The Department believes that this bill continues to protect the important confidentiality rights of the children and families we serve while allowing some appropriate discretion to share information when necessary, particularly for purposes of treatment planning and provision of services when clients are receiving services from multiple agencies.

<p><b>S.B. No. 1044 (RAISED) AN ACT REQUIRING THE DEPARTMENT OF CHILDREN AND FAMILIES TO CONDUCT ABUSE OR NEGLECT INVESTIGATIONS OF YOUTHS ARRESTED FOR PROSTITUTION</b></p>
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The Department of Children and Families **supports** SB 1044 An Act Requiring the Department of Children and Families to Conduct Abuse or Neglect Investigations of Youths Arrested for Prostitution.

Over the past two years, the Department has become aware of over 65 cases of youth involved in domestic minor sex trafficking activity. Most of these cases involve youth in the care or custody of DCF. Sadly, children in our care can be prime victims for this type of activity.

The Department has been training staff, administrators and providers in this area for over a year but we also need to begin teaching our youth skills for recognizing and avoiding these very real dangers. We in Connecticut and a few other states are trying to be proactive by recognizing the depth of this problem while undoing what has been a historical non-reaction to these youth and their crises.

