



General Assembly

January Session, 2011

Raised Bill No. 1179

LCO No. 4553

04553_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING INTERVIEWS OF A CHILD BY THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE REMOVAL OF INDIVIDUALS FROM THE STATE CHILD ABUSE AND NEGLECT REGISTRY.

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

1 Section 1. Section 17a-101h of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Notwithstanding any provision of the general statutes, [to the
4 contrary,] any person authorized to conduct an investigation of abuse
5 or neglect shall coordinate investigatory activities in order to minimize
6 the number of interviews of any child and share information with
7 other persons authorized to conduct an investigation of child abuse or
8 neglect, as appropriate. The commissioner shall obtain the consent of
9 parents or guardians or other persons responsible for the care of the
10 child to any interview with a child, except that such consent shall not
11 be required [when] if (1) the department reasonably has [reason] good
12 cause to believe, and has actual belief that, such parent or guardian or
13 other person responsible for the care of the child or member of the
14 child's household is the perpetrator of the alleged abuse, and is not

15 merely the perpetrator of alleged neglect, and (2) the department files
16 a sworn affidavit, as soon as practicable, in the investigation records
17 maintained by the department which states the basis of the
18 department's reasonable and actual belief that such parent or guardian
19 or other person is the perpetrator of the alleged abuse and not merely
20 the perpetrator of alleged neglect. If consent is not required to conduct
21 the interview, such interview shall be conducted in the presence of a
22 disinterested adult who is not personally involved in the allegations
23 that are the subject of the investigation unless immediate access to the
24 child is necessary to protect the child from imminent risk of physical
25 harm and a disinterested adult is not available after reasonable search.
26 If the department determines that such immediate access to the child is
27 necessary, the department shall file a sworn affidavit, as soon as
28 practicable, in the investigation records maintained by the department
29 which states the reasons why a disinterested adult was not available to
30 be present during the interview.

31 (b) If the department does not comply with the requirements of
32 subsection (a) of this section with respect to the interview of a child,
33 such noncompliance may be introduced as evidence during the cross-
34 examination of any witness concerning a statement of the child that
35 was taken during such interview and is introduced as evidence.

36 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) Any individual whose name
37 has been placed on the state child abuse and neglect registry
38 established pursuant to section 17a-101k of the general statutes may
39 file an application with the Department of Children and Families, on
40 such form as the department prescribes, for removal of such
41 individual's name from the registry. The department shall include in
42 such form a provision that allows the applicant to indicate good cause
43 for removing the applicant's name from the registry. Such good cause
44 may include, but need not be limited to: (1) Rehabilitation of the
45 applicant; (2) the applicant's acceptance of personal responsibility for
46 actions or omissions that resulted in the applicant's name being placed
47 on the registry; (3) a bona fide need for removal of the applicant's

48 name from the registry; and (4) at least two letters in support of the
49 application, each from a competent adult.

50 (b) Such application may be filed no earlier than five years after the
51 date of the final decision, as defined in section 4-166 of the general
52 statutes, that resulted in the placement of the applicant's name on the
53 registry.

54 (c) The Commissioner of Children and Families may grant such
55 application upon finding good cause. If the commissioner denies an
56 application filed in accordance with subsections (a) and (b) of this
57 section, the applicant shall be entitled to a hearing in accordance with
58 chapter 54 of the general statutes.

59 (d) Any applicant whose application is denied after a final decision,
60 as defined in section 4-166 of the general statutes, may reapply in
61 accordance with subsections (a) and (b) of this section, without
62 limitation, not less than two years after the date of such final decision.
63 Such application shall indicate good cause that has occurred since the
64 date of the final decision.

65 (e) The Commissioner of Children and Families shall adopt
66 regulations, in accordance with chapter 54 of the general statutes, to
67 implement this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	17a-101h
Sec.	<i>July 1, 2011</i>	New section

Statement of Purpose:

To: (1) Clarify the prerequisites for the Department of Children and Families to conduct an interview of a child without the consent of the parents, guardians or other person responsible for the care of the child; and (2) establish a procedure for individuals to remove their names from the state child abuse and neglect registry after five years have elapsed and upon the showing of good cause.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]