
OLR Bill Analysis

sSB 845

AN ACT REQUIRING THE DEPARTMENT OF CHILDREN AND FAMILIES TO NOTIFY NONCUSTODIAL PARENTS OF CERTAIN ABUSE AND NEGLECT INVESTIGATIONS.

SUMMARY:

This bill expands the conditions requiring the Department of Children and Families (DCF) to notify parents or guardians regarding alleged maltreatment of his or her child. The bill requires such notice based on any complaint of abuse or neglect rather than only abuse complaints that DCF substantiates.

The bill also alters the condition for giving notice based on its effect on the child from (1) requiring notice when the department finds that notice is in the child's best interest to (2) giving notice except when DCF determines that it would be harmful to the child. It makes the deadline by which the department must make a reasonable effort to provide the notice at 10 days after the date the complaint was filed, rather than after it substantiates it.

Under the bill, when DCF determines that (1) disclosure of detailed information presents a potential risk of physical harm to anyone or (2) a court order bans a recipient from receiving information from the child's school or medical provider, it can withhold the details and include in the notice only the fact that a complaint has been filed. In that case, the recipient must be advised that he or she has the right to ask a judge to order DCF to disclose the details.

EFFECTIVE DATE: October 1, 2011

NOTICE OF COMPLAINT

Under current law, when DCF substantiates a complaint of abuse of a child with a single custodial parent or guardian and determines notification to be in the child's best interest, the department notifies the

noncustodial parent, custodial parent, guardian, and parents of a child in DCF's custody of (1) the circumstances of the complaint including the name of the perpetrator, (2) the services the department offers, (3) programs offered by the Office of Victim Services, and (4) information on obtaining a restraining order. The notice also includes information that DCF, if authorized by law, may remove the child from the custodial parent's home.

The bill (1) removes the requirement that DCF substantiate a complaint before providing such notice; (2) requires notice of complaints of neglect, in addition to abuse; (3) adds to the notice requirement the name of an alleged perpetrator in the case of an unsubstantiated complaint; and (4) requires notice unless it would be contrary to the child's best interests, rather than when notification would affirmatively be in his or her best interests.

JUDICIAL RELIEF

The bill gives DCF the option to provide notice of only the existence of a complaint if it determines that disclosure of the otherwise required detailed information may result in the risk of physical harm to anyone or that there is a court order in effect barring the recipient from receiving information from the child's school or medical provider. In either case, the department must also advise a person from whom information is withheld in writing of his or her right to seek judicial relief.

The recipient of such a notice, his or her attorney, or authorized representative may petition the Juvenile Court for disclosure of more detailed information. The court, after a hearing and *in camera* review of the records in question must order access unless it determines that this would be contrary to the best interests of the person or authorized representative.

BACKGROUND

Juvenile Court

Juvenile Court is a subdivision of Superior Court designed to protect the rights of children and family relationships. All court

documents are confidential and juvenile court hearings are usually closed to the public (CGS § 46b-142).

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 5 Nay 4 (02/15/2011)

Human Services Committee

Joint Favorable Substitute
Yea 16 Nay 2 (03/10/2011)