



General Assembly

**Substitute Bill No. 310**

February Session, 2012

\* SB00310JUD\_\_032712\_\_ \*

**AN ACT CONCERNING 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-101k of the 2012 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2012*):

4 (a) The Commissioner of Children and Families shall maintain a  
5 registry of the commissioner's findings of abuse or neglect of children  
6 pursuant to section 17a-101g that conforms to the requirements of this  
7 section. The regulations adopted pursuant to subsection [(i)] (j) of this  
8 section shall provide for the use of the registry on a twenty-four-hour  
9 daily basis to prevent or discover abuse of children and the  
10 establishment of a hearing process for any appeal by a person of the  
11 commissioner's determination that such person is responsible for the  
12 abuse or neglect of a child pursuant to subsection (b) of section 17a-  
13 101g. The information contained in the registry and any other  
14 information relative to child abuse, wherever located, shall be  
15 confidential, subject to such statutes and regulations governing their  
16 use and access as shall conform to the requirements of federal law or  
17 regulations. Any violation of this section or the regulations adopted by  
18 the commissioner under this section shall be punishable by a fine of  
19 not more than one thousand dollars or imprisonment for not more

20 than one year.

21 (b) Upon the issuance of a recommended finding that an individual  
22 is responsible for abuse or neglect of a child pursuant to subsection (b)  
23 of section 17a-101g, the commissioner shall provide notice of the  
24 finding, by first class mail, not later than five business days after the  
25 issuance of such finding, to the individual who is alleged to be  
26 responsible for the abuse or neglect. The notice shall:

27 (1) Contain a short and plain description of the finding that the  
28 individual is responsible for the abuse or neglect of a child;

29 (2) Inform the individual of the existence of the registry and of the  
30 commissioner's intention to place the individual's name on the registry  
31 unless such individual exercises his or her right to appeal the  
32 recommended finding as provided in this section;

33 (3) Inform the individual of the potential adverse consequences of  
34 being listed on the registry, including, but not limited to, the potential  
35 effect on the individual obtaining or retaining employment, licensure  
36 or engaging in activities involving direct contact with children and  
37 inform the individual of the individual's right to administrative  
38 procedures as provided in this section to appeal the finding; and

39 (4) Include a written form for the individual to sign and return,  
40 indicating if the individual will invoke the appeal procedures  
41 provided in this section.

42 (c) (1) Following a request for appeal, the commissioner or the  
43 commissioner's designee shall conduct an internal review of the  
44 recommended finding to be completed no later than thirty days after  
45 the request for appeal is received by the department. The  
46 commissioner or the commissioner's designee shall review all relevant  
47 information relating to the recommended finding, to determine  
48 whether the recommended finding is factually or legally deficient and  
49 ought to be reversed. Prior to the review, the commissioner shall  
50 provide the individual access to all relevant documents in the

51 possession of the commissioner regarding the finding of responsibility  
52 for abuse or neglect of a child, as provided in section 17a-28.

53 (2) The individual or the individual's representative may submit any  
54 documentation that is relevant to a determination of the issue and  
55 may, at the discretion of the commissioner or the commissioner's  
56 designee, participate in a telephone conference or face-to-face meeting  
57 to be conducted for the purpose of gathering additional information  
58 that may be relevant to determining whether the recommended  
59 finding is factually or legally deficient.

60 (3) If the commissioner or the commissioner's designee, as a result of  
61 the prehearing review, determines that the recommended finding of  
62 abuse or neglect is factually or legally deficient, the commissioner or  
63 the commissioner's designee shall so indicate, in writing, and shall  
64 reverse the recommended finding. The commissioner shall send notice  
65 to the individual by certified mail of the commissioner's decision to  
66 reverse or maintain the finding not later than five business days after  
67 the decision is made. If the finding is upheld, the notice shall be made  
68 in accordance with section 4-177 and shall notify the individual of the  
69 right to request a hearing. The individual may request a hearing not  
70 later than thirty days after receipt of the notice. The hearing shall be  
71 scheduled not later than thirty days after receipt by the commissioner  
72 of the request for a hearing, except for good cause shown by either  
73 party.

74 (d) (1) The hearing procedure shall be conducted in accordance with  
75 the procedures for contested cases pursuant to sections 4-177 to 4-181a,  
76 inclusive.

77 (2) At the hearing, the individual may be represented by legal  
78 counsel. The burden of proof shall be on the commissioner to prove  
79 that the finding is supported by a fair preponderance of the evidence  
80 submitted at the hearing.

81 (3) Not later than thirty days after the conclusion of the hearing, the  
82 hearing officer shall issue a written decision to either reverse or uphold

83 the finding. The decision shall contain findings of fact and a conclusion  
84 of law on each issue raised at the hearing.

85 (e) Any individual aggrieved by the decision of the hearing officer  
86 may appeal the decision in accordance with section 4-183. Such  
87 individual may also seek a stay of the adverse decision of the hearing  
88 officer in accordance with subsection (f) of section 4-183.

89 (f) Following the issuance of a decision to uphold the finding and  
90 absent any stay of that decision issued by the commissioner or the  
91 court, the commissioner shall accurately reflect the information  
92 concerning the finding in the child abuse and neglect registry  
93 maintained pursuant to subsection (a) of this section and shall, in  
94 accordance with section 17a-101g, forward to any agency or official the  
95 information required to be disclosed pursuant to any provision of the  
96 general statutes.

97 (g) Any individual against whom a finding of abuse or neglect was  
98 substantiated prior to May 1, 2000, and who has not previously  
99 appealed such finding, may appeal such finding as provided in this  
100 section.

101 (h) Records containing unsubstantiated findings shall remain  
102 sealed, except that such records shall be made available to department  
103 employees in the proper discharge of their duties and shall be  
104 expunged by the commissioner five years from the completion date of  
105 the investigation if no further report is made about the individual  
106 subject to the investigation, except that if the department receives more  
107 than one report on an individual and each report is unsubstantiated,  
108 all reports and information pertaining to the individual shall be  
109 expunged by the commissioner five years from the completion date of  
110 the most recent investigation.

111 (i) (1) Any individual whose name has been placed on the state child  
112 abuse and neglect registry pursuant to this section may file an  
113 application with the Department of Children and Families, on such  
114 form as the department prescribes, for removal of such individual's

115 name from the registry. The department shall include in such  
116 application form a provision that allows the applicant to indicate good  
117 cause for removing the applicant's name from the registry. Such good  
118 cause shall include, but need not be limited to: (A) Rehabilitation of the  
119 applicant; (B) the applicant's acceptance of personal responsibility for  
120 actions and omissions that resulted in the applicant's name being  
121 placed on the registry; (C) a bona fide need for removal of the  
122 applicant's name from the registry; and (D) at least two letters in  
123 support of the application, each from a person with knowledge of the  
124 applicant's successful rehabilitation.

125 (2) Such application may be filed not earlier than five years after the  
126 date of the final decision, as defined in section 4-166, that resulted in  
127 the placement of the applicant's name on the registry.

128 (3) The Commissioner of Children and Families may approve such  
129 application upon finding good cause. Upon approving such  
130 application, the commissioner shall accurately reflect the information  
131 concerning the finding in the child abuse and neglect registry  
132 maintained pursuant to subsection (a) of this section. If the  
133 commissioner denies such application, the applicant shall be entitled to  
134 a hearing and appeal therefrom in accordance with subsections (d) and  
135 (e) of this section.

136 (4) Any applicant whose application is denied after a final decision,  
137 as defined in section 4-166, may reapply in accordance with  
138 subdivisions (1) and (2) of this subsection, without limitation, not  
139 earlier than two years after the date of such final decision, provided  
140 such application indicates good cause that has occurred since the date  
141 of the final decision.

142 [(i) Not later than July 1, 2006, the] (j) The Commissioner of  
143 Children and Families shall adopt regulations, in accordance with the  
144 provisions of chapter 54, to implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2012</i>	17a-101k
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**JUD**      *Joint Favorable Subst.*