



General Assembly

**Substitute Bill No. 995**

January Session, 2013



**AN ACT CONCERNING THE COURT SUPPORT SERVICES DIVISION  
OF THE JUDICIAL BRANCH.**

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

1 Section 1. Subsection (g) of section 17a-28 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2013*):

4 (g) The department shall disclose records, subject to subsections (b)  
5 and (c) of this section, without the consent of the person who is the  
6 subject of the record, to:

7 (1) The person named in the record or such person's authorized  
8 representative, provided such disclosure shall be limited to  
9 information (A) contained in the record about such person or about  
10 such person's biological or adoptive minor child, if such person's  
11 parental rights to such child have not been terminated; and (B)  
12 identifying an individual who reported abuse or neglect of the person,  
13 including any tape recording of an oral report pursuant to section 17a-  
14 103, if a court determines that there is reasonable cause to believe the  
15 reporter knowingly made a false report or that the interests of justice  
16 require disclosure;

17 (2) An employee of the department for any purpose reasonably  
18 related to the performance of such employee's duties;

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

21 (4) The Attorney General, any assistant attorney general or any  
22 other legal counsel retained to represent the department during the  
23 course of a legal proceeding involving the department or an employee  
24 of the department;

25 (5) The Child Advocate or the Child Advocate's designee;

26 (6) The Chief Public Defender or the Chief Public Defender's  
27 designee for purposes of ensuring competent representation by the  
28 attorneys with whom the Chief Public Defender contracts to provide  
29 legal and guardian ad litem services to the subjects of such records and  
30 for ensuring accurate payments for services rendered by such  
31 attorneys;

32 (7) The Chief State's Attorney or the Chief State's Attorney's  
33 designee for purposes of investigating or prosecuting an allegation  
34 related to child abuse or neglect, provided such prosecuting authority  
35 shall have access to records of a child charged with the commission of  
36 a delinquent act, who is not being charged with an offense related to  
37 child abuse, only while the case is being prosecuted and after  
38 obtaining a release;

39 (8) A state or federal law enforcement officer for purposes of  
40 investigating an allegation related to child abuse or neglect;

41 (9) [Any] A foster or prospective adoptive parent, if the records  
42 pertain to a child or youth currently placed with the foster or  
43 prospective adoptive parent, or a child or youth being considered for  
44 placement with the foster or prospective adoptive parent, and the  
45 records are necessary to address the social, medical, psychological or  
46 educational needs of the child or youth, provided no information  
47 identifying a biological parent is disclosed without the permission of  
48 such biological parent;

49 (10) The Governor, when requested in writing in the course of the  
50 Governor's official functions, the Legislative Program Review and  
51 Investigations Committee, the joint standing committee of the General  
52 Assembly having cognizance of matters relating to human services, the  
53 joint standing committee of the General Assembly having cognizance  
54 of matters relating to the judiciary or the [select] joint standing  
55 committee of the General Assembly having cognizance of matters  
56 relating to children, when requested in writing by any of such  
57 committees in the course of [said] such committee's official functions,  
58 and upon a majority vote of [said] such committee, provided no name  
59 or other identifying information is disclosed unless such information is  
60 essential to the gubernatorial or legislative purpose;

61 (11) The Department of Public Health for the purpose of (A)  
62 determining the suitability of a person to care for children in a facility  
63 licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining  
64 the suitability of such person for licensure; or (C) an investigation  
65 conducted pursuant to section 19a-80f;

66 (12) The Department of Developmental Services, to allow said  
67 department to determine eligibility, facilitate enrollment and plan for  
68 the provision of services to a child who is a client of said department  
69 and who is applying to enroll in or is enrolled in said department's  
70 voluntary services program. At the time that a parent or guardian  
71 completes an application for enrollment of a child in the Department of  
72 Developmental Services' voluntary services program, or at the time  
73 that said department updates a child's annual individualized plan of  
74 care, said department shall notify such parent or guardian that the  
75 Department of Children and Families may provide records to the  
76 Department of Developmental Services for the purposes specified in  
77 this subdivision without the consent of such parent or guardian;

78 (13) A state agency that licenses or certifies an individual to educate  
79 or care for children or youth;

80 (14) A judge or employee of a probate court who requires access to

81 such records in order to perform such judge's or employee's official  
82 duties;

83 (15) A judge of the Superior Court for purposes of determining the  
84 appropriate disposition of a child convicted as delinquent or a child  
85 who is a member of a family with service needs;

86 (16) A judge of the Superior Court in a criminal prosecution for  
87 purposes of in-camera inspection whenever (A) the court has ordered  
88 that the record be provided to the court; or (B) a party to the  
89 proceeding has issued a subpoena for the record;

90 (17) A judge of the Superior Court and all necessary parties in a  
91 family violence proceeding when such records concern family violence  
92 with respect to the child who is the subject of the proceeding or the  
93 parent of such child who is the subject of the proceeding;

94 (18) The Auditors of Public Accounts, or their representative,  
95 provided no information identifying the subject of the record is  
96 disclosed unless such information is essential to an audit conducted  
97 pursuant to section 2-90;

98 (19) A local or regional board of education, provided the records are  
99 limited to educational records created or obtained by the state or  
100 Connecticut Unified School District #2, established pursuant to section  
101 17a-37;

102 (20) The superintendent of schools for any school district for the  
103 purpose of determining the suitability of a person to be employed by  
104 the local or regional board of education for such school district  
105 pursuant to subsection (a) of section 10-221d;

106 (21) The Department of Motor Vehicles for the purpose of criminal  
107 history records checks pursuant to subsection (e) of section 14-44,  
108 provided information disclosed pursuant to this subdivision shall be  
109 limited to information included on the Department of Children and  
110 Families child abuse and neglect registry established pursuant to

111 section 17a-101k, subject to the provisions of sections 17a-101g and  
112 17a-101k concerning the nondisclosure of findings of responsibility for  
113 abuse and neglect;

114 (22) The Department of Mental Health and Addiction Services for  
115 the purpose of treatment planning for young adults who have  
116 transitioned from the care of the Department of Children and Families;  
117 [and]

118 (23) The superintendent of a public school district or the executive  
119 director or other head of a public or private institution for children  
120 providing care for children or a private school pursuant to sections  
121 17a-101b, 17a-101c and 17a-101i; and

122 (24) The Court Support Services Division of the Judicial Branch, to  
123 allow the division to determine the supervision and treatment needs of  
124 a child or youth, and provide appropriate supervision and treatment  
125 services to such child or youth, provided such disclosure shall be  
126 limited to information that identifies the child or youth, or a member  
127 of such child's or youth's immediate family, as being or having been  
128 (A) committed to the custody of the Commissioner of Children and  
129 Families as delinquent, (B) under the supervision of the Commissioner  
130 of Children and Families, or (C) enrolled in the voluntary services  
131 program operated by the Department of Children and Families.

132 Sec. 2. Section 46b-124 of the general statutes is repealed and the  
133 following is substituted in lieu thereof (*Effective October 1, 2013*):

134 (a) For the purposes of this section, "records of cases of juvenile  
135 matters" includes, but is not limited to, court records, records  
136 regarding juveniles maintained by the Court Support Services  
137 Division, records regarding juveniles maintained by an organization or  
138 agency that has contracted with the Judicial Branch to provide services  
139 to juveniles, records of law enforcement agencies including  
140 fingerprints, photographs and physical descriptions, and medical,  
141 psychological, psychiatric and social welfare studies and reports by

142 juvenile probation officers, public or private institutions, social  
143 agencies and clinics.

144 (b) All records of cases of juvenile matters, as provided in section  
145 46b-121, except delinquency proceedings, or any part thereof, and all  
146 records of appeals from probate brought to the superior court for  
147 juvenile matters pursuant to section 45a-186, shall be confidential and  
148 for the use of the court in juvenile matters, and open to inspection or  
149 disclosure to any third party, including bona fide researchers  
150 commissioned by a state agency, only upon order of the Superior  
151 Court, except that: (1) [The records concerning any matter transferred  
152 from a court of probate pursuant to section 45a-623 or subsection (g) of  
153 section 45a-715 or any appeal from probate to the superior court for  
154 juvenile matters pursuant to subsection (b) of section 45a-186 shall be  
155 available to the court of probate from which such matter was  
156 transferred or from which such appeal was taken; (2) such] Such  
157 records shall be available to (A) the attorney representing the child or  
158 youth, including the Division of Public Defender Services, in any  
159 proceeding in which such records are relevant, (B) the parents or  
160 guardian of the child or youth until such time as the child or youth  
161 reaches the age of majority or becomes emancipated, (C) an adult  
162 adopted person in accordance with the provisions of sections 45a-736,  
163 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the  
164 Division of Criminal Justice who, in the performance of their duties,  
165 require access to such records, (E) employees of the Judicial Branch  
166 who, in the performance of their duties, require access to such records,  
167 (F) another court under the provisions of subsection (d) of section 46b-  
168 115j, (G) the subject of the record, upon submission of satisfactory  
169 proof of the subject's identity, pursuant to guidelines prescribed by the  
170 Office of the Chief Court Administrator, provided the subject has  
171 reached the age of majority or has been emancipated, (H) the  
172 Department of Children and Families, [and] (I) the employees of the  
173 Division of Public Defender Services who, in the performance of their  
174 duties related to Division of Public Defender Services assigned  
175 counsel, require access to such records, and (J) judges and employees

176 of the Probate Court who, in the performance of their duties, require  
177 access to such records; and [(3)] (2) all or part of the records concerning  
178 a youth in crisis with respect to whom a court order was issued prior  
179 to January 1, 2010, may be made available to the Department of Motor  
180 Vehicles, provided such records are relevant to such order. Any  
181 records of cases of juvenile matters, or any part thereof, provided to  
182 any persons, governmental [and] or private agencies, [and] or  
183 institutions pursuant to this section shall not be disclosed, directly or  
184 indirectly, to any third party not specified in subsection (d) of this  
185 section, except as provided by court order, [or] in the report required  
186 under section 54-76d or 54-91a or as otherwise provided by law.

187 (c) All records of cases of juvenile matters involving delinquency  
188 proceedings, or any part thereof, shall be confidential and for the use  
189 of the court in juvenile matters and shall not be disclosed except as  
190 provided in this section.

191 (d) Records of cases of juvenile matters involving delinquency  
192 proceedings shall be available to (1) Judicial Branch employees who, in  
193 the performance of their duties, require access to such records, (2)  
194 judges and employees of the Probate Court who, in the performance of  
195 their duties, require access to such records, and [(2)] (3) employees and  
196 authorized agents of state or federal agencies involved in (A) the  
197 delinquency proceedings, (B) the provision of services directly to the  
198 child, (C) the design and delivery of treatment programs pursuant to  
199 section 46b-121j, or (D) the delivery of court diversionary programs.  
200 Such employees and authorized agents include, but are not limited to,  
201 law enforcement officials, community-based youth service bureau  
202 officials, state and federal prosecutorial officials, school officials in  
203 accordance with section 10-233h, court officials including officials of  
204 both the regular criminal docket and the docket for juvenile matters  
205 and officials of the Division of Criminal Justice, the Division of Public  
206 Defender Services, the Department of Children and Families, the Court  
207 Support Services Division and agencies under contract with the  
208 Judicial Branch. Such records shall also be available to (i) the attorney

209 representing the child, including the Division of Public Defender  
210 Services, in any proceeding in which such records are relevant, (ii) the  
211 parents or guardian of the child, until such time as the subject of the  
212 record reaches the age of majority, (iii) the subject of the record, upon  
213 submission of satisfactory proof of the subject's identity, pursuant to  
214 guidelines prescribed by the Office of the Chief Court Administrator,  
215 provided the subject has reached the age of majority, (iv) law  
216 enforcement officials and prosecutorial officials conducting legitimate  
217 criminal investigations, (v) a state or federal agency providing services  
218 related to the collection of moneys due or funding to support the  
219 service needs of eligible juveniles, provided such disclosure shall be  
220 limited to that information necessary for the collection of and  
221 application for such moneys, and (vi) members and employees of the  
222 Board of Pardons and Paroles and employees of the Department of  
223 Correction who, in the performance of their duties, require access to  
224 such records, provided the subject of the record has been convicted of  
225 a crime in the regular criminal docket of the Superior Court and such  
226 records are relevant to the performance of a risk and needs assessment  
227 of such person while such person is incarcerated, the determination of  
228 such person's suitability for release from incarceration or for a pardon,  
229 or the determination of the supervision and treatment needs of such  
230 person while on parole or other supervised release. Records disclosed  
231 pursuant to this subsection shall not be further disclosed, except that  
232 information contained in such records may be disclosed in connection  
233 with bail or sentencing reports in open court during criminal  
234 proceedings involving the subject of such information, or as otherwise  
235 provided by law.

236 (e) Records of cases of juvenile matters involving delinquency  
237 proceedings, or any part thereof, may be disclosed upon order of the  
238 court to any person who has a legitimate interest in the information  
239 and is identified in such order. Records disclosed pursuant to this  
240 subsection shall not be further disclosed, except as specifically  
241 authorized by a subsequent order of the court.

242 (f) Records of cases of juvenile matters involving delinquency  
243 proceedings, or any part thereof, shall be available to the victim of the  
244 crime committed by such child to the same extent as the record of the  
245 case of a defendant in a criminal proceeding in the regular criminal  
246 docket of the Superior Court is available to a victim of the crime  
247 committed by such defendant. The court shall designate an official  
248 from whom such victim may request such information. Records  
249 disclosed pursuant to this subsection shall not be further disclosed,  
250 except as specifically authorized by a subsequent order of the court.

251 (g) Information concerning a child who has escaped from a  
252 detention center or from a facility to which [he] the child has been  
253 committed by the court or for whom an arrest warrant has been issued  
254 with respect to the commission of a felony may be disclosed by law  
255 enforcement officials.

256 (h) Nothing in this section shall be construed to prohibit any person  
257 employed by the Judicial Branch from disclosing any records,  
258 information or files in [his] such employee's possession to any person  
259 employed by the Division of Criminal Justice as a prosecutorial official,  
260 inspector or investigator who, in the performance of his or her duties,  
261 requests such records, information or files, or to prohibit any such  
262 employee of said division from disclosing any records, information or  
263 files in [his] such employee's possession to any such employee of the  
264 Judicial Branch who, in the performance of his or her duties, requests  
265 such records, information or files.

266 (i) A state's attorney shall disclose to the defendant or [his] such  
267 defendant's counsel in a criminal prosecution, without the necessity of  
268 a court order, exculpatory information and material contained in any  
269 record disclosed to such state's attorney pursuant to this section and  
270 may disclose, without a court order, information and material  
271 contained in any such record which could be the subject of a disclosure  
272 order.

273 (j) Notwithstanding the provisions of subsection (d) of this section,

274 any information concerning a child that is obtained during any mental  
275 health screening or assessment of such child, during the provision of  
276 services pursuant to subsection (b) of section 46b-149, or during the  
277 performance of an educational evaluation pursuant to subsection (e) of  
278 section 46b-149, shall be used solely for planning and treatment  
279 purposes and shall otherwise be confidential and retained in the files  
280 of the entity providing such services or performing such screening,  
281 assessment or evaluation. Such information may be further disclosed  
282 only for the purposes of any court-ordered evaluation or treatment of  
283 the child or provision of services to the child, or pursuant to sections  
284 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a. Such  
285 information shall not be subject to subpoena or other court process for  
286 use in any other proceeding or for any other purpose.

287 (k) Records of cases of juvenile matters involving delinquency  
288 proceedings, or any part thereof, containing information that a child  
289 has been convicted as delinquent for a violation of subdivision (e) of  
290 section 1-1h, subsection (c) of section 14-147, subsection (a) of section  
291 14-215, section 14-222, subsection (b) of section 14-223, subsection (a),  
292 (b) or (c) of section 14-224, section 30-88a or subsection (b) of section  
293 30-89, shall be disclosed to the Department of Motor Vehicles for  
294 administrative use in determining whether administrative sanctions  
295 regarding such child's motor vehicle operator's license are warranted.  
296 Records disclosed pursuant to this subsection shall not be further  
297 disclosed.

298 (l) Records of cases of juvenile matters involving adoption  
299 proceedings, or any part thereof, shall be confidential and may only be  
300 disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

301 Sec. 3. Section 54-108e of the general statutes is repealed and the  
302 following is substituted in lieu thereof (*Effective October 1, 2013*):

303 (a) Probation officers shall provide intensive pretrial supervision  
304 services, in accordance with guidelines developed by the Court  
305 Support Services Division, whenever ordered to do so by the court.

306 (b) Probation officers shall complete alternative sentencing plans, in  
307 accordance with guidelines developed by the Court Support Services  
308 Division, for persons who have entered into a stated plea agreement  
309 that includes a term of imprisonment of two years or less, whenever  
310 ordered to do so by the court.

311 (c) Probation officers may evaluate persons sentenced to a term of  
312 imprisonment of two years or less who have been confined under such  
313 sentence for at least ninety days and have complied with institutional  
314 rules and necessary treatment programs of the Department of  
315 Correction, and may develop a community release plan for such  
316 persons in accordance with guidelines developed by the Court Support  
317 Services Division. If a probation officer develops a community release  
318 plan, the probation officer shall apply for a sentence modification  
319 hearing under section 53a-39.

320 (d) Information contained in an alternative sentencing plan or a  
321 community release plan shall be available only to: (1) Employees of the  
322 Judicial Branch who in the performance of their duties require access  
323 to the information contained in such plan; (2) employees and  
324 authorized agents of state or federal agencies involved in the design  
325 and delivery of treatment services to the person who is the subject of  
326 such plan; (3) employees of state or community-based agencies  
327 providing services directly to the person who is the subject of such  
328 plan; [and] (4) an attorney representing the person who is the subject  
329 of such plan in any proceeding in which such plan is relevant; ~~(5)~~  
330 employees of the Division of Criminal Justice who are assigned to the  
331 court location where the court ordered completion of an alternative  
332 sentencing plan pursuant to subsection (b) of this section, or where a  
333 sentence modification hearing will be heard pursuant to subsection (c)  
334 of this section; and (6) employees of the Department of Correction.

335 Sec. 4. (NEW) (*Effective October 1, 2013*) Notwithstanding the  
336 provision of sections 46a-79 to 46a-81, inclusive, of the general statutes,  
337 an authorized employee of the Judicial Branch:

338 (1) May access the Connecticut online law enforcement  
 339 communications teleprocessing system with respect to (A) an applicant  
 340 for employment with the Judicial Branch that the Judicial Branch  
 341 deems otherwise qualified for such employment, who will, in the  
 342 performance of his or her duties, have access to criminal justice  
 343 information systems, or (B) an employee of, or applicant for  
 344 employment with, an agency under contract with the Judicial Branch,  
 345 who will, in the performance of his or her duties with such agency  
 346 with respect to the Judicial Branch, have access to criminal justice  
 347 information systems;

348 (2) May consider information accessed from such teleprocessing  
 349 system in making a decision on whether to (A) offer employment to  
 350 such Judicial Branch applicant, or (B) allow an agency employee, or  
 351 applicant if hired by the agency, access to criminal justice information  
 352 systems; and

353 (3) Shall send, by registered mail, written notice to such Judicial  
 354 Branch applicant, or agency employee or applicant, if information in  
 355 such teleprocessing system is used as a basis for rejection of the  
 356 Judicial Branch applicant or denial of such agency employee's or  
 357 applicant's access to criminal justice information systems, which notice  
 358 shall specifically state the evidence presented and the reasons for  
 359 rejection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	17a-28(g)
Sec. 2	<i>October 1, 2013</i>	46b-124
Sec. 3	<i>October 1, 2013</i>	54-108e
Sec. 4	<i>October 1, 2013</i>	New section

**JUD**      *Joint Favorable Subst.*