
OLR Bill Analysis

sSB 995

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

SUMMARY:

This bill:

1. allows the Department of Children and Families (DCF) to disclose certain information to the Judicial Branch's Court Support Services Division (CSSD) to help the division determine the supervision and treatment needs of a child or youth and provide appropriate supervision and treatment,
2. specifies that court juvenile matters records may be disclosed if the law requires and expands when probate court judges and employees can access these records, and
3. gives Department of Correction (DOC) and certain Division of Criminal Justice employees access to information in alternative sentencing or community release plans.

The bill also allows authorized Judicial Branch employees to (1) access the COLLECT system regarding branch job applicants or employees or job applicants at agencies under contract with the branch who will have access to criminal justice information and (2) consider the COLLECT information in making employment and information access decisions. The COLLECT system is a computerized database, maintained by the Department of Emergency Services and Public Protection, that police use to check on such things as outstanding arrest warrants.

EFFECTIVE DATE: October 1, 2013

§ 1—DCF DISCLOSURES TO CSSD ABOUT CHILDREN OR YOUTH

The bill allows DCF to disclose to CSSD, without the record subject's consent, certain information to help the division determine and provide for a child or youth's supervision and treatment needs. The disclosures relate to records in connection with DCF's child protection activities or other activities related to children in DCF's care and custody, including information in the abuse and neglect registry. But the bill allows disclosure only of information identifying the child or youth or a member of their immediate family as being or having been (1) committed to DCF custody as a delinquent, (2) under DCF supervision, or (3) enrolled in DCF voluntary services.

Generally, DCF records are confidential but can be disclosed (1) with the consent of the subject of the record or (2) without consent and for certain purposes to a guardian ad litem or attorney representing a child or youth in litigation affecting the child's or youth's best interests, certain foster or prospective adoptive parents, and various agencies and officials for specific purposes.

§ 2—DISCLOSURE OF JUVENILE MATTERS RECORDS TO PROBATE COURT JUDGES AND EMPLOYEES

The bill expands when probate court judges and employees can access records of juvenile matters.

Currently, for non-delinquency juvenile matters, a probate court can access records related to (1) a contested case about a minor's guardianship or termination of parental rights that the probate court transferred to Superior Court or (2) an appeal from the probate court to the Superior Court. The bill allows all probate court judges and employees access to any non-delinquency records when required in the performance of their duties. Non-delinquency matters include cases involving (1) uncared for, neglected, or abandoned children and youth and related adoptions; (2) terminating parental rights of children committed to state agencies; (3) families with service needs; (4) contested matters of termination of parental rights or removal of guardians transferred from probate courts; (5) emancipation of minors; and (6) appeals from probate on adoption, termination of parental rights, removal of a parent or guardian.

For juvenile delinquency records, the bill gives probate court judges and employees access to these records when required in the performance of their duties.

Under existing law, access to records of juvenile matters is permitted, under certain conditions, to various entities, including attorneys representing a child or youth, a child's or youth's parent or guardian until the age of majority or emancipation, certain government officials and agencies, certain courts, and the subject of the record.

§ 3—ACCESS TO ALTERNATIVE SENTENCING OR COMMUNITY RELEASE PLANS

The bill gives access to information in alternative sentencing or community release plans (see BACKGROUND) to Division of Criminal Justice employees assigned to the court location where (1) the court ordered a probation officer to complete an alternative sentencing plan or (2) a sentencing modification hearing will be held under a community release plan. It also grants this access to DOC employees.

Under existing law, this information is available to:

1. Judicial Branch employees who require access to the information in performing their duties,
2. state and federal employees and authorized agents involved in designing and delivering treatment services to the person who is the subject of the plan,
3. state or community-based agency employees providing services directly to the person, and
4. an attorney representing the person in any proceeding where the plan is relevant.

§ 4—JUDICIAL BRANCH ACCESS TO COLLECT AND EMPLOYMENT DECISIONS

The bill allows authorized Judicial Branch employees to:

1. access the COLLECT system regarding (a) job applicants deemed otherwise qualified who will have access to criminal justice information systems in performing the job's duties or (b) employees or job applicants of an agency under contract with the Judicial Branch who will have access to criminal justice information systems in performing the jobs' duties with respect to the Judicial Branch and
2. consider COLLECT information in deciding whether to offer the person Judicial Branch employment or allow the employee of another agency to access criminal justice information.

The bill requires a Judicial Branch employee, who uses COLLECT information to reject an applicant or deny access, to send a written notice by registered mail to the affected person stating the evidence and reason for rejection.

The bill allows the Judicial Branch to consider this information in making decisions regardless of the laws (1) generally prohibiting state agencies from disqualifying a person from state employment solely because of a prior conviction; (2) requiring consideration of the nature of the crime, its relation to the job, the person's rehabilitation, and how much time has passed since the conviction or release; and (3) prohibiting using records of arrests that do not lead to convictions or erased convictions in connection with employment applications.

BACKGROUND

Alternative Sentencing and Community Release Plans

By law, probation officers:

1. must complete alternative sentencing plans for people who enter a stated plea agreement with a prison term of up to two years when the court orders them to and
2. may develop a community release plan for people sentenced to a prison term of up to two years who have (a) served at least 90 days in prison and (b) complied with prison rules and necessary treatment programs. They must apply for a sentence

modification hearing if they develop such a plan.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (03/13/2013)