

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-40—sHB 6346

Children Committee

Human Services Committee

Public Safety and Security Committee

**AN ACT REVISING VARIOUS STATUTES CONCERNING THE
DEPARTMENT OF CHILDREN AND FAMILIES**

SUMMARY: This act makes various changes in the statutes concerning the Department of Children and Families (DCF). Specifically, the act:

1. requires, instead of allows, DCF to disclose records, without the subject's consent, to the Department of Social Services (DSS) in certain circumstances and makes related changes;
2. requires (a) DCF to provide a copy of a foster youth's credit report to his or her attorney or guardian ad litem (GAL) and (b) the attorney or GAL, if feasible, to review the report for identity theft evidence and, in conjunction with DCF, help the youth interpret and resolve any inaccuracies;
3. shortens, from 15 to five calendar days, the timeframe in which DCF must ask the State Police Bureau of Identification to perform a state and national criminal history record check of anyone living in a home where the department has made an emergency placement of a child; and
4. eliminates the (a) definition of permanent family residences and (b) licensing and regulatory requirements for such facilities.

The act also makes several minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2013, except for the provision on emergency placements, which is effective upon passage.

§ 2 — DCF RECORDS DISCLOSURES

By law, DCF may not disclose its records to anyone unless (1) state law or federal regulations require or allow the disclosure or (2) the subject of the record or his or her authorized representative consents to the disclosure. The act requires, rather than allows, DCF to disclose a record without the subject's consent to DSS for (1) determining the person's suitability for payment from DSS for providing child care or (2) promoting the child's or youth's health, safety, and welfare. It also requires DCF to disclose a record to DSS without the subject's consent for DSS fraud investigations, provided no identifying information is disclosed unless it is essential to the investigation.

Additionally, under prior law, DCF could disclose a record without the subject's consent to a court of competent jurisdiction whenever a DCF employee was subpoenaed and ordered to testify about the record. The act instead only allows DCF to make such a disclosure to a judge for *in camera* (private)

OLR PUBLIC ACT SUMMARY

inspection purposes to determine if the records may be disclosed if (a) the court ordered the department to provide the records or (b) a party to the proceeding subpoenaed the records.

§ 3 — DCF-LICENSED CHILD CARE FACILITIES AND CHILD PLACING AGENCIES

The act extends the definitions in the child welfare statutes to cover the provisions governing DCF-licensed child care facilities and child-placing agencies. Among other things, it expands the applicable definition of a child to include a person under age 21 who is in secondary or technical school, college, or a state-accredited job training program full-time.

§ 4 — CREDIT REPORTS FOR FOSTER YOUTH

By law, DCF must annually (1) request a free credit report for each foster youth age 16 and older, (2) review the report for evidence of identity theft, and (3) report any such evidence to the chief state's attorney within five business days of receiving the credit report.

The act requires the DCF commissioner to provide a copy of the credit report to the youth's attorney or GAL, if any. The attorney or GAL, if feasible, must review the report for evidence of identity theft and, in conjunction with DCF, help the youth interpret the report and resolve any inaccuracies.

The act also eliminates the requirements that the DCF commissioner:

1. request the first credit report no more than 15 days after the youth turns 16;
2. review a foster youth's most recent annual credit report when reviewing his or her treatment and permanent placement plan (at least every six months); and
3. advise the youth and his or her foster parent, case worker, and legal representative, if any, when reviewing the youth's treatment and permanent placement plan, if she found evidence of identity theft and reported it to the chief state's attorney.

§ 5 — EMERGENCY PLACEMENTS

The law authorizes DCF to request a federal name-based criminal history search from a criminal justice agency for anyone living in the home where a child has been placed as a result of the sudden unavailability of his or her primary caretaker. These emergency placements include private homes of the child's neighbors, friends, or relatives.

The act reduces, from 15 to five calendar days after the name-based search is performed, the period in which DCF must ask the State Police Bureau of Identification to perform a full state and national criminal history record check of anyone living in the home. By law, if anyone refuses to provide fingerprints or other identifying information for such checks when requested, the department must immediately remove the child from the home.

OLR PUBLIC ACT SUMMARY

§§ 6-14 — PERMANENT FAMILY RESIDENCES

The act eliminates the statutory definition of permanent family residences, an obsolete category of child care facilities licensed by DCF to provide permanent care to handicapped children. Under the act, the department will no longer license or regulate such residences. The act also makes several conforming changes. (There are currently two such residences licensed in the state but no residents at either location.)

BACKGROUND

Related Act

PA 13-80 also shortens, from 15 to five calendar days, the timeframe in which DCF must ask the State Police Bureau of Identification to perform a state and national criminal history record check of anyone living in a home where the department has made an emergency placement of a child.

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