



Greater Hartford Legal Aid

Testimony Before the Judiciary Committee in Support of H.B. 5062 –  
AAC the Removal of Individuals From the State Child Abuse and Neglect Registry  
March 3, 2014

Good morning. My name is Lisa Levy and I am a staff attorney at Greater Hartford Legal Aid, Inc. I submit this testimony in support of HB 5062, which creates a procedure for individuals whose names appear on the Department of Children and Families (“DCF”) abuse and neglect registry (“DCF registry” or “registry”) to apply for the removal of their name from the registry. In addition, I respectfully request that the committee consider two amendments to HB 5062 which are necessary to effectuate the bill’s objectives.

As part of our mission to provide free legal services to the poor, we represent many low income individuals who work in day care centers, family day care homes or other facilities providing direct care to children. Until May, 2000, DCF placed the names of individuals on its registry if it found “reasonable cause” after an internal investigation to substantiate abuse or neglect allegations. These individuals were automatically placed on the registry without prior notice or an opportunity to contest the allegations of abuse or neglect. In 2005, Conn. Gen. Stat. §§ 17a-101g and 17a-101k were amended to provide notice and an opportunity for a due process hearing regarding the abuse and neglect allegations and the person’s risk to the health, safety or well-being of children, before he or she could be placed on the DCF registry.

However, Connecticut law provides no opportunity for individuals placed on the DCF registry to petition for removal of their names. Notably, this differs from state law governing the Nurse Aides’ registry maintained by the Department of Public Health, which provides a procedure whereby a CNA may seek to remove a finding of neglect on the DPH registry. See, Conn. Gen. Stat. §20-102cc.

We support HB 5062 for the following reasons. Placement on the DCF registry virtually ensures automatic job denial or termination for low wage employees who work directly with children. Without a removal procedure, one’s presence on the DCF registry effectively creates a lifelong bar to future employment in these fields. Many of the 90,000 individuals on the DCF registry were listed there before May 2000; the allegations against them would not withstand scrutiny under the present due process procedures and evidentiary standards enacted in 2005. Many individuals are listed due to problems they had with their own children, such as physically preventing their defiant teenaged son or daughter from leaving the house. Such problems do not necessarily mean that the individual is unsuitable to work with children.

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HB 5062 provides a needed and reasonable procedure for individuals who strive to return to gainful employment providing direct care to children to petition for removal of her or his name from the DCF registry. The provisions properly define “good cause” for removal from the registry based on, among other issues, an individual’s demonstrated rehabilitation efforts, which is necessary in most circumstances. However, because the DCF registry still contains many cases where the substantiation occurred prior to May, 2000, it is necessary that subsection (B) be amended to account for substantiations that, upon review, are patently factually or legally deficient.

**Substitute language for subsection (B) should read (underlined language) :** “The Applicant’s acceptance of personal responsibility for actions and omissions that resulted in the applicant’s name being placed on the registry or unless the applicant submits information satisfactory to the Commissioner, that the applicant was placed on the registry due to an error of fact or law. . . .”

**In addition, substitute language for subsection (D)(3) should clarify that,** upon a finding of good cause and provided the applicant is not required to register as a sexual offender with the state, DCF must remove the individual’s name from the registry. Therefore, the following substitute language is recommended in subsection (D)(3) (underlined language): Upon approving such application, the commissioner shall remove the applicant’s name from the registry and accurately reflect any new information concerning the finding in the internal department records regarding the child abuse and neglect registry maintained pursuant to subsection (a) of this section.

Thank you for considering my testimony on behalf of low wage workers who have provided, and are capable of safely providing direct services to children.

Sincerely,

Lisa Levy  
Attorney  
Greater Hartford Legal Aid, Inc.