



# Senate

General Assembly

**File No. 607**

February Session, 2014

Substitute Senate Bill No. 152

*Senate, April 17, 2014*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING COURT SUPPORT SERVICES.**

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 2014 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2014*):

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

121 (24) The Department of Social Services for the purpose of (A)  
122 determining the suitability of a person for payment from the  
123 Department of Social Services for providing child care; (B) promoting  
124 the health, safety and welfare of the child or youth; or (C) investigating  
125 allegations of fraud provided no information identifying the subject of  
126 the record is disclosed unless such information is essential to any such  
127 investigation; and

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

138 Sec. 2. Section 46b-124 of the general statutes is repealed and the  
139 following is substituted in lieu thereof (*Effective October 1, 2014*):

140 (a) For the purposes of this section, "records of cases of juvenile  
141 matters" includes, but is not limited to, court records, records  
142 regarding juveniles maintained by the Court Support Services  
143 Division, records regarding juveniles maintained by an organization or  
144 agency that has contracted with the Judicial Branch to provide services  
145 to juveniles, records of law enforcement agencies including  
146 fingerprints, photographs and physical descriptions, and medical,  
147 psychological, psychiatric and social welfare studies and reports by  
148 juvenile probation officers, public or private institutions, social  
149 agencies and clinics.

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

175 proof of the subject's identity, pursuant to guidelines prescribed by the  
176 Office of the Chief Court Administrator, provided the subject has  
177 reached the age of majority or has been emancipated, (H) the  
178 Department of Children and Families, [and] (I) the employees of the  
179 Division of Public Defender Services who, in the performance of their  
180 duties related to Division of Public Defender Services assigned  
181 counsel, require access to such records, and (I) judges and employees  
182 of the Probate Court who, in the performance of their duties, require  
183 access to such records; and [(3)] (2) all or part of the records concerning  
184 a youth in crisis with respect to whom a court order was issued prior  
185 to January 1, 2010, may be made available to the Department of Motor  
186 Vehicles, provided such records are relevant to such order. Any  
187 records of cases of juvenile matters, or any part thereof, provided to  
188 any persons, governmental [and] or private agencies, [and] or  
189 institutions pursuant to this section shall not be disclosed, directly or  
190 indirectly, to any third party not specified in subsection (d) of this  
191 section, except as provided by court order, [or] in the report required  
192 under section 54-76d or 54-91a or as otherwise provided by law.

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

197 (d) Records of cases of juvenile matters involving delinquency  
198 proceedings shall be available to (1) Judicial Branch employees who, in  
199 the performance of their duties, require access to such records, (2)  
200 judges and employees of the Probate Court who, in the performance of  
201 their duties, require access to such records, and [(2)] (3) employees and  
202 authorized agents of state or federal agencies involved in (A) the  
203 delinquency proceedings, (B) the provision of services directly to the  
204 child, (C) the design and delivery of treatment programs pursuant to  
205 section 46b-121j, or (D) the delivery of court diversionary programs.  
206 Such employees and authorized agents include, but are not limited to,  
207 law enforcement officials, community-based youth service bureau  
208 officials, state and federal prosecutorial officials, school officials in

209 accordance with section 10-233h, court officials including officials of  
210 both the regular criminal docket and the docket for juvenile matters  
211 and officials of the Division of Criminal Justice, the Division of Public  
212 Defender Services, the Department of Children and Families, the Court  
213 Support Services Division and agencies under contract with the  
214 Judicial Branch. Such records shall also be available to (i) the attorney  
215 representing the child, including the Division of Public Defender  
216 Services, in any proceeding in which such records are relevant, (ii) the  
217 parents or guardian of the child, until such time as the subject of the  
218 record reaches the age of majority, (iii) the subject of the record, upon  
219 submission of satisfactory proof of the subject's identity, pursuant to  
220 guidelines prescribed by the Office of the Chief Court Administrator,  
221 provided the subject has reached the age of majority, (iv) law  
222 enforcement officials and prosecutorial officials conducting legitimate  
223 criminal investigations, (v) a state or federal agency providing services  
224 related to the collection of moneys due or funding to support the  
225 service needs of eligible juveniles, provided such disclosure shall be  
226 limited to that information necessary for the collection of and  
227 application for such moneys, and (vi) members and employees of the  
228 Board of Pardons and Paroles and employees of the Department of  
229 Correction who, in the performance of their duties, require access to  
230 such records, provided the subject of the record has been convicted of  
231 a crime in the regular criminal docket of the Superior Court and such  
232 records are relevant to the performance of a risk and needs assessment  
233 of such person while such person is incarcerated, the determination of  
234 such person's suitability for release from incarceration or for a pardon,  
235 or the determination of the supervision and treatment needs of such  
236 person while on parole or other supervised release. Records disclosed  
237 pursuant to this subsection shall not be further disclosed, except that  
238 information contained in such records may be disclosed in connection  
239 with bail or sentencing reports in open court during criminal  
240 proceedings involving the subject of such information, or as otherwise  
241 provided by law.

242 (e) Records of cases of juvenile matters involving delinquency  
243 proceedings, or any part thereof, may be disclosed upon order of the

244 court to any person who has a legitimate interest in the information  
245 and is identified in such order. Records disclosed pursuant to this  
246 subsection shall not be further disclosed, except as specifically  
247 authorized by a subsequent order of the court.

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

257 (g) Information concerning a child who is the subject of an order to  
258 take such child into custody or other process that has been entered into  
259 a central computer system pursuant to subsection (i) of section 46b-  
260 133, as amended by this act, may be disclosed to employees and  
261 authorized agents of the Judicial Branch, law enforcement agencies  
262 and the Department of Children and Families in accordance with  
263 policies and procedures established by the Chief Court Administrator.

264 ~~[(g)]~~ (h) Information concerning a child who has escaped from a  
265 detention center or from a facility to which [he] the child has been  
266 committed by the court or for whom an arrest warrant has been issued  
267 with respect to the commission of a felony may be disclosed by law  
268 enforcement officials.

269 ~~[(h)]~~ (i) Nothing in this section shall be construed to prohibit any  
270 person employed by the Judicial Branch from disclosing any records,  
271 information or files in [his] such employee's possession to any person  
272 employed by the Division of Criminal Justice as a prosecutorial official,  
273 inspector or investigator who, in the performance of his or her duties,  
274 requests such records, information or files, or to prohibit any such  
275 employee of said division from disclosing any records, information or  
276 files in [his] such employee's possession to any such employee of the

277 Judicial Branch who, in the performance of his or her duties, requests  
278 such records, information or files.

279 (j) Nothing in this section shall be construed to prohibit a party from  
280 making a timely objection to the admissibility of evidence consisting of  
281 records of cases of juvenile matters, or any part thereof, in any  
282 Superior Court or Probate Court proceeding, or from making a timely  
283 motion to seal any such record pursuant to the rules of the Superior  
284 Court or the rules of procedure adopted under section 45a-78.

285 [(i)] (k) A state's attorney shall disclose to the defendant or [his]  
286 such defendant's counsel in a criminal prosecution, without the  
287 necessity of a court order, exculpatory information and material  
288 contained in any record disclosed to such state's attorney pursuant to  
289 this section and may disclose, without a court order, information and  
290 material contained in any such record which could be the subject of a  
291 disclosure order.

292 [(j)] (l) Notwithstanding the provisions of subsection (d) of this  
293 section, any information concerning a child that is obtained during any  
294 mental health screening or assessment of such child, during the  
295 provision of services pursuant to subsection (b) of section 46b-149, or  
296 during the performance of an educational evaluation pursuant to  
297 subsection (e) of section 46b-149, shall be used solely for planning and  
298 treatment purposes and shall otherwise be confidential and retained in  
299 the files of the entity providing such services or performing such  
300 screening, assessment or evaluation. Such information may be further  
301 disclosed only for the purposes of any court-ordered evaluation or  
302 treatment of the child or provision of services to the child, or pursuant  
303 to sections 17a-101 to 17a-101e, inclusive, 17b-450, 17b-451 or 51-36a.  
304 Such information shall not be subject to subpoena or other court  
305 process for use in any other proceeding or for any other purpose.

306 [(k)] (m) Records of cases of juvenile matters involving delinquency  
307 proceedings, or any part thereof, containing information that a child  
308 has been convicted as delinquent for a violation of subdivision (e) of  
309 section 1-1h, subsection (c) of section 14-147, subsection (a) of section

310 14-215, section 14-222, subsection (b) of section 14-223, subsection (a),  
311 (b) or (c) of section 14-224, section 30-88a or subsection (b) of section  
312 30-89, shall be disclosed to the Department of Motor Vehicles for  
313 administrative use in determining whether administrative sanctions  
314 regarding such child's motor vehicle operator's license are warranted.  
315 Records disclosed pursuant to this subsection shall not be further  
316 disclosed.

317 [(l)] (n) Records of cases of juvenile matters involving adoption  
318 proceedings, or any part thereof, shall be confidential and may only be  
319 disclosed pursuant to sections 45a-743 to 45a-757, inclusive.

320 Sec. 3. Section 54-108e of the general statutes is repealed and the  
321 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

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

330 (c) Probation officers may evaluate persons sentenced to a term of  
331 imprisonment of two years or less who have been confined under such  
332 sentence for at least ninety days and have complied with institutional  
333 rules and necessary treatment programs of the Department of  
334 Correction, and may develop a community release plan for such  
335 persons in accordance with guidelines developed by the Court Support  
336 Services Division. If a probation officer develops a community release  
337 plan, the probation officer shall apply for a sentence modification  
338 hearing under section 53a-39.

339 (d) Information contained in an alternative sentencing plan or a  
340 community release plan shall be available only to: (1) Employees of the

341 Judicial Branch who in the performance of their duties require access  
342 to the information contained in such plan; (2) employees and  
343 authorized agents of state or federal agencies involved in the design  
344 and delivery of treatment services to the person who is the subject of  
345 such plan; (3) employees of state or community-based agencies  
346 providing services directly to the person who is the subject of such  
347 plan; [and] (4) an attorney representing the person who is the subject  
348 of such plan in any proceeding in which such plan is relevant; (5)  
349 employees of the Division of Criminal Justice who are assigned to the  
350 court location where the court ordered completion of an alternative  
351 sentencing plan pursuant to subsection (b) of this section, or where a  
352 sentence modification hearing will be heard pursuant to subsection (c)  
353 of this section; and (6) employees of the Department of Correction.

354 Sec. 4. (NEW) (*Effective October 1, 2014*) Notwithstanding the  
355 provisions of sections 46a-79 to 46a-81, inclusive, of the general  
356 statutes, an authorized employee of the Judicial Branch:

357 (1) May access the Connecticut online law enforcement  
358 communications teleprocessing system with respect to (A) an applicant  
359 for employment with the Judicial Branch who the Judicial Branch  
360 deems otherwise qualified for such employment, and who will, in the  
361 performance of his or her duties, have access to criminal justice  
362 information systems, or (B) an employee of, or applicant for  
363 employment with, an agency under contract with the Judicial Branch,  
364 who will, in the performance of his or her duties with such agency  
365 with respect to the Judicial Branch, have access to criminal justice  
366 information systems;

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

372 (3) Shall send, by registered mail, written notice to such Judicial  
373 Branch applicant, or agency employee or applicant, if information in

374 such teleprocessing system is used as a basis for rejection of the  
375 Judicial Branch applicant or denial of such agency employee's or  
376 applicant's access to criminal justice information systems, which notice  
377 shall specifically state the evidence presented and the reasons for  
378 rejection.

379 Sec. 5. Section 46b-133 of the general statutes is amended by adding  
380 subsection (i) as follows (*Effective October 1, 2014*):

381 (NEW) (i) Whenever a child is subject to a court order to take such  
382 child into custody, or other process issued pursuant to this section or  
383 section 46b-140a, the Judicial Branch may cause the order or process to  
384 be entered into a central computer system in accordance with policies  
385 and procedures established by the Chief Court Administrator. The  
386 existence of the order or process in the computer system shall  
387 constitute prima facie evidence of the issuance of the order or process.  
388 Any child named in the order or process may be arrested or taken into  
389 custody based on the existence of the order or process in the computer  
390 system and, if the order or process directs that such child be detained,  
391 the child shall be held in a juvenile detention center.

392 Sec. 6. Section 53a-223 of the general statutes is repealed and the  
393 following is substituted in lieu thereof (*Effective October 1, 2014*):

394 (a) A person is guilty of criminal violation of a protective order  
395 when an order issued pursuant to subsection (e) of section 46b-38c,  
396 subsection (f) of section 53a-28, or section 54-1k or 54-82r has been  
397 issued against such person, and such person violates such order.

398 (b) No person who is listed as a protected person in such protective  
399 order may be criminally liable for (1) soliciting, requesting,  
400 commanding, importuning or intentionally aiding in the violation of  
401 the protective order pursuant to subsection (a) of section 53a-8, or (2)  
402 conspiracy to violate such protective order pursuant to section 53a-48.

403 (c) Criminal violation of a protective order is a class D felony.

404 Sec. 7. Subsection (a) of section 54-56i of the 2014 supplement to the

405 general statutes is repealed and the following is substituted in lieu  
406 thereof (*Effective October 1, 2014*):

407 (a) There is established a pretrial drug education and community  
408 service program for persons charged with a violation of section  
409 21a-267, 21a-279 or 21a-279a. The drug education and community  
410 service program shall include a fifteen-week drug education program  
411 [a fifteen-session drug intervention program] and a substance abuse  
412 treatment program of not less than fifteen sessions, and the  
413 performance of community service.

414 Sec. 8. Subsection (c) of section 54-56i of the 2014 supplement to the  
415 general statutes is repealed and the following is substituted in lieu  
416 thereof (*Effective October 1, 2014*):

417 (c) The court, after consideration of the recommendation of the  
418 state's attorney, assistant state's attorney or deputy assistant state's  
419 attorney in charge of the case, may, in its discretion, grant such  
420 application. If the court grants such application, the court shall refer  
421 such person (1) to the Court Support Services Division for  
422 confirmation of the eligibility of the applicant, (2) to the Department of  
423 Mental Health and Addiction Services for evaluation and  
424 determination of an appropriate drug education or substance abuse  
425 treatment program for the first or second time such application is  
426 granted, and (3) to a state-licensed substance abuse treatment program  
427 for evaluation and determination of an appropriate substance abuse  
428 treatment program for the third time such application is granted,  
429 except that, if such person is a veteran, the court may refer such person  
430 to the Department of Veterans' Affairs or the United States Department  
431 of Veterans Affairs, as applicable, for any such evaluation and  
432 determination. For the purposes of this subsection and subsection (d)  
433 of this section, "veteran" means a person who is (A) a veteran, as  
434 defined in subsection (a) of section 27-103, or (B) eligible to receive  
435 services from the United States Department of Veterans Affairs  
436 pursuant to Title 38 of the United States Code.

437 Sec. 9. Subdivision (1) of subsection (d) of section 54-56i of the 2014

438 supplement to the general statutes is repealed and the following is  
439 substituted in lieu thereof (*Effective October 1, 2014*):

440 (d) (1) (A) Upon confirmation of eligibility and receipt of the  
441 evaluation and determination required under subsection (c) of this  
442 section, such person shall be placed in the drug education and  
443 community service program and referred by the Court Support  
444 Services Division for the purpose of receiving appropriate drug  
445 [intervention] education services or substance abuse treatment  
446 program services, as recommended by the evaluation conducted  
447 pursuant to subsection (c) of this section and ordered by the court, to  
448 the Department of Mental Health and Addiction Services or to a state-  
449 licensed substance abuse treatment program for placement in the  
450 appropriate drug education or substance abuse treatment program,  
451 except that, if such person is a veteran, the division may refer such  
452 person to the Department of Veterans' Affairs or the United States  
453 Department of Veterans Affairs, subject to the provisions of  
454 subdivision (2) of this subsection.

455 (B) Persons who have been granted entry into the drug education  
456 and community service program for the first time shall participate in  
457 either a fifteen-week drug education program or a substance abuse  
458 treatment program of not less than fifteen sessions, as ordered by the  
459 court on the basis of the evaluation and determination required under  
460 subsection (c) of this section. Persons who have been granted entry  
461 into the drug education and community service program for the  
462 second time shall participate in either a fifteen-week drug education  
463 program or a substance abuse treatment program of not less than  
464 fifteen sessions, as ordered by the court based on the evaluation and  
465 determination required under subsection (c) of this section. Persons  
466 who have been granted entry into the drug education and community  
467 service program for a third time shall be referred to a state-licensed  
468 substance abuse program for evaluation and participation in a course  
469 of treatment as ordered by the court based on the evaluation and  
470 determination required under subsection (c) of this section.

471 (C) Persons who have been granted entry into the drug education  
472 and community service program shall also participate in a community  
473 service program administered by the Court Support Services Division  
474 pursuant to section 53a-39c. Persons who have been granted entry into  
475 the drug education and community service program for the first time  
476 shall participate in the community service program for a period of five  
477 days. Persons who have been granted entry into the drug education  
478 and community service program for the second time shall participate  
479 in the community service program for a period of fifteen days. Persons  
480 who have been granted entry into the drug education and community  
481 service program for a third or additional time shall participate in the  
482 community service program for a period of thirty days.

483 (D) Placement in the drug education and community service  
484 program pursuant to this section shall not exceed one year. Persons  
485 receiving substance abuse treatment program services in accordance  
486 with the provisions of this section shall only receive such services at  
487 state-licensed substance abuse treatment program facilities that are in  
488 compliance with all state standards governing the operation of such  
489 facilities, except that, if such person is a veteran, such person may  
490 receive services from facilities under the supervision of the  
491 Department of Veterans' Affairs or the United States Department of  
492 Veterans Affairs, subject to the provisions of subdivision (2) of this  
493 subsection.

494 (E) Any person who enters the drug education and community  
495 service program shall agree: (i) To the tolling of the statute of  
496 limitations with respect to such crime; (ii) to a waiver of such person's  
497 right to a speedy trial; (iii) to complete participation in the drug  
498 education and community service program, as ordered by the court;  
499 (iv) to commence participation in the drug education and community  
500 service program not later than ninety days after the date of entry of the  
501 court order unless granted a delayed entry into the program by the  
502 court; and (v) upon completion of participation in the drug education  
503 and community service program, to accept (I) placement in a treatment  
504 program upon the recommendation of a provider under contract with

505 the Department of Mental Health and Addiction Services or a provider  
 506 under the supervision of the Department of Veterans' Affairs or the  
 507 United States Department of Veterans Affairs, or (II) placement in a  
 508 treatment program that has standards substantially similar to, or  
 509 higher than, a program of a provider under contract with the  
 510 Department of Mental Health and Addiction Services, if the Court  
 511 Support Services Division deems it appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	17a-28(g)
Sec. 2	<i>October 1, 2014</i>	46b-124
Sec. 3	<i>October 1, 2014</i>	54-108e
Sec. 4	<i>October 1, 2014</i>	New section
Sec. 5	<i>October 1, 2014</i>	46b-133
Sec. 6	<i>October 1, 2014</i>	53a-223
Sec. 7	<i>October 1, 2014</i>	54-56i(a)
Sec. 8	<i>October 1, 2014</i>	54-56i(c)
Sec. 9	<i>October 1, 2014</i>	54-56i(d)(1)

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Correction, Dept.	GF - Potential Cost	See Below	See Below

**Municipal Impact:** None

**Explanation**

The bill results in a potential cost to the Department of Correction by expanding criminal violation of a protective order to include violation of a protective order that was issued when an offender was sentenced to probation. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender.

The bill makes various other changes to statutes regarding recording, disclosure and access to judicial data that does not result in a fiscal impact because the necessary systems are already in place.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 152*****AN ACT CONCERNING COURT SUPPORT SERVICES.*****SUMMARY:**

This bill makes a number of unrelated changes regarding the Judicial Branch's Court Support Services Division (CSSD) and Judicial Branch employees and programs. It:

1. allows the Department of Children and Families (DCF) to disclose certain information to 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 it and expands when probate court judges and employees can access these records;
3. allows (a) the Judicial Branch to enter into a central computer system any order or process to take a child into custody, (b) a child to be taken into custody based on an order in the system, and (c) certain disclosures of information about children subject to an order;
4. gives the Department of Correction (DOC) and certain Division of Criminal Justice employees access to information in alternative sentencing or community release plans;
5. allows authorized Judicial Branch employees to (a) 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 (b) consider the COLLECT information in making employment and

information access decisions (see BACKGROUND);

6. expands the crime of criminal violation of a protective order to include violating a protective order issued by a court when sentencing a person to probation; and
7. gives the court an additional program option for first-time participants in the pretrial drug education and community service program.

EFFECTIVE DATE: October 1, 2014

### **§ 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's 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 his or her 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 record's subject 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**

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

Currently, for nondelinquency 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 instead allows all probate court judges and employees access to any nondelinquency records when required in the performance of their duties. Nondelinquency matters include cases involving:

1. uncared for, neglected, or abandoned children and youth and related adoptions;
2. terminating parental rights of parents 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 courts on adoption, termination of parental rights, or removal of a parent or guardian.

The bill also gives probate court judges and employees access to juvenile delinquency records when required in the performance of their duties. Under existing law, access to juvenile delinquency records 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.

The bill specifies that the provisions governing disclosure and confidentiality of juvenile records do not prohibit a party from making a timely:

1. objection to the admissibility of evidence consisting of one of these records, or any part of one, in a Superior or probate court

proceeding or

2. motion to seal one of these records under Superior or probate court rules.

### **§§ 2 & 5 — CENTRAL DATABASE OF ORDERS TO TAKE CHILDREN INTO CUSTODY**

The bill authorizes the Judicial Branch to enter court orders to take a child into custody into a central computer system. The bill makes the entry in the computer system prima facie evidence of the order or process and the child can be arrested or taken into custody based on it. The child must be held in a juvenile detention center if the order or process directs his or her detention.

The bill allows disclosure of information about a child subject to such an order or process to Judicial Branch employees and authorized agents, law enforcement agencies, and DCF.

The chief court administrator must adopt policies and procedures for entering orders and process into the computer system and disclosing information about children subject to the orders and process.

### **§ 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 plan's subject,

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 or applicant for employment with 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.

## **§ 6 — VIOLATING PROTECTIVE ORDERS**

The bill expands the crime of criminal violation of a protective order to include when a person violates a protective order that was issued by a court when sentencing a person to a period of probation. By law, this crime applies to violations of protective orders (1) in family violence cases; (2) in stalking, harassment, sexual assault, and risk of injury cases; and (3) related to witness harassment.

By law, this crime is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

## **§§ 7-9 — PRETRIAL DRUG EDUCATION AND COMMUNITY SERVICE PROGRAM**

Currently, those participating in this program (see BACKGROUND) for the first time attend a 15-week drug education program. The bill gives the court the option, based on the evaluation and determination conducted by the Department of Mental Health and Addiction Services, to instead require a participant to attend a substance abuse treatment program consisting of at least 15 sessions. By law, the court (1) has these same options for those participating for the second time and (2) must refer a third-time participant to a state licensed substance abuse program for evaluation and participation in treatment as ordered by the court.

The bill also makes technical and conforming changes.

## **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 community release plans for people sentenced to

prison terms 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.

### ***COLLECT System***

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.

### ***Pretrial Drug Education and Community Service Program***

By law, this program is for people charged with drug possession (including possession of less than 0.5 ounce of marijuana) or paraphernalia crimes who meet certain eligibility criteria. The court has discretion to allow someone to participate. If it does, the court suspends prosecution, participants waive their right to a speedy trial and agree to a tolling of the statute of limitations, and the court dismisses charges against a participant who successfully completes the program. A participant who fails to complete the program and is not reinstated is brought to trial.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 0 (04/01/2014)