



General Assembly

January Session, 2015

Committee Bill No. 622

LCO No. 4617



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

**AN ACT CONCERNING ACCESS TO RECORDS OF THE
DEPARTMENT OF CHILDREN AND FAMILIES.**

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2 repealed and the following is substituted in lieu thereof (*Effective*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, 2015*):

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 (A) an allegation
34 related to child abuse or neglect, (B) an allegation that an individual
35 made a false report of suspected child abuse or neglect, or (C) an
36 allegation that a mandated reporter failed to report suspected child
37 abuse or neglect in accordance with section 17a-101a, provided such
38 prosecuting authority shall have access to records of a child charged
39 with the commission of a delinquent act, who is not being charged
40 with an offense related to child abuse, only while the case is being
41 prosecuted and after obtaining a release;

42 (8) A state or federal law enforcement officer for purposes of
43 investigating (A) an allegation related to child abuse or neglect, (B) an
44 allegation that an individual made a false report of suspected child
45 abuse or neglect, or (C) an allegation that a mandated reporter failed to

46 report suspected child abuse or neglect in accordance with section 17a-
47 101a;

48 (9) A foster or prospective adoptive parent, if the records pertain to
49 a child or youth currently placed with the foster or prospective
50 adoptive parent, or a child or youth being considered for placement
51 with the foster or prospective adoptive parent, and the records are
52 necessary to address the social, medical, psychological or educational
53 needs of the child or youth, provided no information identifying a
54 biological parent is disclosed without the permission of such biological
55 parent;

56 (10) Any person, if the records pertain to a child or youth receiving
57 services from the department and the parent, guardian, foster parent
58 or prospective adoptive parent with whom such child or youth lives or
59 is placed is convicted of a crime involving an act of child abuse or
60 neglect as described in section 46b-120 or a violation of section 53-21,
61 53a-71 or 53a-73a, for the purpose of determining whether the
62 department's services to such child or youth have provided adequate
63 protection to such child or youth based on the known circumstances;

64 ~~[(10)]~~ (11) The Governor, when requested in writing in the course of
65 the Governor's official functions, the Legislative Program Review and
66 Investigations Committee, the joint standing committee of the General
67 Assembly having cognizance of matters relating to human services, the
68 joint standing committee of the General Assembly having cognizance
69 of matters relating to the judiciary or the joint standing committee of
70 the General Assembly having cognizance of matters relating to
71 children, when requested in writing by any of such committees in the
72 course of such committee's official functions, and upon a majority vote
73 of such committee, provided no name or other identifying information
74 is disclosed unless such information is essential to the gubernatorial or
75 legislative purpose;

76 ~~[(11)]~~ (12) The Office of Early Childhood for the purpose of (A)
77 determining the suitability of a person to care for children in a facility

78 licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining
79 the suitability of such person for licensure; (C) an investigation
80 conducted pursuant to section 19a-80f; (D) notifying the Department of
81 Public Health when the Department of Children and Families places
82 an individual licensed or certified by the Department of Public Health
83 on the child abuse and neglect registry pursuant to section 17a-101k; or
84 (E) notifying the Department of Public Health when the Department of
85 Children and Families possesses information regarding a Department
86 of Public Health regulatory violation committed by an individual
87 licensed or certified by the Department of Public Health;

88 ~~[(12)]~~ (13) The Department of Developmental Services, to allow said
89 department to determine eligibility, facilitate enrollment and plan for
90 the provision of services to a child who is a client of said department
91 and who is applying to enroll in or is enrolled in said department's
92 voluntary services program. At the time that a parent or guardian
93 completes an application for enrollment of a child in the Department of
94 Developmental Services' voluntary services program, or at the time
95 that said department updates a child's annual individualized plan of
96 care, said department shall notify such parent or guardian that the
97 Department of Children and Families may provide records to the
98 Department of Developmental Services for the purposes specified in
99 this subdivision without the consent of such parent or guardian;

100 ~~[(13)]~~ (14) A state agency that licenses or certifies an individual to
101 educate or care for children or youth;

102 ~~[(14)]~~ (15) A judge or employee of a probate court who requires
103 access to such records in order to perform such judge's or employee's
104 official duties;

105 ~~[(15)]~~ (16) A judge of the Superior Court for purposes of
106 determining the appropriate disposition of a child convicted as
107 delinquent or a child who is a member of a family with service needs;

108 ~~[(16)]~~ (17) A judge of the Superior Court in a criminal prosecution

109 for purposes of in camera inspection whenever (A) the court has
110 ordered that the record be provided to the court; or (B) a party to the
111 proceeding has issued a subpoena for the record;

112 [(17)] (18) A judge of the Superior Court and all necessary parties in
113 a family violence proceeding when such records concern family
114 violence with respect to the child who is the subject of the proceeding
115 or the parent of such child who is the subject of the proceeding;

116 [(18)] (19) The Auditors of Public Accounts, or their representative,
117 provided no information identifying the subject of the record is
118 disclosed unless such information is essential to an audit conducted
119 pursuant to section 2-90;

120 [(19)] (20) A local or regional board of education, provided the
121 records are limited to educational records created or obtained by the
122 state or Connecticut Unified School District #2, established pursuant to
123 section 17a-37;

124 [(20)] (21) The superintendent of schools for any school district for
125 the purpose of determining the suitability of a person to be employed
126 by the local or regional board of education for such school district
127 pursuant to subsection (a) of section 10-221d;

128 [(21)] (22) The Department of Motor Vehicles for the purpose of
129 criminal history records checks pursuant to subsection (e) of section
130 14-44, provided information disclosed pursuant to this subdivision
131 shall be limited to information included on the Department of
132 Children and Families child abuse and neglect registry established
133 pursuant to section 17a-101k, subject to the provisions of sections 17a-
134 101g and 17a-101k concerning the nondisclosure of findings of
135 responsibility for abuse and neglect;

136 [(22)] (23) The Department of Mental Health and Addiction Services
137 for the purpose of treatment planning for young adults who have
138 transitioned from the care of the Department of Children and Families;

139 [(23)] (24) The superintendent of a public school district or the
140 executive director or other head of a public or private institution for
141 children providing care for children or a private school (A) pursuant to
142 sections 17a-101b, 17a-101c and 17a-101i, or (B) when the Department
143 of Children and Families places an individual employed by such
144 institution or school on the child abuse and neglect registry pursuant
145 to section 17a-101k;

146 [(24)] (25) The Department of Social Services for the purpose of (A)
147 determining the suitability of a person for payment from the
148 Department of Social Services for providing child care; (B) promoting
149 the health, safety and welfare of a child or youth receiving services
150 from either department; or (C) investigating allegations of fraud
151 provided no information identifying the subject of the record is
152 disclosed unless such information is essential to any such
153 investigation;

154 [(25)] (26) The Court Support Services Division of the Judicial
155 Branch, to allow the division to determine the supervision and
156 treatment needs of a child or youth, and provide appropriate
157 supervision and treatment services to such child or youth, provided
158 such disclosure shall be limited to information that identifies the child
159 or youth, or a member of such child's or youth's immediate family, as
160 being or having been (A) committed to the custody of the
161 Commissioner of Children and Families as delinquent, (B) under the
162 supervision of the Commissioner of Children and Families, or (C)
163 enrolled in the voluntary services program operated by the
164 Department of Children and Families;

165 [(26)] (27) The Court Support Services Division of the Judicial
166 Branch for the purpose of sharing common case records to track
167 recidivism of juvenile offenders; and

168 [(27)] (28) The birth-to-three program's referral intake office for the
169 purpose of (A) determining eligibility of, (B) facilitating enrollment for,
170 and (C) providing services to (i) substantiated victims of child abuse

171 and neglect with suspected developmental delays, and (ii) newborns
172 impacted by withdrawal symptoms resulting from prenatal drug
173 exposure.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	17a-28(g)

KID *Joint Favorable*