



General Assembly

Amendment

January Session, 2015

LCO No. 7207



Offered by:
SEN. FASANO, 34th Dist.

To: Senate Bill No. 842

File No. 30

Cal. No. 78

"AN ACT CONCERNING FOSTER CHILDREN AND THE DESIGNATION OF SURROGATE PARENTS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 17a-101k of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) The Commissioner of Children and Families shall maintain a
6 registry of the commissioner's findings of abuse or neglect of children
7 pursuant to section 17a-101g that conforms to the requirements of this
8 section. The regulations adopted pursuant to subsection (i) of this
9 section shall provide for the use of the registry on a twenty-four-hour
10 daily basis to prevent or discover abuse of children and the
11 establishment of a hearing process for any appeal by a person of the
12 commissioner's determination that such person is responsible for the

13 abuse or neglect of a child pursuant to subsection (b) of section 17a-
14 101g. The information contained in the registry and any other
15 information relative to child abuse, wherever located, shall be
16 confidential, subject to such statutes and regulations governing their
17 use and access as shall conform to the requirements of federal law or
18 regulations. Any violation of this section or the regulations adopted by
19 the commissioner under this section shall be punishable by a fine of
20 not more than one thousand dollars or imprisonment for not more
21 than one year.

22 (b) Upon the issuance of a recommended finding that an individual
23 is responsible for abuse or neglect of a child pursuant to subsection (b)
24 of section 17a-101g, the commissioner shall provide notice of the
25 finding, by first class mail, not later than five business days after the
26 issuance of such finding, to the individual who is alleged to be
27 responsible for the abuse or neglect. The notice shall:

28 (1) Contain a short and plain description of the finding that the
29 individual is responsible for the abuse or neglect of a child;

30 (2) Inform the individual of the existence of the registry and of the
31 commissioner's intention to place the individual's name on the registry
32 unless such individual exercises his or her right to appeal the
33 recommended finding as provided in this section;

34 (3) Inform the individual of the potential adverse consequences of
35 being listed on the registry, including, but not limited to, the potential
36 effect on the individual obtaining or retaining employment, licensure
37 or engaging in activities involving direct contact with children and
38 inform the individual of the individual's right to administrative
39 procedures as provided in this section to appeal the finding; and

40 (4) Include a written form for the individual to sign and return,
41 indicating if the individual will invoke the appeal procedures
42 provided in this section.

43 (c) (1) An individual invoking the appeal procedures provided in

44 this section shall send a request for appeal to the commissioner by
45 certified mail, and shall cause a copy of such request to be sent by
46 certified mail to the parent or legal guardian of the child who is alleged
47 to have been abused or neglected. Following a request for appeal, the
48 commissioner or the commissioner's designee shall conduct an internal
49 review of the recommended finding to be completed no later than
50 thirty days after the request for appeal is received by the department.
51 The commissioner or the commissioner's designee shall review all
52 relevant information relating to the recommended finding, to
53 determine whether the recommended finding is factually or legally
54 deficient and ought to be reversed. Prior to the review, the
55 commissioner shall provide the individual access to all relevant
56 documents in the possession of the commissioner regarding the
57 finding of responsibility for abuse or neglect of a child, as provided in
58 section 17a-28.

59 (2) The individual or the individual's representative may submit any
60 documentation that is relevant to a determination of the issue and
61 may, at the discretion of the commissioner or the commissioner's
62 designee, participate in a telephone conference or face-to-face meeting
63 to be conducted for the purpose of gathering additional information
64 that may be relevant to determining whether the recommended
65 finding is factually or legally deficient.

66 (3) If the commissioner or the commissioner's designee, as a result of
67 the prehearing review, determines that the recommended finding of
68 abuse or neglect is factually or legally deficient, the commissioner or
69 the commissioner's designee shall so indicate, in writing, and shall
70 reverse the recommended finding. The commissioner shall send notice
71 to the individual by certified mail of the commissioner's decision to
72 reverse or maintain the finding not later than five business days after
73 the decision is made. If the finding is upheld, the notice shall be made
74 in accordance with section 4-177 and shall notify the individual of the
75 right to request a hearing. The individual may request a hearing not
76 later than thirty days after receipt of the notice. The hearing shall be

77 scheduled not later than thirty days after receipt by the commissioner
78 of the request for a hearing, except for good cause shown by either
79 party.

80 (d) (1) The hearing procedure shall be conducted in accordance with
81 the procedures for contested cases pursuant to sections 4-177 to 4-181a,
82 inclusive.

83 (2) At the hearing, the individual may be represented by legal
84 counsel. The burden of proof shall be on the commissioner to prove
85 that the finding is supported by a fair preponderance of the evidence
86 submitted at the hearing.

87 (3) Not later than thirty days after the conclusion of the hearing, the
88 hearing officer shall issue a written decision to either reverse or uphold
89 the finding. The decision shall contain findings of fact and a conclusion
90 of law on each issue raised at the hearing.

91 (e) Any individual aggrieved by the decision of the hearing officer
92 may appeal the decision in accordance with section 4-183. Such
93 individual may also seek a stay of the adverse decision of the hearing
94 officer in accordance with subsection (f) of section 4-183.

95 (f) Following the issuance of a decision to uphold the finding and
96 absent any stay of that decision issued by the commissioner or the
97 court, the commissioner shall accurately reflect the information
98 concerning the finding in the child abuse and neglect registry
99 maintained pursuant to subsection (a) of this section and shall, in
100 accordance with section 17a-101g, forward to any agency or official the
101 information required to be disclosed pursuant to any provision of the
102 general statutes.

103 (g) Any individual against whom a finding of abuse or neglect was
104 substantiated prior to May 1, 2000, and who has not previously
105 appealed such finding, may appeal such finding as provided in this
106 section.

107 (h) Records containing unsubstantiated findings and records
108 relating to family assessment cases shall remain sealed, except that
109 such records shall be made available to department employees in the
110 proper discharge of their duties and shall be expunged by the
111 commissioner [~~five~~] not less than seven years from the completion date
112 of the investigation or the closure of the family assessment case,
113 whichever is later, if no further report is made about the individual
114 subject to the investigation or the family subject to the assessment,
115 except that if the department receives more than one report on an
116 individual subject to investigation or a family subject to assessment
117 and each report is unsubstantiated, all reports and information
118 pertaining to the individual or family shall be expunged by the
119 commissioner [~~five~~] not less than seven years from the completion date
120 of the most recent investigation, except no such reports or information
121 shall be expunged until the Commissioner of Children and Families
122 has adopted regulations pursuant to subsection (i) of this section.

123 (i) Not later than [~~July 1, 2006~~] January 1, 2016, the Commissioner of
124 Children and Families shall adopt regulations, in accordance with the
125 provisions of chapter 54, to implement the provisions of this section.

126 (j) Not later than January 1, 2016, and annually thereafter, the
127 Commissioner of Children and Families shall submit a report, in
128 accordance with the provisions of section 11-4a of the general statutes,
129 to the joint standing committees of the General Assembly having
130 cognizance of matters relating to children and the judiciary. Such
131 report shall detail: (1) The number of requests for removal from the
132 child abuse or neglect registry that the department received in the
133 previous year, (2) the number of individuals removed from said
134 registry by the department in the previous year, and (3) for each
135 individual so removed, the name of the person who requested such
136 removal, the date and the nature of the abuse or neglect that resulted
137 in the individual being listed on said registry and certain other
138 information that the department deems necessary and proper to
139 protect the children of the state."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2015</i>	17a-101k