



Senate

General Assembly

File No. 16

February Session, 2016

Senate Bill No. 181

Senate, March 9, 2016

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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 2016 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2016*):

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 provide 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 office when
81 the Department of Children and Families places an individual licensed
82 or certified by the office on the child abuse and neglect registry
83 pursuant to section 17a-101k; or (E) notifying the office when the
84 Department of Children and Families possesses information regarding
85 an office regulatory violation committed by an individual licensed or
86 certified by the office;

87 [(12)] (13) The Department of Developmental Services, to allow said
88 department to determine eligibility, facilitate enrollment and plan for
89 the provision of services to a child who is a client of said department
90 and who is applying to enroll in or is enrolled in said department's
91 behavioral services program. At the time that a parent or guardian
92 completes an application for enrollment of a child in the Department of
93 Developmental Services' behavioral services program, or at the time
94 that said department updates a child's annual individualized plan of
95 care, said department shall notify such parent or guardian that the
96 Department of Children and Families may provide records to the
97 Department of Developmental Services for the purposes specified in
98 this subdivision without the consent of such parent or guardian;

99 [(13)] (14) Any individual or entity for the purposes of identifying
100 resources that will promote the permanency plan of a child or youth
101 approved by the court pursuant to sections 17a-11, 17a-111b, 46b-129
102 and 46b-141;

103 [(14)] (15) A state agency that licenses or certifies an individual to
104 educate or care for children or youth;

105 [(15)] (16) A judge or employee of a Probate Court who requires
106 access to such records in order to perform such judge's or employee's
107 official duties;

108 [(16)] (17) A judge of the Superior Court for purposes of
109 determining the appropriate disposition of a child convicted as

110 delinquent or a child who is a member of a family with service needs;

111 [(17)] (18) A judge of the Superior Court in a criminal prosecution
112 for purposes of in camera inspection whenever (A) the court has
113 ordered that the record be provided to the court; or (B) a party to the
114 proceeding has issued a subpoena for the record;

115 [(18)] (19) A judge of the Superior Court and all necessary parties in
116 a family violence proceeding when such records concern family
117 violence with respect to the child who is the subject of the proceeding
118 or the parent of such child who is the subject of the proceeding;

119 [(19)] (20) The Auditors of Public Accounts, or their representative,
120 provided no information identifying the subject of the record is
121 disclosed unless such information is essential to an audit conducted
122 pursuant to section 2-90;

123 [(20)] (21) A local or regional board of education, provided the
124 records are limited to educational records created or obtained by the
125 state or Connecticut Unified School District #2, established pursuant to
126 section 17a-37;

127 [(21)] (22) The superintendent of schools for any school district for
128 the purpose of determining the suitability of a person to be employed
129 by the local or regional board of education for such school district
130 pursuant to subsection (a) of section 10-221d;

131 [(22)] (23) The Department of Motor Vehicles for the purpose of
132 criminal history records checks pursuant to subsection (e) of section
133 14-44, provided information disclosed pursuant to this subdivision
134 shall be limited to information included on the Department of
135 Children and Families child abuse and neglect registry established
136 pursuant to section 17a-101k, subject to the provisions of sections 17a-
137 101g and 17a-101k concerning the nondisclosure of findings of
138 responsibility for abuse and neglect;

139 [(23)] (24) The Department of Mental Health and Addiction Services
140 for the purpose of treatment planning for young adults who have

141 transitioned from the care of the Department of Children and Families;

142 [(24)] (25) The superintendent of a public school district or the
143 executive director or other head of a public or private institution for
144 children providing care for children or a private school (A) pursuant to
145 sections 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b, 46b-129 and
146 46b-141, or (B) when the Department of Children and Families places
147 an individual employed by such institution or school on the child
148 abuse and neglect registry pursuant to section 17a-101k;

149 [(25)] (26) The Department of Social Services for the purpose of (A)
150 determining the suitability of a person for payment from the
151 Department of Social Services for providing child care; (B) promoting
152 the health, safety and welfare of a child or youth receiving services
153 from either department; or (C) investigating allegations of fraud
154 provided no information identifying the subject of the record is
155 disclosed unless such information is essential to any such
156 investigation;

157 [(26)] (27) The Court Support Services Division of the Judicial
158 Branch, to allow the division to determine the supervision and
159 treatment needs of a child or youth, and provide appropriate
160 supervision and treatment services to such child or youth, provided
161 such disclosure shall be limited to information that identifies the child
162 or youth, or a member of such child's or youth's immediate family, as
163 being or having been (A) committed to the custody of the
164 Commissioner of Children and Families as delinquent, (B) under the
165 supervision of the Commissioner of Children and Families, or (C)
166 enrolled in the voluntary services program operated by the
167 Department of Children and Families;

168 [(27)] (28) The Court Support Services Division of the Judicial
169 Branch for the purpose of sharing common case records to track
170 recidivism of juvenile offenders; and

171 [(28)] (29) The birth-to-three program's referral intake office for the
172 purpose of (A) determining eligibility of, (B) facilitating enrollment for,

173 and (C) providing services to (i) substantiated victims of child abuse
174 and neglect with suspected developmental delays, and (ii) newborns
175 impacted by withdrawal symptoms resulting from prenatal drug
176 exposure.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2016</i>	17a-28(g)
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KID *Joint Favorable*

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.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which increases access to particular Department of Children and Families' records, does not result in a fiscal impact to the agency, or the state.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 181*****AN ACT CONCERNING ACCESS TO RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill expands the circumstances in which the Department of Children and Families (DCF) must disclose records without the subject's consent.

Under the bill, DCF must disclose records to a person (defined as an individual named in the record, his or her authorized representative if he or she is deceased, or the subject's parent or guardian if he or she is a minor) if:

1. the records pertain to a child receiving DCF services;
2. the parent, guardian, foster parent, or prospective parent with whom the child lives is convicted of (a) a crime involving child abuse or neglect, (b) injury or risk of injury to a child, (c) impairing a child's morals, (d) selling a child, (e) intentionally and unreasonably interfering or preventing someone from reporting child abuse or neglect, or (f) 2nd or 4th degree sexual assault; and
3. the purpose of the disclosure is to determine if the department's services to the child provide him or her adequate protection based on the known circumstances.

Generally, DCF records are confidential but can be disclosed (1) with the consent of the subject of the record or (2) without such consent 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 officials, and other persons for certain purposes.

The law also permits DCF to refuse to disclose records to any individual, provided the department notifies the individual (1) that the records are being withheld and of their general nature and (2) that the individual has a right to seek judicial relief.

EFFECTIVE DATE: October 1, 2016

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 11 Nay 0 (02/25/2016)