

House of Representatives, April 8, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DISCLOSURE OF JUVENILE RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-124 of the general  
2 statutes is repealed and the following is  
3 substituted in lieu thereof:

4 (a) All records of cases of juvenile matters,  
5 as defined in section 46b-121, except DELINQUENCY  
6 proceedings, [concerning delinquent children,] or  
7 any part thereof, and all records of appeals from  
8 probate brought to the superior court for juvenile  
9 matters pursuant to subsection (b) of section  
10 45a-186, AS AMENDED, including studies and reports  
11 by probation officers, social agencies and  
12 clinics, shall be confidential and for the use of  
13 the court in juvenile matters, and open to  
14 inspection or disclosure to any third party,  
15 including bona fide researchers commissioned by a  
16 state agency, only upon order of the Superior  
17 Court, except that (1) the records concerning any  
18 matter transferred from a court of probate  
19 pursuant to section 45a-623 or subsection (g) of  
20 section 45a-715 or any appeal from probate to the  
21 superior court for juvenile matters pursuant to  
22 subsection (b) of section 45a-186, AS AMENDED,

23 shall be available to the court of probate from  
24 which such matter was transferred or from which  
25 such appeal was taken, (2) such records shall be  
26 available to (A) the attorney representing the  
27 child or youth [, his parents or guardian and to]  
28 INCLUDING THE DIVISION OF PUBLIC DEFENDER SERVICES  
29 IN ANY PROCEEDING IN WHICH SUCH RECORDS ARE  
30 RELEVANT, (B) THE PARENTS OR GUARDIAN OF THE CHILD  
31 OR YOUTH UNTIL SUCH TIME AS THE CHILD OR YOUTH  
32 REACHES THE AGE OF MAJORITY, (C) an adult adopted  
33 person in accordance with the provisions of  
34 sections 45a-736, 45a-737 and 45a-743 to 45a-757,  
35 inclusive, [and to another court under the  
36 provisions of section 46b-111, and (3)  
37 psychological evaluations shall be available to  
38 the Commissioner of Children and Families for  
39 purposes of diagnosing, caring for or treating a  
40 child in the care or custody of the commissioner]  
41 (D) EMPLOYEES OF THE DIVISION OF CRIMINAL JUSTICE  
42 WHO IN THE PERFORMANCE OF THEIR DUTIES REQUIRE  
43 ACCESS TO SUCH RECORDS, (E) EMPLOYEES OF THE  
44 JUDICIAL BRANCH WHO IN THE PERFORMANCE OF THEIR  
45 DUTIES REQUIRE ACCESS TO SUCH RECORDS, (F) ANOTHER  
46 COURT UNDER THE PROVISIONS OF SECTION 46b-111, (G)  
47 THE SUBJECT OF THE RECORD, UPON SUBMISSION OF  
48 SATISFACTORY PROOF OF THE SUBJECT'S IDENTITY,  
49 PURSUANT TO GUIDELINES PRESCRIBED BY THE OFFICE OF  
50 THE CHIEF COURT ADMINISTRATOR AND PROVIDED THE  
51 SUBJECT HAS REACHED THE AGE OF MAJORITY, AND (H)  
52 THE DEPARTMENT OF CHILDREN AND FAMILIES. Any  
53 record or any part thereof forwarded by said court  
54 or any of its employees to any persons,  
55 governmental and private agencies, and  
56 institutions, shall not be disclosed, directly or  
57 indirectly, to any third party not specified in  
58 subsection (c) of this section save upon order of  
59 said court or except in the report required under  
60 section 54-76d or 54-91a.

61 (b) All records of cases of juvenile matters  
62 involving DELINQUENCY proceedings, [concerning  
63 delinquent children,] or any part thereof,  
64 including court records, records of law  
65 enforcement agencies including fingerprints,  
66 photographs and physical descriptions, and  
67 medical, psychological, psychiatric and social  
68 welfare studies and reports by probation officers,  
69 public or private institutions, social agencies  
70 and clinics, shall be confidential and for the use

71 of the court in juvenile matters and shall not be  
72 disclosed except as provided in this section.

73 (c) Records of cases of juvenile matters  
74 involving [proceedings concerning delinquent  
75 children may be disclosed to and between  
76 individuals and agencies, and employees of such  
77 agencies, involved in the delinquency proceedings  
78 or providing services directly to the child  
79 including] DELINQUENCY PROCEEDINGS SHALL BE  
80 AVAILABLE TO (1) JUDICIAL BRANCH EMPLOYEES WHO, IN  
81 THE PERFORMANCE OF THEIR DUTIES, REQUIRE ACCESS TO  
82 SUCH RECORDS, AND (2) EMPLOYEES AND AUTHORIZED  
83 AGENTS OF STATE OR FEDERAL AGENCIES INVOLVED IN  
84 (A) THE DELINQUENCY PROCEEDINGS, (B) THE PROVISION  
85 OF SERVICES DIRECTLY TO THE CHILD, OR (C) THE  
86 DESIGN AND DELIVERY OF TREATMENT PROGRAMS PURSUANT  
87 TO SECTION 46b-121j. SUCH EMPLOYEES AND AUTHORIZED  
88 AGENTS INCLUDE, BUT ARE NOT LIMITED TO, law  
89 enforcement officials, state and federal  
90 prosecutorial officials, school officials in  
91 accordance with section 10-233h, AS AMENDED, court  
92 officials including officials of both the regular  
93 criminal docket and the docket for juvenile  
94 matters, OFFICIALS OF the Division of Criminal  
95 Justice, THE DIVISION OF PUBLIC DEFENDER SERVICES,  
96 the Department of Children and Families, THE  
97 OFFICE OF ADULT PROBATION, THE OFFICE OF THE BAIL  
98 COMMISSIONER, THE BOARD OF PAROLE AND AGENCIES  
99 UNDER CONTRACT WITH THE OFFICE OF ALTERNATIVE  
100 SANCTIONS, AND an advocate appointed pursuant to  
101 section 54-221 for a victim of a crime committed  
102 by the child. [, the Office of Adult Probation,  
103 the Office of the Bail Commission, the Board of  
104 Parole and agencies under contract with the Office  
105 of Alternative Sanctions.] Such records shall ALSO  
106 be available to (i) the attorney representing the  
107 child, [his parents or guardian. Such records  
108 shall be available to] INCLUDING THE DIVISION OF  
109 PUBLIC DEFENDER SERVICES, IN ANY PROCEEDING IN  
110 WHICH SUCH RECORDS ARE RELEVANT, (ii) THE PARENTS  
111 OR GUARDIAN OF THE CHILD, UNTIL SUCH TIME AS THE  
112 SUBJECT OF THE RECORD REACHES THE AGE OF MAJORITY,  
113 (iii) THE SUBJECT OF THE RECORD, UPON SUBMISSION  
114 OF SATISFACTORY PROOF OF THE SUBJECT'S IDENTITY,  
115 PURSUANT TO GUIDELINES PRESCRIBED BY THE OFFICE OF  
116 THE CHIEF COURT ADMINISTRATOR AND PROVIDED THE  
117 SUBJECT HAS REACHED THE AGE OF MAJORITY, (iv) law  
118 enforcement officials and prosecutorial officials

119 conducting legitimate criminal investigations, [. 120 Such records shall be available to a state agency 121 pursuant to an agreement with the Judicial 122 Department to provide] AND (v) A STATE OR FEDERAL 123 AGENCY PROVIDING services related to the 124 collection of moneys due OR FUNDING TO SUPPORT THE 125 SERVICE NEEDS OF ELIGIBLE JUVENILES, provided such 126 disclosure shall be limited to that information 127 necessary for the collection of AND APPLICATION 128 FOR such moneys. Such records disclosed pursuant 129 to this subsection shall not be further disclosed, 130 EXCEPT THAT INFORMATION CONTAINED IN SUCH RECORDS 131 MAY BE DISCLOSED IN CONNECTION WITH BAIL OR 132 SENTENCING REPORTS IN OPEN COURT DURING CRIMINAL 133 PROCEEDINGS INVOLVING THE SUBJECT OF SUCH 134 INFORMATION.

135 (d) The record of the case of a juvenile 136 matter involving DELINQUENCY proceedings, 137 [concerning a delinquent child,] or any part 138 thereof, may be disclosed upon order of the court 139 to any person who has a legitimate interest in the 140 information and is identified in such order. 141 Records disclosed pursuant to this subsection 142 shall not be further disclosed.

143 (e) The record of the case of a juvenile 144 matter involving DELINQUENCY proceedings, 145 [concerning a delinquent child,] or any part 146 thereof, shall be available to the victim of the 147 crime committed by such child to the same extent 148 as the record of the case of a defendant in a 149 criminal proceeding in the regular criminal docket 150 of the Superior Court is available to a victim of 151 the crime committed by such defendant. The court 152 shall designate an official from whom such victim 153 may request such information. Records disclosed 154 pursuant to this subsection shall not be further 155 disclosed.

156 (f) Information concerning a child who has 157 escaped from a detention center or from a facility 158 to which he has been committed by the court or for 159 whom an arrest warrant has been issued with 160 respect to the commission of a felony may be 161 disclosed by law enforcement officials.

162 (g) Nothing in this section shall be 163 construed to prohibit any person employed by the 164 Judicial Department [as a juvenile prosecutor, 165 inspector or investigator] from disclosing any 166 such records, information or files in his

167 possession to any person employed by the Division  
168 of Criminal Justice as a prosecutorial official,  
169 inspector or investigator who, in the performance  
170 of his duties, requests such records, information  
171 or files, nor shall such employee of said division  
172 be prohibited from disclosing any records,  
173 information or files in his possession to any such  
174 employee of the Judicial Department who, in the  
175 performance of his duties, requests such records,  
176 information or files.

177 (h) A state's attorney shall disclose to the  
178 defendant or his counsel in a criminal  
179 prosecution, without the necessity of a court  
180 order, exculpatory information and material  
181 contained in any record disclosed to such state's  
182 attorney pursuant to this section and may  
183 disclose, without a court order, information and  
184 material contained in any such record which could  
185 be the subject of a disclosure order.

186 Sec. 2. Subsection (f) of section 17a-28 of  
187 the general statutes, as amended by section 8 of  
188 public act 97-319, is repealed and the following  
189 is substituted in lieu thereof:

190 (f) When the commissioner or his designee  
191 determines it to be in a person's best interest,  
192 the commissioner or his designee may disclose  
193 records, whether or not created by the department  
194 and not otherwise privileged or confidential  
195 communications under state or federal law, without  
196 the consent of a person to:

197 (1) Multidisciplinary teams which are formed  
198 to assist the department in investigation,  
199 evaluation or treatment of child abuse and neglect  
200 cases or a multidisciplinary provider of  
201 professional treatment services under contract  
202 with the department for a child referred to the  
203 provider;

204 (2) Any agency in another state which is  
205 responsible for investigating or protecting  
206 against child abuse or neglect for the purpose of  
207 investigating a child abuse case;

208 (3) An individual, including a physician,  
209 authorized pursuant to section 17a-101f to place a  
210 child in protective custody if such individual has  
211 before him a child whom he reasonably suspects may  
212 be a victim of abuse or neglect and such  
213 individual requires the information in a record in

214 order to determine whether to place the child in  
215 protective custody;

216 (4) An individual or public or private agency  
217 responsible for a person's care and custody and  
218 authorized by the department to diagnose, care  
219 for, treat or supervise a child who is the subject  
220 of a record of child abuse or neglect for a  
221 purpose related to the individual's or agency's  
222 responsibilities;

223 (5) The Attorney General or any assistant  
224 attorney general providing legal counsel for the  
225 department;

226 (6) Individuals or public or private agencies  
227 engaged in medical, psychological or psychiatric  
228 diagnosis or treatment of a person perpetrating  
229 the abuse or who is unwilling or unable to protect  
230 the child from abuse or neglect when the  
231 commissioner or his designee determines that the  
232 disclosure is needed to accomplish the objectives  
233 of diagnosis or treatment;

234 (7) A person who reports child abuse pursuant  
235 to sections 17a-101a to 17a-101c, inclusive, AS  
236 AMENDED, and section 17a-103, AS AMENDED, who made  
237 a report of abuse involving the subject child,  
238 provided the information disclosed is limited to  
239 (A) the status of the investigation and (B) in  
240 general terms, any action taken by the department;

241 (8) An individual conducting bona fide  
242 research, provided no information identifying the  
243 subjects of records shall be disclosed unless (A)  
244 such information is essential to the purpose of  
245 the research; (B) each person identified in a  
246 record or his authorized representative has  
247 authorized such disclosure in writing; and (C) the  
248 department has given written approval;

249 (9) The Auditors of Public Accounts or their  
250 representative, provided no information  
251 identifying the subjects of the records shall be  
252 disclosed unless such information is essential to  
253 an audit conducted pursuant to section 2-90;

254 (10) A JUDGE OF THE SUPERIOR COURT FOR  
255 PURPOSES OF DETERMINING THE APPROPRIATE  
256 DISPOSITION OF A CHILD CONVICTED AS DELINQUENT OR  
257 A CHILD WHO IS A MEMBER OF A FAMILY WITH SERVICE  
258 NEEDS; AND

259 (11) THE SUPERINTENDENTS, OR THEIR DESIGNEES,  
260 OF STATE-OPERATED FACILITIES WITHIN THE  
261 DEPARTMENT.

262 Sec. 3. Section 46b-140 of the general  
263 statutes is repealed and the following is  
264 substituted in lieu thereof:

265 (a) In determining the appropriate  
266 disposition of a child convicted as delinquent,  
267 the court shall consider: (1) The seriousness of  
268 the offense, including the existence of any  
269 aggravating factors such as the use of a firearm  
270 in the commission of the offense and the impact of  
271 the offense on any victim; (2) the child's record  
272 of delinquency; (3) the child's willingness to  
273 participate in available programs; (4) the  
274 existence of other mitigating factors; and (5) the  
275 culpability of the child in committing the offense  
276 including the level of the child's participation  
277 in the planning and carrying out of the offense.

278 (b) Upon conviction of a child as delinquent,  
279 the court may: (1) Place the child in the care of  
280 any institution or agency which is permitted by  
281 law to care for children; (2) order the child to  
282 participate in an alternative incarceration  
283 program; (3) order the child to participate in a  
284 wilderness school program operated by the  
285 Department of Children and Families; (4) order the  
286 child to participate in a youth service bureau  
287 program; (5) order the child to remain in his own  
288 home or in the custody of a relative or any other  
289 fit person subject to the supervision of the  
290 probation officer; (6) order the child or the  
291 parents or guardian of the child or both to make  
292 restitution to the victim of the offense in  
293 accordance with subsection (d) of this section;  
294 (7) order the child to participate in a program of  
295 community service in accordance with subsection  
296 (e) of this section; or (8) withhold or suspend  
297 execution of any judgment.

298 (c) The court may order, as a condition of  
299 probation, that the child (1) attend school and  
300 class on a regular basis and comply with school  
301 policies on student conduct and discipline, or (2)  
302 participate in a program of periodic alcohol and  
303 drug testing and treatment, or both.

304 (d) If the child has engaged in conduct which  
305 results in property damage or personal injury, the  
306 court may order the child or the parent or parents  
307 or guardian of the child, if such parent or  
308 parents or guardian had knowledge of and condoned  
309 the conduct of the child, or both the child and

310 the parent or parents or guardian, to make full or  
311 partial restitution to the victim of such offense,  
312 provided the liability of such parent or parents  
313 or guardian shall be limited to an amount not  
314 exceeding the amount such parent or parents or  
315 guardian would be liable for in an action under  
316 section 52-572. Restitution may consist of  
317 monetary reimbursement for the damage or injury,  
318 based on the child's or the parent's, parents' or  
319 guardian's ability to pay, as the case may be, in  
320 the form of a lump sum or instalment payments,  
321 paid to the court clerk or such other official  
322 designated by the court for distribution to the  
323 victim.

324 (e) The court may order the child to  
325 participate in a program of community service  
326 under the supervision of the court or any  
327 organization designated by the court. Such child  
328 shall not be deemed to be an employee and the  
329 services of such child shall not be deemed  
330 employment.

331 (f) If the court further finds that its  
332 probation services or other services available to  
333 the court are not adequate for such child, the  
334 court shall commit such child to the Department of  
335 Children and Families in accordance with the  
336 provisions of section 46b-141. Prior to making  
337 such commitment, the court shall consult with the  
338 department to determine the placement which will  
339 be in the best interest of such child.

340 (g) Any child or youth coming within the  
341 jurisdiction of the court, who is found to be  
342 mentally ill, may be committed by said court to  
343 the Commissioner of Children and Families and, if  
344 the court convicts a child as delinquent and finds  
345 him to be mentally deficient, it may commit him to  
346 an institution for mentally deficient children or  
347 youth or delinquents. Whenever a child convicted  
348 by the court as delinquent or adjudged by the  
349 court to be a member of a family with service  
350 needs is fourteen years of age or older and is  
351 further found to be either mentally deficient or  
352 too educationally retarded to benefit from  
353 continued school attendance, the court may order  
354 him to be placed on vocational probation if such  
355 court finds that he may properly be employed for  
356 part or full-time at some useful occupation and  
357 that such employment would be more favorable to

358 his welfare than commitment to an institution and  
359 the probation officer shall supervise such  
360 employment. For the purposes of this section the  
361 limitations of subsection (a) of section 31-23 on  
362 the employment of minors under the age of sixteen  
363 years shall not apply for the duration of such  
364 vocational probation.

365 (h) Whenever the court commits a child to the  
366 Department of Children and Families, there shall  
367 be delivered with the mittimus a copy of the  
368 results of the investigations made as required by  
369 section 46b-134. The court may, at any time,  
370 require from the department in whose care a child  
371 has been placed such report as to such child and  
372 his treatment.

373 (i) (1) If the delinquent act for which the  
374 child is committed to the Department of Children  
375 and Families is a serious juvenile offense, the  
376 court may set a period of time during which the  
377 Department of Children and Families shall place  
378 such child out of his town of residence at the  
379 commencement of such child's commitment.

380 (2) The setting of any such time periods  
381 shall be in the form of an order of the court  
382 included in the mittimus. For good cause shown in  
383 the form of an affidavit annexed thereto, the  
384 Department of Children and Families, the parent or  
385 guardian of the child or the child may petition  
386 the court for temporary modification of any such  
387 order not to extend or reduce the term of such  
388 placement.

389 (j) NOTWITHSTANDING ANY PROVISIONS OF THE  
390 GENERAL STATUTES CONCERNING THE CONFIDENTIALITY OF  
391 RECORDS AND INFORMATION, WHENEVER A CHILD  
392 CONVICTED AS DELINQUENT IS COMMITTED TO THE  
393 DEPARTMENT OF CHILDREN AND FAMILIES, THE  
394 COMMISSIONER OF CHILDREN AND FAMILIES SHALL HAVE  
395 ACCESS TO THE FOLLOWING INFORMATION: (1)  
396 EDUCATIONAL RECORDS OF SUCH CHILD; (2) RECORDS  
397 REGARDING SUCH CHILD'S PAST TREATMENT FOR PHYSICAL  
398 OR MENTAL ILLNESS, INCLUDING SUBSTANCE ABUSE; (3)  
399 RECORDS REGARDING SUCH CHILD'S PRIOR PLACEMENT IN  
400 A PUBLIC OR PRIVATE RESIDENTIAL FACILITY; (4)  
401 RECORDS CREATED OR OBTAINED BY THE JUDICIAL  
402 DEPARTMENT REGARDING SUCH CHILD; AND (5) RECORDS,  
403 AS DEFINED IN SUBSECTION (a) OF SECTION 17a-28.  
404 THE COMMISSIONER OF CHILDREN AND FAMILIES SHALL  
405 REVIEW SUCH INFORMATION TO DETERMINE THE

406 APPROPRIATE SERVICES AND PLACEMENT WHICH WILL BE  
407 IN THE BEST INTEREST OF THE CHILD.

408 Sec. 4. (NEW) The Commissioner of Children  
409 and Families, at his discretion, may authorize  
410 leave for a child convicted as delinquent  
411 committed to the Department of Children and  
412 Families and assigned to a state facility or  
413 private residential program, provided there is a  
414 reasonable belief, based on the totality of the  
415 information in the possession of the commissioner,  
416 that such child will honor the commissioner's  
417 trust and is eligible for leave under standards  
418 adopted pursuant to public act 97-130. If any such  
419 child who is granted leave under this section  
420 fails to return to such facility or program, the  
421 superintendent or director shall disclose any  
422 records created or obtained by the facility or  
423 program regarding such child to the appropriate  
424 law enforcement agency.

425 JUD COMMITTEE VOTE: YEA 37 NAY 0 JFS

\* \* \* \* \*

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

\* \* \* \* \*

**FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5317**

STATE IMPACT	Potential Revenue Gain, Minimal Cost, Can Be Absorbed, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Judicial Department, Department of Children and Families, Department of Criminal Justice, Public Defenders

**EXPLANATION OF ESTIMATES:**

The bill could result in a revenue gain to the state. This revenue relates to the potential for the Judicial Department to seek federal reimbursement for services provided to eligible juveniles from federal programs such as Social Security and Medicaid. The extent of such potential is not yet known.

It is anticipated that the Department of Children and Families and the Judicial Department will be able to comply with expanded records disclosure requirements contained in this bill within anticipated budgetary resources.

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**OLR BILL ANALYSIS**

sHB 5317

**AN ACT CONCERNING DISCLOSURE OF JUVENILE RECORDS**

**SUMMARY:** Generally, this bill broadens access to juvenile matter records. But, it eliminates the right of parents or guardians to access their child's juvenile matter records once the child reaches age 18. Instead, the bill allows the child access to his own records at that age.

The bill allows the Department of Children and Families (DCF) commissioner to disclose, without the subject's consent, certain records that she maintains to Superior Court judges and superintendents (or their designees) of DCF-operated facilities.

The bill authorizes the DCF commissioner to grant a leave for a child who is convicted as delinquent, committed to the department, and assigned to a state facility or private residential program and meets the eligibility conditions for a leave.

EFFECTIVE DATE: October 1, 1998

**FURTHER EXPLANATION****Civil and Criminal Juvenile Matter Records**

Under current law, juvenile matter records are confidential and cannot be disclosed to anyone other than a specified list of people. The bill expands the list by requiring records of such matters to be made available to:

1. the Division of Public Defender Services when it is representing the child and the records are relevant to the proceeding,
2. Division of Criminal Justice or Judicial Branch employees who need access to perform their duties,
3. the subject if at least age 18 upon proof of identification and pursuant to guidelines prescribed by the Office of the Chief Court

Administrator, and

4. DCF for any reason, instead of just psychological evaluations for use in diagnosing, caring for, or treating a child in the DCF commissioner's custody.

The law continues to prohibit recipients of such records from disclosing them to unauthorized third parties, except under court order. The law continues to allow courts in other states, law enforcement officials, and crime victims' advocates access to records.

### Delinquency Records

The law allows delinquency records to be disclosed between people and agencies and agency employees involved in the delinquency proceedings or providing services directly to the child. The bill requires, rather than allows, such delinquency records to be made available to these entities and people. It also requires the records to be disclosed to (1) authorized agents of such agencies (2) the authorized agents or employees of agencies that design and deliver program and probation treatment for juvenile offenders, and (3) Judicial Branch employees who require access to perform their duties. Finally, it specifies that Division of Public Defender Services employees and agents are included in the list of people with access to such records.

Under current law, state agencies that enter an agreement with the Judicial Department to collect moneys due the state must have access to records necessary for the collection. The bill removes the requirement for agencies to enter an agreement with the Judicial Department in order to gain access, gives federal agencies that provide collection services the same limited access, and extends the same type access to agencies that provide funding to support the service needs of eligible juveniles.

The bill allows delinquency record information to be disclosed in connection with bail or sentencing reports in open court during criminal proceedings involving the subject of the information.

### DCF Commissioner's Access to Records of Juvenile Delinquents

Whenever a child is convicted as a delinquent and committed to the Department of Children and Families (DCF), the bill requires the DCF commissioner to have access to the child's (1) educational records; (2) records of treatment for physical or mental illness, including substance abuse; (3) records of previous placement in a residential facility; (4) records created or obtained by the Judicial Department; and (5) records of protection or placement in DCF's custody. The bill requires the commissioner to review this information to determine the services and placement appropriate to serve the child's best interests.

### DCF Records

By law, records maintained by DCF are confidential and may be disclosed only with the subject's consent. But the DCF commissioner may disclose them without consent to (1) law enforcement officers and prosecutors investigating allegations of child abuse and neglect and (2) certain specified entities and people if the records are not otherwise privileged or confidential and she determines that disclosure is in the subject's best interest. The bill adds to the list of recipients under the second category (1) Superior Court judges who must determine the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs and (2) superintendents or their designees of DCF-operated facilities.

### Leave from DCF Facilities

The bill allows the DCF commissioner to grant a leave for a child if she reasonably believes, based on the totality of the information in her possession, that the child will honor her trust and meets the eligibility requirements for a leave. The bill requires the superintendent or director of any facility to disclose to the appropriate law enforcement agency the records of any child who is granted a leave and fails to return to the facility or program.

By law, a juvenile is not eligible for a leave until:

1. he undergoes an initial 60-day fitness and

security evaluation, including a trial leave of up to one day;

2. his fitness and security risk is evaluated; and
3. a parent, guardian, or other adult is clearly identified and assigned to supervise him.

## **BACKGROUND**

### **Juvenile Matters**

Civil juvenile matters include cases concerning uncared-for, neglected, or dependent children and youths; termination of parental rights of children committed to a state agency; families with service needs; and emancipation. Criminal juvenile matters include all proceedings concerning delinquent children in the state.

### **Delinquent**

A court may find a juvenile "delinquent" who has violated a state or federal law, court order, or local ordinance (other than an ordinance regulating the behavior of a child in a family with service needs). A court can commit a juvenile delinquent to DCF's custody and supervision for up to 18 months, with possible extensions.

### **Families with Service Needs**

A family with service needs is one that includes a child who:

1. has run away from home without just cause;
2. is beyond the control of his parents, guardian, or other custodian;
3. has behaved indecently or immorally;
4. is habitually truant or overtly defiant of school rules and regulations; or
5. is age 13 or older and has had sexual intercourse with someone age 13 or older with

no more than two years difference in the age  
of the two parties.

**Related Bill**

sSB222, favorably reported by the Children's and  
Education committees, expands the type of child  
abuse-related information DCF can disclose and the  
types of people and institutions who can receive it.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 37      Nay 0