

Meeting Minutes Confidentiality Sub-Committee December 1, 2009

Attendees: The Honorable Christine Keller, Christine Rapillo, Mickey Kramer, Roger Bunker, Susan Pearlman, Carolyn Signorelli, Terri DeFrancis, Amy D'Amaddio

The minutes from the last meeting were voted on and passed.
Moved by Christine Rapillo and seconded by Roger Bunker.

A handout of CGS section 17a-28, with the DCF proposed changes to the act concerning access to DCF records, was distributed and discussed.

The current law, 17a-28, allows GALs access to DCF records and further disclose those records without a court order. The concerns raised and proposed changes were not about whether or not the GAL should be allowed access the records but that if the GAL wants to further disclose the records, defense counsel would be provided access to the records, prior to disclosure. Defense counsel would then have an opportunity to review the records and ascertain whether the disclosure would compromise the defendant's cases and that there would be a forum to object. If conflict exists between defense counsel and the GAL, the court would make a finding whether or not the GAL would be allowed to further disclose the information.

The conversation was tabled until next meeting so the committee can be provided the DCF policy statement that allows for disclosure to the GAL and for Barbara Claire to report on the difference between the existing and proposed confidentiality statutes.

The issue of DCF records being released to the school, thus ending up in the child's permanent educational file, was discussed. Freedom of Information (FOI) governs the disclosure of the educational records to the parent/ guardian upon request. Therefore, anything deemed confidential, including DCF records and court evaluations, in the educational record can be accessed by parent.

The juvenile probation department policy directs juvenile probation officers (JPO) to obtain a Judicial Approval prior to the release of any records contained in the court file or are considered confidential court records. A suggestion was made that CSSD establish guidelines, standards and policy for redacting court reports and evaluations to ensure there is uniformity for what information is being redacted.

In regards to 46b-124, the limits to the public defender's access to certain information in criminal proceeding were identified as a concern given the perception that there is a free flow of information for all other parties.

-Other topics:

- Erased, nulled cases, beyond the 13 month time limit, and non-judicial records should not be released to the adult court or included on the PDS.
- Is CMIS able to erase nulled cases after the 13 months time limit?
- FWSN liaisons- are they having any difficulty accessing records/ information pertinent to their job function?
- Maria Allegro, supervisor of the FWSN Liaison's, is to be invited to the next meeting to discuss the FWSN Liaison's revised roles and the policy reflecting those changes

Confidentiality statutes as it relates to education-

- The educational providers in the state run detention centers must release information about the juvenile's placement in the detention facility in order to access educational records and submit bills for payment. This disclosure is not permissible in the current version of 46b-124.
- A form has been developed pursuant to P.A. 09-7, for the judge to sign, which outlines the required educational records the school must provide the court when ordered to do so.

Anne McIntyre-Lahner submitted a written update of her efforts to gather policy memos on what information can be released from other state agencies. This report and attached release was reviewed and briefly discussed. Specifically, the MOA being developed among DMHAS, DCF, Judicial, DOC, DDS and Pardons and Parole was highlighted and all agreed that a uniform release would be ideal for all.

Judge Keller is planning to schedule a meeting in late January. Amy D'Amaddio is to invite Maria Allegro from DCF to the next meeting and Barbara Claire is to be notified of the request to have her report on the current and proposed changes to 17a-28.

Respectfully submitted,

Amy D'Amaddio