

**CONFIDENTIALITY SUBCOMMITTEE MEETING
MARCH 31, 2010 MINUTES**

In attendance: Honorable Christine Keller, Francis Carino, Anne McIntyre-Lahner, Terri DeFrancis, Julia O’Leary, Roger Bunker, Amy D’Amaddio, Christine Rاپillo

The minutes from the January 27, 2010 meeting were reviewed. Roger Bunker noted an error which has been corrected. Anne McIntyre-Lahner made a motion to accept the amended minutes and this motion was seconded by Julia O’Leary.

I. Open Court Rule

- The judges approved an Open Court rule which is identical to the established pilot rule.
- There have been a few reported complaints from the press because the press is not allowed to be present for any agreements unless all involved parties consent.
- Thus far, survey results have been inconsequential. The surveys indicate that most people who are appearing in open court are the relatives, family friends and service providers of the defendants.
- The Open Court Advisory Counsel is planning to meet again in April to review the impact of Open Court on the system and will consider changes.
- Judicial Branch is considering conducting a “Law School 101” program to educate the media about the juvenile court system and how cases are processed.

II. Status of DCF Bill #5271

- The bill was amended, but still “alive”. The amended bill was distributed and reviewed.
- The amended version includes language (line 446) that excludes family court judges from accessing a child protection court file to provide perspective about a family’s functioning and determining the outcome of a case. Only judges deciding FWSN and delinquency cases can access the child protection court file without a subpoena.
- This amended version has also excluded the Department of Correction from accessing the child protection court records, though any of these records can be subpoenaed.
- Also, the amended version includes language (line 338) that prohibits prosecutors from using DCF records to aid in the prosecution of a child unless a release of authorization is signed by the parent and/or guardian to allow access.

III. Raise the Age Bill #5521

- The Raise the Age Bill’s reference to confidential records has been amended to include that any court ordered evaluation must be kept confidential by a court officer and is not to be disseminated to anyone prior to the disposition of the case without a court order.
- There is concern that this will hold-up the court process.

- Another proposal allows a child's attorney to access a number of records without a release, but Judicial testified that this proposal violates FERPA and HIPPA. Better to address with a court order, issued to any attorney appointed to represent the child, to allow them access to the records, including educational, medical, dental, psychiatric, psychological, etc.
 - i. Even if the attorney went to the school to get educational records under the proposed provision, the school would have to notify the parent of the request and provide them an opportunity to petition the court to suppress the order prior to releasing any educational records.
- Automatic Erasure- The pending legislation states that if child has been convicted on non-SJO offense, the case will automatically be erased from the Judicial Branch computer data bases after two years, the child has turned 17 years old and has no other convictions. Judicial has reported that the Branch does not have the technology that would allow for the records to be automatically erased and opposes this bill due to its cost.

IV. Uniform Releases:

- The idea to have uniform releases that is used and accepted by all state, public and private agencies may require legislative action.

V. Information Sharing Guide Workgroup

- Elizabeth Duryea from Court Operations and Amy D'Amaddio from CSSD met to discuss the information sharing guide. Future meeting will be scheduled to form a work group to develop this guide.

Next meeting: June 22, 2010 from 2-4 p.m. at CSSD, 936 Silas Deane Highway, 4th floor conference room, Wethersfield, CT