

**PA10-161**

**SB218**

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HOUSE**

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will be closed and you may not be able -- be able to get your vote in so giving a fair warning at this point.

Thank you, very much.

Will the Clerk please call Calendar 404.

THE CLERK:

On page 17, Calendar 404, Substitute for Senate Bill Number 218, AN ACT CONCERNING SAFE HAVEN CASES, favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

The Representative from Waterbury, Representative Larry Butler, you have the floor, sir.

REP. BUTLER (72nd):

Thank you, Mr. Speaker.

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

Question is on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark?

REP. BUTLER (72nd):

Yes, thank you, Mr. Speaker.

This bill is being introduced because the necessary language, "proceedings to free a child for adoption" are not clearly spelled out in existing

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statute and have been interpreted differently by the courts. This bill will clarify the Department of Children and Families' role and responsibility in safe haven cases to specify a safe haven procedure when a mother is in the hospital.

Mr. Speaker, the Clerk has an amendment, LCO Number 5348. I would ask that the Clerk please call the amendment and that I be granted leave of the chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 5348, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 5348, House "A," offered by Representatives Walker, Senator Doyle, et al.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize the amendment. Is there objection to summarization?

If not, Representative Butler, you may proceed with summarization.

REP. BUTLER (72nd):

Thank you, Mr. Speaker.

Mr. Speaker, in this amendment, in line 60, we

strike the "hospital employee" and insert the following in lieu of that language: "health care provider who is licensed by the Department of Public Health and who provides health care services on behalf of the hospital."

In the next section, Section -- in line 63, after the period, we insert the following language: "The hospital shall retain the written notice provided by the mother in a file, separate from the mother's medical records. No hospital employee shall disclose the contents of the written notice including the mother's name to the Department of Children and Families, any person or organizations without the mother's permission."

And finally, Mr. Speaker, the last section speaks to: "The Commissioner of Children and Families that may approve an application as a foster family or a perspective adoptive family notwithstanding that a biological, adoptable or adopted child of the applicant has died less than one year before the date of the application."

And I would like to thank the leadership and those who worked on this bill, especially Representative LeGeyst that worked on the language in

the amendment. Also, I'd like to thank Representative Pam Sawyer that actually brought attention to the confidentiality, which is a part of this amendment.

And I move adoption.

SPEAKER DONOVAN:

Question is on adoption of House Amendment  
Schedule "A."

Will you remark? Remark?

Representative Sawyer.

REP. SAWYER (55th):

Mr. Speaker, the safe haven law has been one of the most successful pieces that we've done out of this chamber. In ten years, we know that there have been eleven babies that have been turned into the hospitals, saving not only the babies but saving the mothers from prosecution.

One of the instances that happened, though, because the law was written that the mothers can bring their babies into the Emergency Room, and that's what's expected, was that a mother came to deliver her child to the hospital. And upon delivery, she said she wanted it to be a safe haven's baby. But that was not the way it usually works. They didn't want to have to throw the mother out of the door and have her

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walk all the way around the hospital and to have her give her baby up to the Emergency Room for the anonymity. So we had to find a way to be able to help her with her health needs as she delivered, be able to allow her to have her anonymity, and also to be able to allow that baby to go forward and have an adoptive situation.

I would like to thank the Connecticut Hospital Association for their efforts, as well as DCF in trying to find a way to protect these mothers as well as their babies. And I thank the -- and the Chamber for their help on this, also.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the amendment?

Representative LeGeyt.

REP. LeGEYT (17th):

Thank you, Mr. Speaker.

I rise to speak about the wording of a portion of this amendment. I have a constituent in my district who, as a parent of adoptive children, lost one of her children to brain cancer this past year, and this portion of the amendment is designed to help families

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such as hers navigate through the difficulties of trying to proceed to make application to adopt another child.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the amendment? Would you care to remark further on the amendment?

Representative Fox, care to remark further on the amendment?

If not, let me try your minds. All those in favor of the amendments; signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Those opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended?

Representative Fox.

REP. FOX (146th):

thank you; Mr. Speaker.

As the Chamber is aware, last week we passed a number of initiatives involving improvements in our

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domestic violence and -- domestic violence laws. Including amongst those was a provision that involved a summary process, landlord/tenant, as well as ways for victims to, if necessary and if they were in eminent fear of their safety, to terminate those leases.

Mr. Speaker, after we passed that bill, we have had additional discussions with the Senate in terms of ways that we could even better approach that language and clarify that language and, Mr. Speaker, what I have is an amendment, LCO Number 5555. I asked that that be called and I be permitted to summarize it.

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 5555, which will be designated House Amendment Schedule "B."

THE CLERK:

LCO Number 5555, House "B," offered by Representatives Fox, Flexer, Chapin, Senators Doyle, Duff, and Stillman.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize. Is there objection?

Hearing none, Representative Fox, you may summarize the amendment.

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REP. FOX (146th):

Thank you. Thank you, Mr. Speaker.

And what this amendment does is it tightens up the notice provisions that were in the underlying bill, that had passed last week, in which when a tenant victim feels the need to terminate his or her lease, that the notice requirements that would have to go to a landlord.

What it also does is it indicates the -- it further clarifies the evidence that would be presented to the landlord at the time that the lease was terminated.

What it -- what the amendment does also do is it clarifies that existing summary process statutes will apply in the event that a tenant does fail to vacate, pursuant to the notice that they give the landlord.

And I urge adoption of the amendment.

SPEAKER DONOVAN:

Question is on adoption of House Amendment  
Schedule "B."

Will you care to remark? Care to remark?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

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Mr. Speaker, I rise in support of the amendment. I'd like to take the opportunity to thank Representative Fox, as well as Representative Flexer.

Occasionally we do debate a bill and point out some areas of concern and go back and take another look in it and do our best to revise it, hopefully garnering more support by the Chamber. I think that's what's happening here.

And I certainly urge my colleagues to support the amendment.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Care to remark further on the amendment? Care to remark further?

If not, let me try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended?

Representative Gibbons.

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REP. GIBBONS (150th):

Thank you, Mr. Speaker.

I just wanted to offer a comment that who says this Chamber can't move quickly when they need to? Both these amendments came up in the past three or four days. In fact, Mr. LeGeyt, Representative LeGeyt's amendment came back in just this past week. We were able to work with or they were able to work with all the different parties, all the different departments, get these amendments drafted, put on in a bipartisan fashion. I want to thank everybody who worked on it.

I urge the Chamber to pass this bill as amended.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill as amended? Care to remark further?

If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by

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roll call. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members  
voted?

Please check the roll call board.

If all the members have voted, the machine will  
be locked. The Clerk will please take a tally.  
Clerk, please announce the tally.

THE CLERK:

Senate Bill 218 as amended by House "A" and "B."

Total Number Voting	134
Necessary for Passage	68
Those voting Yea	134
Those voting Nay	0
Those absent and not voting	17

SPEAKER DONOVAN:

The bill as amended is passed.

Representative Olson.

REP. OLSON (46th):

Yes, thank you, Mr. Speaker.

Mr. Speaker, I move for the immediate transmittal  
of all actions that were acted upon today that require  
action in the Senate.

Thank you.

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SENATE

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April 21, 2010

Calendar 154 is marked go; Calendar 159, Senate Bill Number 387, Mr. President, move to refer this item to the Committee on Public Health.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar 166, PR; Calendar 167, PR; Calendar 181, PR.

Calendar page 40, Calendar 182, Senate Bill Number 218, Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Moving to calendar page 41, Calendar 186 is marked go; Calendar 188, Senate Bill Number 200, Mr. President, move to place this item on the consent calendar.

THE CHAIR:

Seeing no objections, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

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SENATE

219  
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Calendar 50, substitute for Senate Bill 17.

Calendar page 35, Calendar 64, substitute for  
Senate Bill 187.

Calendar page 37, Calendar 109, substitute for  
Senate Bill 189.

Calendar page 39, Calendar Number 148, substitute  
for Senate Bill 226.

Calendar page 40, Calendar 182, substitute for  
Senate Bill 218.

Calendar page 41, Calendar 188, substitute for  
Senate Bill 200.

Mr. President, that completes those items placed  
on the consent calendar.

THE CHAIR:

All right. If the Clerk has made an announcement  
that a roll call vote is in progress in the Senate on  
the first consent calendar, the machine will be open.  
Senators may cast their vote.

THE CLERK:

The Senate is now voting by roll call on the  
consent calendar. Will all Senators please return to  
the chamber. The Senate is now voting by roll call on  
the consent calendar. Will all Senators please return  
to the chamber.

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SENATE

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THE CHAIR:

Would all Senators please check the roll call board to make certain that your vote is properly recorded. If all Senators have voted and if all votes are properly recorded, the machine will be locked, and the Clerk may take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 1 is passed.

Are there any announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President, for a -- for an announcement.

THE CHAIR:

Please proceed.

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**CONNECTICUT  
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The bill passes.

Mr. -- Mr. Clerk.

THE CLERK:

Calling Senate Agenda Number 3, Substitute for Senate Bill 218, AN ACT CONCERNING SAFE HAVEN CASES, as amended by House Amendment Schedules "A" and "B," favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

I move acceptance of the joint committee's favorable report and passage in concurrence with the House.

THE CHAIR:

Acting on acceptance and approval of the bill, sir, would you like to remark further?

SENATOR DOYLE:

Yes. Thank you, Mr. President.

This bill that's before us before the underlying bill deals with safe haven cases, clarifies the procedures for mothers to present their children for -- to the safe haven area.

It also has two amendments. And I'll highlight one amendment, the House would be LCO 555. This is the,

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quote, fix for the landlord/tenant issues in the prior bill. It -- it -- after much deliberation between the both chambers, this bill makes -- really provides due process, I believe, for the landlord/tenant in the domestic violent cases where the lease is terminated, and I urge the chamber to adopt it.

And, then, finally, Mr. President, I request a roll call on this bill also.

THE CHAIR:

Sen -- Senator -- Senator Doyle, just -- there's some confusion up here. You are bringing out the bill, requesting a roll call and then you also -- there's an amendment you wanted to call?

These are all House amendments. Okay.

Thank you, sir.

SENATOR DOYLE:

No, I just --

THE CHAIR:

Got you.

Will you remark further on Senate Bill 218? Will you remark further on Senate Bill 218?

If not, Mr. Clerk, please call for a roll call vote. The machine will be opened.

THE CLERK:

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SENATE

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Immediate roll call has been ordered in the Senate.

Will all Senators please return to the chamber.

Immediate roll call vote has been ordered in the Senate.

Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted?

I'd like to remind all Senators that the clock is ticking, and we're going to be moving fast particularly on roll call. So if you can stay in your seats unless there's an issue.

If all Senators have voted, please check your vote.

The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on passage of Senate Bill 218 in concurrence with the action in the House.

Total Number of Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**HUMAN  
SERVICES  
PART 4  
1072 – 1435**

**2010**

1  
ms/gbr HUMAN SERVICES COMMITTEE

March 9, 2010  
10:00 A.M.

CHAIRMEN: Senator Doyle  
Representative Walker

VICE CHAIRMEN: Senator Coleman  
Representative Abercrombie

RANKING MEMBERS: Senator Kane  
Representative Gibbons

REPRESENTATIVES: Butler, Cook, Coutu,  
Flexer, Holder-Winfield,  
Jarmoc, Johnston, Lyddy,  
Orange, Rigby, Thompson

SENATOR DOYLE: (Inaudible) call to order the Human Services Committee Public Hearing. Sorry for the slight delay, but unfortunately we got a lot of testimony late and our staff was scrambling to try to prepare it. So I'd hope in the future people can try to get it to us early because the late time handing it in delays the start of the public hearing.

With that being said, for the first hour we'll have public officials, and the first public official will be Commissioner Susan Hamilton. After that we go to the public; and just for your information, the public, we limit your speaking to three minutes and after that Legislators are going to ask you questions. If you hear the bell, please try to wrap up and summarize because the goal is to get as many people to speak promptly so people can get home as early as possible. So again, thank you for coming, and Commissioner.

COMMISSIONER SUSAN HAMILTON: Good morning, Senator Doyle, Representative Walker, Representative

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HB5196 HB5429  
HB5430 HB5443

pretty much, had gone through all the process last session, was on the go-list the last day of session and the language is very similar. The only thing I would add is it's my understanding that the bill before you does not contain some agreed upon language that the Department had negotiated with Connecticut Legal Services last year. We are amenable to fixing this so that it would retain the changes that had been agreed to, so I just want to make that note.

The second bill is Senate Bill 218, AN ACT CONCERNING SAFE HAVEN CASES. Again the Department submitted this bill and we want to thank the Committee for raising it on our behalf. As you all know, the change in the law and the safe haven area has -- was put into effect in 2000 and has been very successful in providing a safe way for a parent to leave a child in the care of designated hospital personnel rather than abandoning the child in an unsafe situation; giving them a safe haven and an opportunity to free the child safely and have that child legally adopted.

We've had several cases, obviously, that have, and I think most of you are probably aware, where this has been a very effective way of keeping the child safe and expediting permanency for the baby. However, the existing statute -- there were some areas that need to be clarified in terms of the Department's capacity to provide notification in the termination of parental rights case to a parent -- that the father of the child, for example, or the parent, if the parent's identity is known and there is not an issue with sharing that identity for purposes of the juvenile court case. So the changes we're really requesting here and included in the bill are really to allow the Department to be able to

move forward with the legal proceedings that are needed to provide notice to parents and effectuate the ultimate adoption of the child.

The other -- the next bill is House Bill 5244, AN ACT CONCERNING THE ISSUANCE OF EMERGENCY CERTIFICATES BY CERTAIN STAFF THAT WORK FOR EMPS PROVIDERS. This is also a Department bill; and again appreciates the Committee's raising it on our behalf. In essence what this bill does is to designate licensed clinical social workers who are generally the folks who respond through our EMPS program to schools and other feeder systems that work with that program. It gives them the authority to be able to issue emergency certificates for evaluations of kids when that is deemed necessary.

It's highly unusual for that, frankly, to be necessary when EMPS responds to a school or elsewhere to do an evaluation on a child. However, in the existing scheme when EMPS providers respond, if that is deemed necessary they are not authorized to actually issue that order and effectuate the transfer of the child or the transport of that child to the hospital for the evaluation, thereby requiring the schools and others to notify law enforcement and the police have to respond to the scene to then issue that authorization. What we're finding in practice is that some feeder systems, and I'm just using schools as an example, are bypassing the use of the EMPS program because some feel as if -- if I'm going to need to have the child transported by ambulance for an evaluation, I'm going to have to call the police anyway so why don't I just call them first.

So it's really a means of addressing that gap and again, we don't anticipate that it will be

SENATOR DOYLE: Any other members?

I have a few questions. Commissioner, Senate Bill 218, AN ACT CONCERNING SAFE HAVEN CASES, last year during the session I spoke to members of your staff regarding the issue of if a mother had the child in a hospital, what she had to do to achieve the safe haven status. It looks like in lines 49 to 57 you crafted language that basically we had some, I'm not sure it was too workable whether they had to physically walk out and come back in. You've provided language that says now that a mother that's having birth to a child can sign a form provided by you to achieve the same. Is that done after some deliberation? It seems like a better solution to the problem I think.

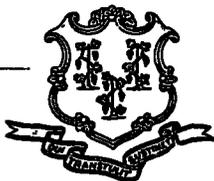
COMMISSIONER SUSAN HAMILTON: One of the issues that had come up was that there are instances where the current language kind of precludes or limits a parent's ability to utilize this safe haven provision --

SENATOR DOYLE: Right.

COMMISSIONER SUSAN HAMILTON: And this adds a little bit more flexibility, still in keeping with maintaining child --

SENATOR DOYLE: Yeah, because it was -- what the problem I think was parents, the mother had to physically bring the child to a certain designated area of the hospital and we were working on the language last year. This seems like a pretty good resolution I think. It may still, I guess at what point, you have to wait a little while, but the concept is good. So, I do appreciate that language.

Okay. In connection with House Bill 5271, which is the first bill, access to records,



# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

**TESTIMONY PRESENTED BEFORE THE Committee on Human Services  
March 9, 2010**

*Meg Hooper, Planning Branch, Vital Records 860-509-7218*

### **Senate Bill 218 - An Act Concerning Safe Haven Cases**

The Department of Public Health provides the following information with regard to Senate Bill 218

As currently written, the Safe Haven laws do not permit the identifying information of a parent or infant to be disclosed to the Department of Public Health. This becomes problematic in situations where a birth certificate has already been filed in the state's birth registry system prior to the child being relinquished under the Safe Haven Act. Because the Department is not provided with the original name of the infant, it has no way to seal the original birth record, thus it remains a valid record available to the parents named on the certificate, as well as other relatives. This situation allows for the possibility of fraud and other misuses of the birth certificate. Further, a replacement record cannot be created for the child at the time of adoption, creating on-going legal complications for the adoptive parents and the child.

In order to remedy this problem, the department recommends that the bill include language that would allow the disclosure of identifying information to the Department of Public Health for the sole purpose of sealing an original birth record if one is already on file, and creating a replacement birth certificate at the time of adoption. We suggest that sections 2 and 3 of the proposed bill be revised as follows:

***Sec. 2. Section 17a-60 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2010):***

***(a) If a person claiming to be a parent or agent of an infant left with a designated employee under section 17a-58, as amended by this act, submits a request to the Commissioner of Children and Families for reunification with the infant, the commissioner may identify, contact and investigate such person or agent to determine if such reunification is appropriate or if the parental rights of the parent should be terminated.***

***(b) Information concerning a parent or agent or infant left with a designated employee shall [be confidential] not be disclosed by the designated employee, if so requested by the parent or agent, except that notwithstanding any provision of the general statutes, such employee shall provide to the Commissioner of Children and Families all medical history information provided by the parent, and such employee shall provide to the Commissioner of Public Health the name and date of birth of the infant if the infant's birth has been registered in the state vital records system prior to the child being relinquished under the provisions of this act. The release of the infant's name and date of birth to the Commissioner of Public Health shall be for the sole purpose of sealing the original birth certificate and creating a replacement birth certificate, and shall not be indicated on the Report of Foundling Child described under section 7-59.***



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c) Possession of a bracelet linking the parent or agent to an infant left with a designated employee if parental rights have not been terminated creates a presumption the parent or [person] agent has standing to participate in a custody hearing for the infant under chapter 319a [and] but does not create a presumption of maternity, paternity or custody.

Sec. 3. Section 17a-58 of the general statutes is repealed and the following is substituted in lieu thereof: (Effective July 1, 2010):

(a) An employee designated pursuant to section 17a-57 shall take physical custody of any infant thirty days or younger if the parent or lawful agent of the parent voluntarily surrenders physical custody of the infant to such designated employee unless the parent or agent clearly expresses an intent to return for the infant.

(b) If the mother of an infant wishes to voluntarily surrender physical custody of the infant while the mother is in the hospital to give birth to the infant, the mother shall provide notice that she wishes to surrender physical custody of the infant, in writing, on a form prescribed by the Commissioner of Children and Families, and deliver such notice to any hospital employee. Upon receipt of such notice, the hospital employee shall notify the designated employee pursuant to section 17a-57, who shall immediately take physical custody of the infant.

[b] (c) The designated employee may request the parent or agent to provide the name of the parent or agent [and], information on the medical history of the infant and parents, and the name and date of birth of the infant if the infant's birth has already been registered in the state vital records system. The parent or agent is not required to provide such name or information. The designated employee may provide the parent or agent with a numbered identification bracelet to link the parent or agent to the infant. The bracelet shall be used for identification only and shall not be construed to authorize the person who possesses the bracelet to take custody of the infant on demand. The designated employee shall provide the parent or agent with a pamphlet describing the process established under sections 17a-57 to 17a-61, inclusive, as amended by this act, 53-21 and 53-23.

This recommended language would allow for the department to seal the inactive birth certificate and create a replacement birth certificate at the time of adoption.

Thank you for your consideration of the Department's views on this bill.



STATE OF CONNECTICUT  
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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**Testimony of Stephen N. Ment  
Human Services Committee Public Hearing  
March 9, 2010**

**Senate Bill 219, An Act Concerning State Contract Reductions**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in opposition to Senate Bill 219, An Act Concerning State Contract Reductions. This bill would permit private service providers to adjust their budget expenditures without state agency approval when funding has been reduced.

The effect of Senate Bill 219 would be to eliminate a vital oversight function of state government. The Judicial Branch has a keen interest in ensuring that a service providers' remaining resources are deployed in a manner that best serves the needs of those referred, consistent with orders of the court, and to ensure that the provider does not reduce program staffing to an unacceptable level. Having the ability to mandate a revised proposed budget and/or a contract negotiation process best meets our needs, the needs of the individuals being served by the provider, and ensures that the State's money is being spent wisely. Passage of the bill would remove this critical level of oversight.

Thank you for the opportunity to submit written testimony in opposition to this bill.



STATE OF CONNECTICUT  
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony of  
Commissioner Susan I. Hamilton, M.S.W., J.D.

Human Services Committee

March 9, 2010



**H.B. No. 5271 - AN ACT CONCERNING ACCESS TO RECORDS OF THE  
DEPARTMENT OF CHILDREN AND FAMILIES**

The Department of Children and Families has submitted H.B. No. 5271 - AN ACT CONCERNING ACCESS TO RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES to the Human Services Committee for your favorable consideration, and we would like to take this opportunity to thank you for raising this bill on our behalf.

This bill revises, updates, and reorganizes section 17a-28 of the general statutes, DCF's confidential records law. In general, DCF cannot disclose information created or obtained in connection with its child protection activities or other activities related to a child while that child is in its care or custody without (1) obtaining permission from the subject of the record or an authorized representative, or (2) legal authorization to do so without the subject's consent. Existing law specifies a number of officials and entities to whom DCF must disclose information that would otherwise be confidential and, in most cases, states the limited use the recipients can make of the information. The current statute also lists people and entities with whom DCF may share information when the Commissioner or her designee determines disclosure to be in the best interests of the person who is the subject of the record.

One purpose of this bill is to reorganize the statute for clarity and ease of application to real life events. This has been done by placing all of the mandatory disclosure sections together in subsection (g), and all of the discretionary disclosures together in subsection (h). Another purpose of this bill is to update the list of officials and entities to whom records shall or may be released. These updates amend language that has unnecessarily restricted the Department from sharing information with other state agencies and service providers, with resulting inefficient delivery of services to families. The proposed language also permits some additional limited disclosure of information to law enforcement and other entities in order ensure the safety and well-being of children.

A summary of the amended provisions of CGS 17a-28 follows.

**New Required Disclosures**

Under the proposal, DCF *must* disclose records without the subject's consent to:

- (1) DCF foster care and adoption contractors, for the purpose of identifying and assessing potential placements for the child who is the subject of the record, so long as no information that identifies biological parents is disclosed without their consent;

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HB5143

This proposal permits further disclosure based on an order issued by any court of competent jurisdiction.

Additionally, this proposal permits parties to civil litigation to petition the juvenile court for an order authorizing disclosure to other parties in the litigation. The court can grant the order after reviewing the records in question and determining whether the records are material and relevant and that good cause for disclosure exists. It specifies that "good cause" includes situations in which the party seeking the record has no other means available to obtain the information.

**Denying Access to Records.** Under current law, the DCF Commissioner can refuse to disclose a record to the person who is the subject of the record when the Commissioner determines that disclosure is not in the person's (or representative's) best interests, so long as the Commissioner gives her reasons in writing and advises the person that he or she may challenge this action in court.

Under this proposal, the Commissioner retains the authority to refuse to disclose records, but the basis for doing so is no longer restricted to considerations of the subject's best interests. Additionally, when the Commissioner refuses a request, the proposal requires that she notify the requestor of the general nature of the records being withheld, in addition to providing her reasons and notice of judicial review options.

The proposal also expands the reasons courts may use to uphold DCF's non-disclosure decisions. Currently, after a hearing and private review of the challenged records, the court must order disclosure unless it determines that this could be contrary to the requestor or requestor's representative's best interests. Under the proposal, the court may also uphold the Commissioner's non-disclosure decision when it determines that disclosure: (1) would be contrary to the best interests of the person who is the subject of the record, (2) could reasonably result in the risk of harm to any person, or (3) would contravene the state's public policy.

It is the Department's position that this bill continues to protect the important confidentiality rights of the children and families we serve while allowing some appropriate discretion to share information when necessary, particularly for purposes of treatment planning and provision of services when clients are receiving services from multiple agencies. In addition, it's our understanding that the existing language of this bill as submitted inadvertently does not reflect the language that the Department had agreed to last session with Connecticut Legal Services, but we remain committed to revising this language, as needed, in accordance with that agreement.

<b>S.B. No. 218 - AN ACT CONCERNING SAFE HAVENS CASES</b>
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The Department of Children and Families has submitted S.B. No. 218 - AN ACT CONCERNING SAFE HAVENS CASES to the Human Services Committee for your favorable consideration, and we would like to take this opportunity to thank you for raising this bill on our behalf.

This bill clarifies DCF's role and responsibility in Safe Havens cases. As many of you know, there have been a number of children who have been afforded important protections due to the Safe Havens law. However, the necessary legal proceedings to free the child for adoption are not clearly spelled out in the existing statute and have been interpreted differently by the courts. The

intent of this proposal is to clarify the ambiguities in the current law, especially as it relates to parents who, due to certain circumstances, do not remain anonymous. This will serve to speed the legal proceedings and ensure that biological parents are afforded the necessary due process so that a child is not potentially subject to lengthy custody litigation after the adoption has been finalized.

The legislature passed this very important initiative in 2000 and the Governor, along with DCF and others, have been aggressively promoting it in order to save infants who might otherwise be abandoned. As you know, this law allows parents, who feel they cannot care for their newborns, to leave them in the care of designated hospital personnel.

The Department of Public Health (DPH) has suggested an amendment for the sole purpose of allowing DPH to seal the original birth record if one is already on file. As currently written, the Safe Haven laws do not permit the identifying information of a parent or infant to be disclosed to DPH. This becomes problematic in situations where a birth certificate has already been filed in the state's birth registry system prior to the child being relinquished under the Safe Haven Act. Because the DPH has not been provided the original name of the infant, it has no way to seal the original birth record, thus it remains a valid record available to the parents named on the certificate, as well as other relatives. This situation allows for the possibility of fraud and other misuses of the birth certificate. We support this amendment.

**H.B. No. 5244 - AN ACT CONCERNING THE ISSUANCE OF EMERGENCY CERTIFICATES BY CERTAIN STAFF OF THE EMERGENCY MOBILE PSYCHIATRIC SERVICES PROGRAM**

The Department of Children and Families has submitted H.B. No. 5244 - AN ACT CONCERNING THE ISSUANCE OF EMERGENCY CERTIFICATES BY CERTAIN STAFF OF THE EMERGENCY MOBILE PSYCHIATRIC SERVICES PROGRAM to the Human Services Committee for your favorable consideration, and we would like to take this opportunity to thank you for raising this bill on our behalf.

This bill would give designated professionals operating within the emergency mobile psychiatric service (EMPS) program authority to issue emergency certificates directing a person with psychiatric disabilities to be taken to a hospital for an evaluation. While it is envisioned that such authority would be exercised in a small number of interventions, this will avoid the need in those instances to contact law enforcement for the sole purpose of authorizing the transport to the hospital for the evaluation. This authority mirrors the statutory authority already provided to designated EMPS professionals working with DMHAS and the adult mental health system.

**S.B. No. 219 - AN ACT CONCERNING STATE CONTRACT REDUCTIONS**

The Department of Children and Families opposes S.B. No. 219 - AN ACT CONCERNING STATE CONTRACT REDUCTIONS.

This bill would give a contractor authority to modify their approved budget without approval from the state agency funding the program under certain circumstances. DCF has an established budget revision process that has a generous threshold (\$5,000 per line item) for automatic approval of allowable costs. Above that amount, providers can request, and usually receive,