



Records Access and Confidentiality

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Types of Records

- Educational/school records
- Juvenile Court records
 - Includes court assessments/evaluations, reports of probation officer, reports and records of law enforcement agencies
- DCF records
- Medical records

Who Seeks Access?

- Counsel for child or parent in abuse/neglect matter
- Counsel for child in delinquency matter
- Judicial branch employees
- Other service providers
 - Employees of agencies providing services for state agencies (DCF or Judicial)
- Youth

Education Records Definition

- Directly related to student
- Maintained by educational agency or institution or by someone acting for agency or institution
- Include information including, but not limited to, handwritten, print, computer media, video or audio, film, microfilm, microfiche

34 CFR 99.3

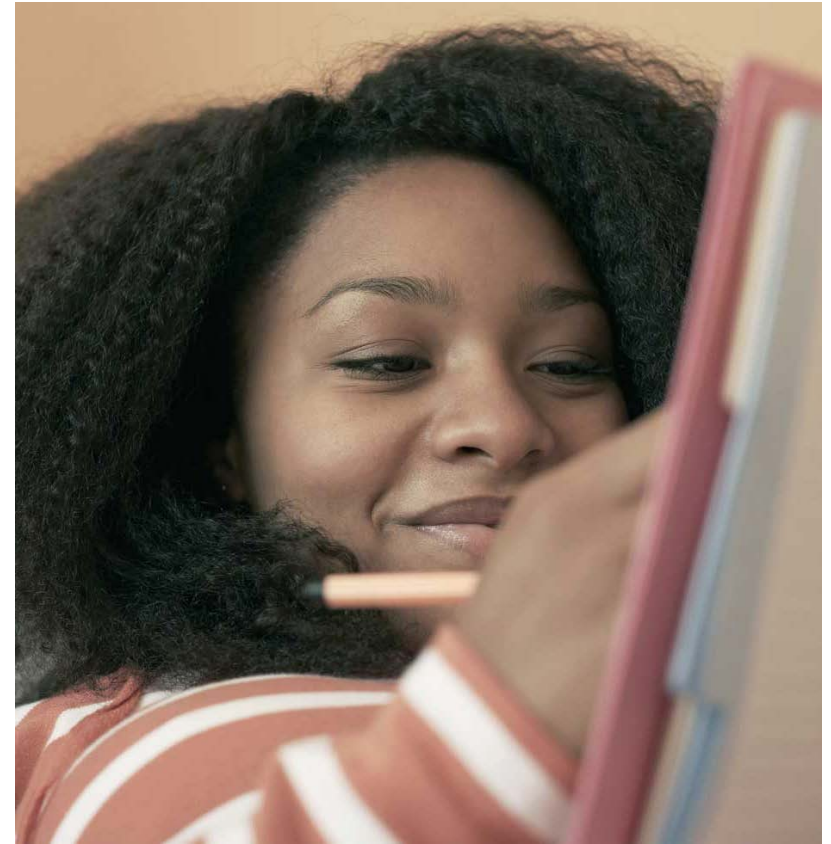
Parental Access to Education Records

- **Ensured by FERPA**
34 CFR 99.1 et seq.
- **Automatic access under state and federal law**
34 CFR 99.4, Conn. Gen. Stat. 10-15b
- **Extends to surrogate**
Conn. Gen. Stat. 10-94i
- **Submit written request and receive 1 free copy**
Conn. Reg. St. Agencies 10-76d-18



Youth Access to Education Records

- Reached age of majority
- Emancipated youth
- Unaccompanied homeless youth
Conn. Gen. Stat. 10-253(f)



Exchange of Information Schools, DCF, Law Enforcement

- Police required to notify school of enrolled student arrested for felony or class A misdemeanor
Conn. Gen. Stat. 10-233h
- Schools may disclose information about student if related to criminal conduct considered health or safety emergency
34 CFR 99.36
- DCF can inform school of “potentially dangerous students” exiting their care and intending to enroll
Conn. Gen. Stat 10-223k

Enhanced Records Access for CP Attorney

Public Act 17-119

....counsel (for the child) shall be granted immediate access to (i) records relating to the child, including, but not limited to, Department of Social Services records and medical, mental health and substance abuse treatment, law enforcement and educational records, without the necessity of securing further releases, and (ii) the child, for the purpose of consulting with the child privately.

Conn. Gen. Stat. 46b-129

DCF Records

- DCF shall grant access to its records to the attorney for the child who is subject of a petition, the parent or the parent's representative who is named in a petition, the office of the public defender for purposes of guardian ad litem services and to medical, psychological and clinical providers who are assessing the child Conn. Gen. Stat. 17a-28
- Records to be marked confidential
- Records not to be re-disclosed without express written consent of individual whom is subject of record
- Subject of record has automatic right to access records as well

Juvenile Court Records – Child Protection

- Provided automatically upon request to the attorney for the child, the parent or the parent's representative, any employee of the Judicial Branch who needs access to the records, the Office of the Public Defender, DCF
- Court records may be disclosed to other parties with a legitimate interest only upon court order

Conn. Gen. Stat. 46b-124

Juvenile Court Records - Delinquency

- Provided automatically upon request to any Judicial employee who needs access to perform their duty, as well as to service providers for the child in performance of related duties, the attorney for the child, the public defender for the child, the parents for the child, local and federal law enforcement officials
- Court records may be disclosed to other parties with a legitimate interest only upon court order
- Also available to victim for limited time

Conn. Gen. Stat. 46b-124

Medical Records

- Records with medical information developed for court proceeding become part of juvenile court record (not considered medical)
- Other records covered by HIPPA restrictions
- Parent can give permission for records and gain access but attorney for child can refute if in child's best interest
- *Sheiman v. Sheiman*, 72 Conn. App. 193, 202-202 (2002)
- Immunization records maintained in central registry available to school

Conn. Gen. Stat. 19a-7h

Mental Health & Substance Abuse Records

- Substance abuse & mental health records have special protections
 - Cannot be disclosed without express consent of youth
 - Substance abuse: Conn. Gen. Stat. 17a-688
 - Mental health: Conn. Gen. Stat. 19a-14c

Questions?

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