



FREEDOM OF INFORMATION

Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • Hartford, CT 06106
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov



Deborah Stevenson

Complainant(s)

against

Child Advocate, State of Connecticut, Office of the Child Advocate; and State of Connecticut, Office of the Child Advocate

Respondent(s)

Notice of Meeting

Docket #FIC 2025-0510

June 8, 2026

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held **in person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, June 10, 2026.**

At that time and place, you will be allowed to offer oral argument concerning this proposed finding and order in person. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission ***ON OR BEFORE May 29, 2026.*** Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed ***ON OR BEFORE May 29, 2026.*** **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed ***ON OR BEFORE May 29, 2026*** and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission



Molly Steffes
Acting Clerk of the Commission

Notice to: Attorney Deborah G. Stevenson
Attorney Benjamin Abrams
Attorney Elizabeth Lewis

FIC# 2025-0510/ITRA/DLM/RB/MS/2026-06-8

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

Report of Hearing Officer

Deborah Stevenson,

Complainant

against

Docket # FIC 2025-0510

Child Advocate, State of Connecticut,
Office of the Child Advocate; and State of
Connecticut, Office of the Child Advocate,

Respondents

June 8, 2026

The above-captioned matter was heard as a contested case on March 23, 2026, April 24, 2026, and May 21, 2026, at which times the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

The Commission notes that this matter was first scheduled to be heard on December 16, 2025. However, on December 5, 2025, the respondents filed a motion to dismiss this matter without a hearing pursuant to § 1-206(b)(4), G.S. The respondents argued that the “request at issue involves records obtained or generated during OCA [Office of Child Advocate] investigations” and therefore, pursuant to § 46a-13n, G.S., responsive records are not subject to the disclosure provisions of the FOI Act. Accordingly, the hearing scheduled to convene on December 16, 2025, was postponed to afford the complainant an opportunity to respond to the motion to dismiss. On December 31, 2025, the complainant filed her objection to the motion to dismiss.

By ruling dated January 13, 2026, the presiding hearing officer denied the respondents’ motion to dismiss, explaining that, upon review of the notice of appeal, and construing all allegations most favorably to the complainant, it was not apparent that all of the records responsive to the request are confidential pursuant to § 46a-13n, G.S.¹

At the conclusion of the May 21, 2026, hearing on this matter, the parties were afforded until Friday, May 29, 2026, to file a post-hearing brief, and such briefs were filed accordingly.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of § 1-200(1), G.S.

¹ Although the hearing was rescheduled to convene on February 24, 2026, the hearing was postponed due to inclement weather.

2. It is found that, by email dated May 24, 2025, the complainant made the following request² to the respondents:

- (a) All records and data underlying and/or used as a basis for the Child Advocate's May 5, 2025 "Review of Children Withdrawn from School for Equivalent Instruction Elsewhere" and the "Executive Summary" regarding that document, including all records regarding the "findings" and "conclusions" made;
- (b) The names of all individuals, agencies, or other entities or agents who contributed, in whole or in part, to the May 5, 2025 "Review of Children Withdrawn from School for Equivalent Instruction Elsewhere" and the "Executive Summary", including identification of the section or sections of those documents to which they contributed, including but not limited to the statistical analysis contained in those documents, and all records and statistical data underlying, or that formed the basis of, their contribution to those documents;
- (c) All records relating to the discussion and/or decision of the Child Advocate to omit the first sentence of §10-184, G.S. from her May 5, 2025 "Review of Children Withdrawn from School for Equivalent Instruction Elsewhere" and the "Executive Summary" including the names of all parties or entities with whom the Child Advocate discussed the omission of the first sentence §10-014 from those documents;
- (d) A copy of all records and data underlying and/or used as a basis for the Child Advocate's 2018 report entitled, "Examining Connecticut's Safety Net for Children from School for the Purpose of Homeschooling – Supplemental Investigation to OCA's December 12, 2017 Report Regarding the Death of Matthew Tirado", including all records regarding the "findings" and "conclusions" made;
- (e) The names of all individuals, agencies, other entities, parties, or agents that contributed in whole or in part, including but not limited to the statistical analysis contained therein, to the Child Advocate's 2018 report, "Examining Connecticut's Safety Net for Children from School for the Purpose of Homeschooling- Supplemental Investigation to OCA's December 12, 2017 Report Regarding the Death of Matthew Tirado", including all records and statistical data underlying, or that formed the basis of, their

² The Commission notes that the complainant made a separate request for records to the respondents and that the respondents provided her with copies of close to 1,000 pages of records in response to such request. The Commission further notes that such request is not at issue in this matter.

contribution to that document; and

- (f) All records relating to, and all actions taken by, the Child Advocate to date, to determine whether the 87,397 students who the Connecticut Department of Education recently reported are chronically absent or truant from the public schools are actually safe, or whether their educational, physical, mental status and/or whereabouts is known.

3. It is found that, by email dated May 28, 2025, the respondents acknowledged the complainant's request and provided the following additional response:

Aside from some very limited exceptions, the Child Advocate cannot disclose information obtained and/or generated in the course of an investigation conducted by the Office of the Child Advocate, which information is confidential and not 'subject to disclosure under the Freedom of Information Act.' See Conn. Gen. Stat. § 46a-13n(a).

To the extent that there may be records responsive to your request that are not confidential, the OCA will need additional time to make that determination due to the broad nature of your request, the limited staff available for such a task, and the current workload of our staff.

4. It is further found that, by email dated June 16, 2025, the respondents notified the complainant that they had completed their review of the request described in paragraph 2, above, and determined that "there are no responsive records that are subject to disclosure under the Freedom of Information Act." It is also found that, by email dated June 18, 2025, in response to the complainant's request for the legal basis for the denial, the respondents cited to § 46a-13n, G.S.

5. By complaint filed June 23, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying her request for the records described in paragraph 2, above.

6. Section 1-200(5), G.S., provides:

"[p]ublic records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

7. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to . . . (3) receive a copy of such records in accordance with section 1-212.

8. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

9. It is concluded that the records that are potentially responsive to the request described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S., and that access to such records must be granted in accordance with §1-210(a), G.S., unless they are exempt from disclosure.

10. Section 46a-13l(a), G.S., provides for the duties of the Child Advocate, which include that the Child Advocate shall:

- (1) Evaluate the delivery of services to children by state agencies and those entities that provide services to children through funds provided by the state;
- (2) Review periodically the procedures established by any state agency providing services to children to carry out the provisions of sections 46a-13k to 46a-13p, inclusive, with a view toward the rights of the children and recommend revisions to such procedures;
- (3) Review complaints of persons concerning the actions of any state or municipal agency providing services to children and of any entity that provides services to children through funds provided by the state, make appropriate referrals and investigate those where the Child Advocate determines that a child or family may be in need of assistance from the Child Advocate or that a systemic issue in the state's provision of services to children is raised by the complaint;
- (4) Pursuant to an investigation, provide assistance to a child or family who the Child Advocate determines is in need of such assistance including, but not limited to, advocating with an agency, provider or others on behalf of the best interests of the child;
- (5) Periodically review the facilities and procedures of any and all institutions or residences, public or private, where a juvenile has

been placed by any agency or department;

(6) Recommend changes in state policies concerning children including changes in the system of providing juvenile justice, child care, foster care and treatment;

(7) Take all possible action including, but not limited to, conducting programs of public education, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil and special rights of children who reside in this state;

(8) Provide training and technical assistance to attorneys representing children and guardians ad litem appointed by the Superior Court;

(9) Periodically review the number of special needs children in any foster care or permanent care facility and recommend changes in the policies and procedures for the placement of such children;

(10) Serve or designate a person to serve as a member of the child fatality review panel established in subsection (b) of this section;

(11) Take appropriate steps to advise the public of the services of the Office of the Child Advocate, the purpose of the office and procedures to contact the office;

(12) Prepare an in-depth report on conditions of confinement, including, but not limited to, compliance with section 46a-152, regarding children twenty-one years of age or younger who are held in secure detention or correctional confinement in any facility operated by a state agency. Such report shall be submitted, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to children not later than March 1, 2017, and every two years thereafter; and

(13) Present to the advisory committee, established pursuant to section 46a-13r, at least three times each year, a report on the goals of and projects undertaken by the Office of the Child Advocate, within available appropriations, that are consistent with the responsibilities of the Child Advocate.

11. Section 46a-13m(a), G.S., entitled "Access to Information," provides:

Notwithstanding any provision of the general statutes concerning the confidentiality of records and information, the Child Advocate

may request and shall have access to, including the right to promptly inspect and copy, any records necessary to carry out the responsibilities of the Child Advocate as provided in section 46a-13l. Such records shall be provided to the Child Advocate not later than fourteen days from the date of such request. If the Child Advocate is denied access to any records necessary to carry out said responsibilities, the Child Advocate may issue a subpoena for the production of such records as provided in subsection (c) of this section.

12. Section 46a-13n(a), G.S., entitled “Confidentiality of Information,” provides:

The name, address and other personally identifiable information of a person who makes a complaint to the Child Advocate as provided in section 46a-13l, *all information obtained or generated by the office in the course of an investigation and all confidential records obtained by the Child Advocate or a designee shall be confidential and shall not be subject to disclosure under the Freedom of Information Act or otherwise*, except that such information and records, other than confidential information concerning a pending law enforcement investigation or a pending prosecution, may be disclosed if the Child Advocate determines that disclosure is (1) in the general public interest or (2) necessary to enable the Child Advocate to perform his responsibilities under subsection (a) of section 46a-13l. If the Child Advocate determines that disclosure of confidential information is not in the public interest but is necessary to enable the Child Advocate to perform responsibilities under subsection (a) of section 46a-13l, or to identify, prevent or treat the abuse or neglect of a child, the Child Advocate may disclose such information to the appropriate agency responsible for the welfare of such child or the legal representative for such child. The Child Advocate may disclose information or data regarding fatalities of infants less than one year of age to the Commissioner of Public Health if the Child Advocate determines such disclosure is necessary for the purposes of the infant mortality review program established pursuant to section 19a-59j. Any information or data disclosed to the Commissioner of Public Health shall be confidential in accordance with the provisions of section 19a-25.

(Emphasis added.)

13. At the hearings on this matter, the respondents presented two witnesses: Staff Attorney Virginia Brown, and Assistant Child Advocate Brendan Burke.

14. It is found that the mission of the Office of the Child Advocate (“OCA”) is to “ensure that publicly funded agencies that serve children are accountable to the citizens and

families of Connecticut and effectively care for the most vulnerable children.” The Commission takes administrative notice of the OCA’s “About the Office” webpage, at which the OCA describes its work as focusing on: Child Fatality Reviews (“reviews child death reports to help prevent future harm”); Systemic Advocacy (“checks how systems like foster care and schools treat children”); and Complaint Response (“reviews concerns about services for children”). It is found that the respondents are authorized to conduct individual and systemic investigations in relation to specific children or child serving systems. *See* § 46a-13l(a), G.S.

15. With respect to the complainant’s request described in paragraphs 2(a), 2(d), and 2(f), above, it is found that all of the records potentially responsive to such request were obtained or generated by the respondents in the course of an investigation into a systemic issue; specifically, how child serving agencies address circumstances wherein neglected and/or abused children are withdrawn from public schools. It is therefore found that such records are subject to the confidentiality provisions of § 46a-13n(a), G.S., and are not subject to disclosure under the FOI Act.

16. With respect to the complainant’s request described in paragraphs 2(b), 2(c), and 2(e), above, it is found that the respondents do not maintain any records responsive to such request.

17. Notwithstanding all of the foregoing, the Commission also finds that compliance with the complainant’s request, described in paragraphs 2(a) through 2(f), above, would require the respondents to exercise discretion to determine which records fall within the scope of the request. It is therefore found that such request constitutes a request for research. It is further found that there is nothing in the FOI Act requiring the respondents to comply with such request.

18. In *Wildin v. Freedom of Info. Comm’n*, 56 Conn. App. 683 (2000), the Appellate Court held that a public agency is not required to conduct research in order to respond to a request for public records. The court explained that a request requires research if it does not properly identify the records sought, such that the public agency must conduct analysis or exercise discretion to determine which records fall within the scope of the request. *Id.* at 686–87. *See also Boster v. Freedom of Info. Comm’n*, No. HHBCV196052569, 2021 WL 6426774, at *3 (Conn. Super. Ct. Dec. 13, 2021) (concluding that plaintiff’s request that UConn provide “evidence” that it was the union that inserted certain language into a collective bargaining agreement “goes beyond the reach of FOIA” because it would require analysis or evaluation of the records to comply with the request); and *Handel v. First Selectman, Town of Portland; Town of Portland; Superintendent of Schools, Portland Public Schools; and Portland Public Schools*, Docket #FIC 2016-0457 (Feb. 22, 2017) (finding that a request for “all documentation that supports [the respondent Superintendent’s] statement[s]” would require the respondent to exercise discretion in determining what records “support” certain statements made).

19. It is found that compliance with the complainant’s request, described in paragraphs 2(a) and 2(d), above, would require the respondents to study the reports referenced therein, and to make a determination (i.e., to analyze and exercise discretion) as to whether any records that they maintain, or information contained therein, “underlies”, “serves as a basis for” or supports a “finding” or “conclusion” in each report. Likewise, it is found that compliance with the

portions of the request described in paragraphs 2(b) and 2(e), above, requesting the respondents to identify the sections of the report wherein a particular person “contributed” and the records or data “underlying, or that formed the basis of, their contribution”, would require the respondents to exercise discretion. It is also found that compliance with the request described in paragraph 2(c) and 2(f), above, would require the respondents to exercise discretion in determining whether certain records that they maintain support the Child Advocate’s decision making or actions referenced therein.

20. Based on all of the foregoing, it is concluded that the respondents did not violate the FOI Act as alleged in the complaint.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

/s/ Danielle L. McGee
Danielle L. McGee
as Hearing Officer