

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Albin C. Statkum,

Complainant

Report of Hearing Officer

against

Docket #FIC78-169

Department of Children and
Youth Services of the State
of Connecticut; and Department
Supervisor of the Waterbury
Field Office of the Department
of Children and Youth Services
of the State of Connecticut,
Respondents

January 10, 1979

The above captioned matter was heard as a contested case on October 12, 1978, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. A complaint was filed with the respondent department which alleged that the complainant herein abused his stepchild.

3. By letter to the respondents dated July 31, 1978 the complainant alleged that he had a right to obtain a copy of the complaint.

4. Having received no reply the complainant filed his appeal with this Commission on September 1, 1978, alleging denial of his rights under the Freedom of Information Act as codified at Chapter 3 of the General Statutes.

5. The respondents alleged at hearing that the document was exempt from disclosure under §17-38a(g), G.S.

6. It was agreed at hearing that the complainant is the person who is responsible for the welfare of his stepchild.

7. It was further agreed that the respondents would be willing to furnish the complainant with a summary of the contents of the complaint, but not with a copy or the identity of the complainant who alleged child abuse.

8. §17-38a, G.S., et seq. sets forth a legislative purpose to protect children from abuse and requires certain professionals to file reports of child abuse.

9. §17-38a(g), G.S. provides in relevant part:

The commissioner of social services shall maintain a registry of the reports received pursuant to this section and shall adopt regulations to permit the use of the registry on a twenty-four hour daily basis to prevent or discover abuse of children. The information contained in the reports and any other information relative to child abuse, wherever located, shall be confidential subject to such regulations governing their use and access as shall conform to the requirements of federal law or regulations.

10. 45 CFR Chapter XIII Subtitle B provides at Part 1430.3-3 that states must provide for methods to preserve the confidentiality of all records concerning reports of child abuse and neglect in order to protect the unauthorized dissemination of their contents in order to qualify for assistance under the child abuse and neglect prevention program.

11. 45 CFR Chapter XIII Subtitle B further provides that states may allow access to reports of child abuse to a parent, guardian, or other persons responsible for the welfare of the child named in the report or record, with protection for the identity of reporters and other appropriate persons.

12. No regulations have been issued pursuant to §17-38a(g), G.S.

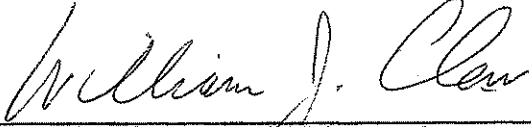
13. It is found that the requested complaint constitutes "information relative to child abuse" within the scope of the confidentiality requirements set forth at §17-38a(g), G.S.

14. It is concluded that the respondent department is not required to disclose the child abuse reports by §1-15 or §1-19(a), G.S. because §17-38a(g), G.S. provides that information concerning child abuse shall be kept confidential, and because §1-19(a), G.S. provides for statutory exceptions to its own broad disclosure requirements.

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.

2. The Commission does not intend the finding and the order herein to prevent the respondents from supplying the complainant with a summary of the complaint pursuant to the offer made at hearing.



Commissioner William Clew
as Hearing Officer