

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Edward A. Campochiaro,)
Complainant) Report of Hearing Officer
against) Docket #FIC78-253
State of Connecticut; Department) February 7 , 1979
of Children and Youth Services of)
the State of Connecticut; and the)
Commissioner of the Department of)
Children and Youth Services of the)
State of Connecticut,)
Respondents)

The above captioned matter was heard as a contested case on February 5, 1979, at which time the complainant and the respondents appeared, stipulated to certain facts, 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 as defined by §1-18a(a), G.S.
2. The parties hereto were engaged in juvenile court proceedings that were concluded prior to December 6, 1978.
3. The parties hereto are presently engaged in a federal court civil action that was commenced prior to December 6, 1978.
4. During the course of the federal litigation, the respondent department was ordered to produce its file concerning the complainant.
5. The respondent department transmitted the aforesaid file to the complainant's attorney on November 16, 1978.
6. The complainant had a brief occasion to inspect that file, but apparently was barred from further inspection or copying because the attorneys to the federal court action agreed that he should not be given such access.
7. By letter dated December 6, 1978, the complainant requested a copy of the complete file concerning him, compiled by the respondent department's case worker during 1973 and 1974.

8. The complainant appealed to the Commission by letter filed December 14, 1978, alleging that he has not received compliance with his request. He further alleged that the file transmitted to his attorney is incomplete in that it does not contain certain statements made by neighbors.

9. The respondents have no objection to the complainant obtaining a copy of the file in question. They contend, however, that the file transmitted to the complainant's attorney is complete and constitutes compliance with the complainant's request.

10. Since the respondents failed to allege or prove that the requested file is not a public record or is otherwise exempt from disclosure, it is found that such file is a public record within the meaning of §§1-18a(d) and 1-19(a), G.S. and, accordingly, must be disclosed to the complainant pursuant to §1-15, G.S.

11. From the evidence presented at hearing, it cannot be determined whether the file transmitted to the complainant's attorney is, in fact, complete.

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

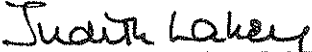
1. The respondent department shall forthwith verify with its supervisor in charge of the complainant's case whether the file referred to in paragraphs 4, 5, and 6 of the foregoing findings is, in fact, complete.

2. Upon completion of the verification described in paragraph 1 of this order, the respondent department shall forthwith provide the complainant with a copy of the file requested by the complainant and referred to in paragraph 7 of the foregoing findings.

3. At its option, the respondents may delete the names of any confidential informants contained in the file concerning the complainant prior to its disclosure pursuant to this order.

4. Compliance with this order shall be in accordance with the provisions of §1-15, G.S.

5. Since the respondents now have no objection to the complainant obtaining a copy of the file in question, the Commission recommends that the complainant attempt to obtain such file from his attorney and so notify the respondents if successful. In this way, the parties can avoid unnecessary administrative costs and delays in achieving the requested disclosure.



Commissioner Judith Lahey
as Hearing Officer