



## State of Connecticut

### SENATE

June 16, 2014

**SENATOR MICHAEL A. McLACHLAN**  
TWENTY-FOURTH SENATE DISTRICT

LEGISLATIVE OFFICE BUILDING  
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HARTFORD, CONNECTICUT 06106-1591  
DEPUTY MINORITY LEADER

**RANKING MEMBER**  
GOVERNMENT ADMINISTRATION & ELECTIONS COMMITTEE  
GENERAL BONDING SUB COMMITTEE

**MEMBER**  
FINANCE, REVENUE, & BONDING COMMITTEE  
JUDICIARY COMMITTEE  
TRANSPORTATION COMMITTEE

The Honorable Gov. Dannel P. Malloy  
State Capitol  
210 Capitol Ave.  
Hartford, CT 06106

Dear Governor Malloy,

I am writing in response to recent reports indicating that the Department of Children and Families (DCF) has unilaterally and without legislative approval implemented a "policy" change allowing people listed on the Child Abuse and Neglect Registry to have their names removed from such registry. As you may know, DCF submitted proposed legislation on this very topic during the 2014 legislative session. As a member of the Judiciary Committee who voted against the bill, I strongly object to DCF bypassing the legislature to implement a significant change in policy that undermines child safety and welfare.

It is important to note that people are placed on Connecticut's Child Abuse and Neglect Registry only after a report of abuse or neglect is investigated and "substantiated." The Commissioner may place an individual on the registry only if she determines that (1) abuse or neglect occurred and (2) the person responsible "poses a risk to the health, safety, or well-being of children" Investigations include a home visit. Low risk cases may be referred for community services without placement on the registry.

In addition, individuals placed on the registry have the right to multiple administrative reviews and legal appeals, including an internal review, full administrative hearing, and an appeal to the Superior Court. At the hearing, the burden is on the commissioner to prove that the finding of abuse or neglect is supported by the evidence. Thus, individuals appearing on the registry have committed abuse or neglect, pose a risk to the health and safety of children, and have exhausted numerous reviews and appeals.

The registry serves an important public safety purpose. It is consulted by school districts, school bus companies, day care providers and even DCF itself to screen potential employees. DCF also is required to check the registry when licensing day care and child care providers and foster parents.

The statutory provisions establishing the registry represent a comprehensive legislative policy. Once an investigation has been completed and a finding of abuse or neglect sustained, there is no

statutory provision for removing a person's name from the registry. As you may be aware, a legislative proposal to create such a procedure failed to win approval this year. There was bi-partisan opposition in the Judiciary Committee and the House and the Senate chose not to take the bill up for a vote. However, DCF has now adopted an agency "policy" whereby people who have been placed on the registry can apply for removal. Under this new procedure, DCF officials will decide, apparently with no statutory authority or guidelines, whether to remove people from the registry.

With this in mind, Governor, I would argue the following points:

- Establishing a process to remove a name from the state's Child Abuse and Neglect Registry is a substantive change that requires legislative approval.
- The fact that the legislature has refused to pass legislation implementing such a removal process is a clear indication that there is no legislative support for such a policy.
- For DCF to unilaterally implement such a policy without legislative approval, or even going through the Regulations Review Committee, is a usurpation of legislative power.

I hope you can see why this action is cause for concern, and I would like to know whether you support DCF's new procedure. The state has no greater responsibility than to keep its children safe. Unfortunately, child abusers have a high rate of recidivism. The Child Abuse and Neglect Registry serves an important public safety purpose and should not be substantially weakened through the unilateral action of a state agency with no legislative approval or oversight.

Thank you for your attention to this important issue.

Sincerely Yours,



Michael A. McLachlan  
State Senator – 24<sup>th</sup> District

cc: Joette Katz, Commissioner, Department of Children and Families  
State Senator Andres Ayala, Co-Chair, Regulation Review Committee  
State Representative Selim Nougaim, Co-Chair, Regulation Review Committee  
State Senator Leonard Fasano, Ranking Member, Regulation Review Committee  
State Representative Elissa T. Wright, Ranking Member, Regulation Review Committee  
State Senator Eric Coleman, Co-Chair, Judiciary Committee  
State Representative Gerald Fox, Co-Chair, Judiciary Committee  
State Senator John Kissel, Ranking Member, Judiciary Committee  
State Representative Rosa Rebimbas, Ranking Member, Judiciary Committee  
State Senator Gayle Slossberg, Co-Chair, Human Services Committee  
State Representative Catherine Abercrombie, Co-Chair, Human Services Committee  
State Senator Joe Markley, Ranking Member, Human Services Committee  
State Representative Terrie Wood, Ranking Member, Human Services Committee