



Minors' Privacy Toolkit

Connecticut

Many privacy questions arise when Office on Violence Against Women (OVW)-funded victim service providers help children and teens who are survivors of sexual assault, dating and domestic violence, stalking, and sex trafficking. For example, when, if ever, may you serve minors without a parent or guardian's permission? Do you have to share records with parents or guardians if they ask for them? Can a minor sign their own release of information? How does mandatory reporting of child abuse affect minors' privacy? These FAQs provide jurisdiction-specific guidance for answering these sorts of privacy-related questions. We include legal citations so that you can read more about the laws and make sure they're current.¹ These FAQs are a companion piece to the Victim Rights Law Center's Minors' Privacy Toolkit, which is available in English and Spanish, with several components also available in Arabic, Hindi, Hmong, and Vietnamese. To receive an electronic copy of the Toolkit, or to ask privacy questions related to your work, email us at TA@victimrights.org.

1

Who is a "minor" in Connecticut? Under Connecticut law, the definition of "minor" depends on the statute at issue. Generally, a "minor" is a person under the age of eighteen years. Conn. Gen. Stat. § 1-1d.

2

How does emancipation work in Connecticut? Under Connecticut law, emancipation grants minors certain rights. Conn. Gen. Stat. §46b-150d. A minor must be at least sixteen years of age to petition a court for emancipation. Conn. Gen. Stat. § 46b-150. The emancipation procedure is governed by Conn. Gen. Stat. §§ 46b-150 through 46b-150e.

Emancipation statute	Minor as adult for these purposes	Relevant case law
Conn. Gen. Stat. § 46b-150d	(1) May consent to medical, dental, or psychiatric care; (2) may enter into binding contract; (3) may sue and be sued in own name; (4) entitled to own earnings and free of parental control; (5) may establish own residence; (6) may buy and sell real and personal property; (7) may not fall under certain child abuse statutes; (8) may enroll in any school or college; (9) may obtain operator's and marriage licenses; (10) may register motor vehicle; (11) parents no longer guardians; (12) parents have no obligation for school attendance; (13) parents have no obligation for support; (14) no parental liability for minor's acts; (15) may execute releases in own name; (16) may enlist in military; (17) may obtain certified copy of birth certificate.	<i>In re Mary, A Minor</i> , Probate Court, District of Fairfield (Aug. 22, 2008) (22 Quinn. Prob. Law Jour. 200) (standard for emancipation proceeding is preponderance of the evidence, not clear and convincing). <i>Wood v. Wood</i> , 135 Conn. 280, 284, 63 A.2d 586 (1948) ("implied emancipation" where the parent, "without any express agreement, by his acts or conduct impliedly consents that his minor son may leave home and shift for himself, have his own time, and the control of his earnings, and it may be inferred from and shown by the circumstances").

Emancipation statute, cont.	Minor as adult for these purposes	Relevant case law
n/a	“A minor over the age of sixteen who ... voluntarily lives apart from her parents who exercise and attempt to exercise no control over her activities is emancipated by operation of the common law.... Further, that minor is a party who may petition, as may her parents, for an order of emancipation pursuant to General Statute § 46b-150b”	<i>Town v. Anonymous</i> , 39 Conn. Supp. 35, 38, 467 A.2d 687 (1983).

3

What laws in Connecticut inform a minor’s right to consent to services?

Reproductive health	<p>Any age: Minors may obtain abortions without involving parents, guardians, or other adult family members. Conn. Gen. Stat. § 19a-601. Before performing abortion, physician or counselor must provide a variety of pregnancy information and counseling to the minor and requires the minor to sign a form detailing various information and counseling provided. Conn. Gen. Stat. § 19a-601. Physicians or facilities may also provide treatment for sexually transmitted diseases to minor without consent of parent or guardian. Conn. Gen. Stat. § 19a-216. The consultation, examination, or treatment of a minor is confidential, with limited exceptions. Conn. Gen. Stat. § 19a-216.</p> <p>Note: All clinics or providers who participate in Title X grant programs are required to follow federal consent and confidentiality regulations per 42 C.F.R. § 59.11.</p>
General medical	<p>Parental consent is generally necessary for treatment of a minor. Conn. Gen. Stat. § 17a-81; <i>State v. William B.</i>, 76 Conn. App. 730, 741 (App. Ct. 2003) (the general rule in Connecticut is that minors may not engage medical treatment for themselves without the permission of a parent or guardian). In the event such consent is withheld or immediately unavailable, emergency treatment may be available where a physician concludes treatment is needed to prevent serious harm to the child. Conn. Gen. Stat. § 17a-81.</p>
Mental health and chemical dependency	<p>Any age: An alcohol- or drug-dependent person may apply for voluntary treatment at a facility operated by the Department of Mental Health and addiction services; either the minor or their parents or guardians can apply. Conn. Gen. Stat. § 17a-682(a). The fact that a minor seeks treatment or rehabilitation shall not be disclosed to the parents or legal guardian of the minor without the minor’s consent. Conn. Gen. Stat. § 17a-688(d). The minor may also give legal consent to receive such treatment and rehabilitation. Conn. Gen. Stat. § 17a-688(d).</p> <p>Any age: Licensed professionals may provide minors up to six sessions of mental health treatment without consent or notification of a parent or guardian at the minor’s request, if five requirements are met, including that “the minor is mature enough to participate in treatment productively.” Conn. Gen. Stat. § 19a-14c(b). After the sixth session, the treatment provider must seek the consent of the parent or guardian to continue, unless this “would be seriously detrimental to the minor’s well-being.” Conn. Gen. Stat. § 19a-14c(c).</p>

Other	<p>Any age: The consent of a parent or guardian shall not be a prerequisite to confidential HIV-related testing of a minor, with certain exceptions. Conn. Gen. Stat. § 19a-582.; Conn. Gen. Stat. § 19a-592.</p> <p>Under fourteen years: Any person who employs a child under fourteen years of age during the hours while school is in session and any person who permits such employment shall be fined not more than twenty dollars for each week in which the child is so employed. Conn. Gen. Stat. § 10-197.</p> <p>Fourteen to eighteen years old: For certain jobs, in order to employ a minor under eighteen years of age, the superintendent of schools must furnish a certificate showing that the minor is fourteen or sixteen years of age or older, depending on the type of employment. Conn. Gen. Stat. § 10-193.</p>
--------------	--

4

As an OVW-funded victim service provider, why do I need to know the child abuse mandatory reporting obligations in Connecticut? The Violence Against Women Act (VAWA) confidentiality law allows OVW-funded grantees and subgrantees to disclose the personally identifying information of people who seek, receive, or are denied services only with a VAWA-compliant release of information, or in response to a statutory or court mandate. Therefore, without a release, a victim service provider who receives VAWA funding may only report child abuse or neglect if a statute or case law *requires* the report. Statutory or case law *permission* to file a report is not enough. Sexual violence disproportionately impacts children and youth, many of whom will not disclose their abuse to someone who is mandated to report it. Victim service providers should be careful not to over report child abuse. The information below gives an overview of the requirements for making a report of child abuse or neglect in Connecticut.

5

What are the child abuse mandatory reporting obligations in Connecticut?

Who is a mandatory reporter of child abuse? In Connecticut, there is a long list of mandatory reporters. (See Conn. Gen. Stat. § 17a-101(b) for a complete list.) Some of the most relevant reporters include social workers, mental health professionals, health care providers, school employees, doctors and other medical professionals, and law enforcement.

How is “child” defined for purposes of Connecticut’s mandatory reporting law? “Child” means any person under eighteen years of age who has not been legally emancipated. Conn. Gen. Stat. § 46b-120(1). A “child,” for purposes of the child abuse mandatory reporting law, may also include a “person being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program.” Conn. Gen. Stat. § 17a-101a(a)(2) referencing Conn. Gen. Stat. § 17a-101a(a)(2).

How is “abuse” defined? A child is “abused” when they have been inflicted with nonaccidental physical injury or injuries, have injuries at variance with the history given of them, or are in a condition resulting from maltreatment, including malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment. Conn. Gen. Stat. § 120(5).

A child is “neglected” when they, for reasons other than being impoverished, have been abandoned, are denied proper care and attention, or are permitted to live in circumstances injurious to their well-being. Conn. Gen. Stat. § 120(4).

A child is “uncared for” if they are homeless, their home cannot provide the specialized care that they require, or they have been identified as a victim of trafficking. Conn. Gen. Stat. § 46a-170.

The treatment of any child by an accredited Christian science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment. Conn. Gen. Stat. § 120(6).

When must a mandatory reporter make a report? “Any mandatory reporter ... who in the ordinary course of such person’s employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (A) has been abused or neglected, as described in Conn. Gen. Stat. § 46b-120, (B) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (C) is placed at imminent risk of serious harm ... shall report or cause a report to be made” Conn. Gen. Stat. § 17a-101a(a)(1).

A “mandated reporter’s suspicion or belief may be based on factors including, but not limited to, observations, allegations, facts or statements by a child, victim, ... or third party. Such suspicion or belief does not require certainty or probable cause.” Conn. Gen. Stat. § 17a-101a(d).

An oral or electronic report must be made “as soon as practicable but not later than twelve hours after the mandated reporter has reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm.” Conn. Gen. Stat. § 17a-101b(a).

“Not later than forty-eight hours after making an oral report, a mandatory reporter shall submit a written or electronic report to the Commissioner of Children and Families or the commissioner’s designee.” Conn. Gen. Stat. § 17a-101c.

What must be reported if I am required to report child abuse? All reports “shall contain, if known:

- (1) The names and addresses of the child and his or her parents or other person responsible for his or her care;
- (2) The age of the child;
- (3) The gender of the child;
- (4) The nature and extent of the child’s injury or injuries, maltreatment or neglect;
- (5) The approximate date and time the injury or injuries, maltreatment or neglect occurred;
- (6) Information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his or her siblings;
- (7) The circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- (8) The name of the person or person’s suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
- (9) The reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
- (10) Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
- (11) Whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.”

Conn. Gen. Stat. § 17a-101d.

To whom must I make a report when I am required to do so? An oral or electronic report must be made to the Commissioner of Children and Families or a law enforcement agency. Conn. Gen. Stat. § 17a-101b(a).

A written report must be made to the Commissioner of Children and Families or the commissioner's designee. Conn. Gen. Stat. § 17a-101c.

When a mandatory reporter is a member of the staff of a public or private institution or facility that provides care for such child or public or private school the reporter shall also submit a copy of the written report to the person in charge of such institution, school or facility or the person's designee. Conn. Gen. Stat. § 17a-101c.

6

Must I notify someone if a minor is suicidal or a danger to others? Without a VAWA-compliant release of information, OVW-funded grantees and subgrantees may disclose the personally identifying information of someone who sought, received, or was denied services only when there is a statutory or court mandate to do so. "Court mandate" includes case law. Duties to protect a third party from harm or someone from self-harm can be found in both statutes and case law, and typically apply only to mental health practitioners. Since VAWA confidentiality provisions only allow for release of information in duty to protect situations if the statute or case law *requires* the release, *permission* to release the information is not enough.

We found no Connecticut statutes requiring disclosure or place an affirmative duty on mental health professional to warn either potential victims or law enforcement agencies. Psychotherapists and psychologists may be held civilly liable under common law, however, if they fail to warn an identifiable victim of an imminent physical threat. See *Kaminski v. Fairfield*, 578 A.2d 1048 (1990); *Fraser v. United States*, 674 A.2d 811 (1996); *Garamella v. New York Medical College*, 23 F. Supp. 2d 167 (D. Conn. 1998); *Schlegel v. New Milford Hospital*, No. X02CV 960071253S, 2000 Conn. Super LEXIS 1196, 2000 WL 670103 (Conn. Super. Ct. May 9, 2000); and *Roesler v. Reich*, No. 128514, 2006 Conn. Super. LEXIS 1316, 2006 WL 1360010 (Conn. Super. Ct. May 5, 2006).

Duties to warn or protect are complicated and can require analysis of case law. Please contact the VRLC privacy support team at TA@victimrights.org to discuss our survey of jurisdiction-specific case law that may affect your duties to warn or protect.

7

May domestic violence and sexual assault advocates have privileged communications with a minor survivor? Connecticut law establishes privileged and confidential communications between a domestic violence or a sexual assault counselor (as those terms are defined) and a victim in any civil or criminal case or proceeding or in any legislative or administrative proceeding unless the victim making the confidential communications (or victim's parent or guardian in certain situations) waives the privilege. Conn. Gen. Stat. § 52-146k(b).

The privilege does not apply in matters of proof concerning evidentiary chains of custody; in matters of proof concerning the physical appearance of the victim at the time of injury; or where the domestic violence or sexual assault counselor knows that the victim has given perjured testimony and the defendant or the state has made an offer of proof that perjury may have been committed. Conn. Gen. Stat. § 52-146k(e).

8

Does a parent or guardian's presence during an otherwise privileged communication waive a victim-advocate, or similar, privilege in Connecticut? Under Connecticut law, persons present at the time the communication is made who are present to further the interests of the victim in the consultation or to whom disclosure is reasonably necessary for the transmission of the information or for the accomplishment of the purposes for which a counselor is consulted may be present without waiving the communication. Conn. Gen. Stat. § 52-146k(a)(3).

9

Does Connecticut have a privilege that protects the privacy of communication between a parent and a child? We did not find a broad parent-child privilege in Connecticut. However, in juvenile proceedings in the Superior Court, a parent or guardian of an accused child “may elect or refuse to testify for or against the accused child except that a parent or guardian who has received personal violence from the child may, upon the child’s trial for offenses arising from such personal violence, be compelled to testify in the same manner as any other witness.” Conn. Gen. Stat. § 46b-138a.

10

Who must sign a release of a minors’ personal information at an OVW-funded victim service provider? If the minor is permitted by law to receive services without a parent or guardian’s consent, the minor alone may consent to release their information. Releases generally must be signed by the victim unless the victim is a minor who doesn’t understand consent (because of age or other factors). In those cases, the parent or guardian should sign. If the victim understands consent, but lacks legal capacity to consent for services, the release must be signed by both the minor and a parent or guardian. Consent may not be given by the abuser of the minor or the abuser of the other parent of the minor. If a parent or guardian consents for a minor, the grantee or subgrantee should attempt to notify the minor as appropriate. 34 U.S.C. § 12291(b)(2)(B) and 28 C.F.R. § 90.4(3)(ii).

Endnotes

- 1 We do not guarantee that all relevant laws are included in the FAQs. The information provided is not legal advice and the Victim Rights Law Center is not establishing an attorney-client relationship with you through it. We recommend that you work with a local attorney to apply these laws to your circumstances. The American Bar Association Lawyer Referral Directory might help: https://www.americanbar.org/groups/legal_services/flh-home/flh-hire-a-lawyer/. Or contact your jurisdiction’s coalition or bar association.