



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2015 SESSION



Document Name: DCF 15-1 Minor Revisions to DCF Statutes.doc

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: Government Affairs

Agency Analyst/Drafter of Proposal: Josh Howroyd

Title of Proposal Technical and Minor Revisions to DCF Statutes

Statutory Reference §§ 17a-11 (d), 17a-28 (g), 17a-44, 17a-93 (13), 17a-106e, 17a-110b, 17a-114a

Proposal Summary

This proposal improves the effectiveness and efficiency of the Department of Children and Families by making minor changes to the statutes involving the department.

- Sections 1 through 4 delete obsolete references to "certified relatives" in §§ 17a-11(d), 17a-93, 17a-11b and 17a-114a. Section 24 of Public Act 12-1 (December Special Session) repealed the specific statutory authority of certified relative caregivers as the Department had stopped new placements of children with certified relatives over ten years ago because those placements did not qualify for federal Title IV-E reimbursement. Those certified relative caregivers in place at that time were "grandfathered," however, no such placements have existed for the past several years.
- Section 5 corrects an obsolete statutory reference to the Select Committee on Children.
- Section 6 corrects references to the Department's Family Assessment Response program.
- Sections 7 & 8 rename the "Adoption Resource Exchange" the "Permanency Resource Exchange."

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

This proposal makes a number of technical and minor changes to various DCF statutes. There are no significant policy implications regarding any of the proposed modifications.

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

Most of this proposal (§§ 1 - 6) was submitted by the Department as part of our legislative package during the 2013 session and became SB 43 - An Act Concerning Revisions to the Department of Children and Families Statutes. SB 43 was approved by the Children Committee, Human Services Committee and Judiciary Committee and passed the Senate. It died on the House Calendar. Provisions of last year's legislation that raised concerns (foster parent liens and repeal of two reporting requirements) are not included in this proposal. The only new provisions included in this proposal are two sections (§§ 7 & 8) which rename the "Adoption Resource Exchange" the "Permanency Resource Exchange."

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation):
No municipal fiscal impact.

State:
No state fiscal impact.

Federal:
No federal fiscal impact.

Additional notes on fiscal impact:

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

This proposal makes a number of technical and minor changes to various DCF statutes. There are no significant policy implications regarding any of the proposed modifications.

LANGUAGE

Technical and Minor Revisions to DCF Statutes

Section 1. Subsection (d) of section 17a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(d) (1) Ten months after admitting a child or youth on a voluntary basis and annually thereafter if the child or youth remains in the custody of the commissioner and remains placed in a foster home licensed pursuant to section 17a-114 or a facility licensed pursuant to section 17a-145, the commissioner shall file a motion for review of a permanency plan. A hearing on such motion shall be held not later than thirty days after the filing of such motion. The court shall provide notice to the child or youth and such child's or youth's parent or guardian of the time and place of the hearing on such motion not less than ten days prior to the date of such hearing.

(2) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The health and safety of the child or youth shall be of paramount concern in formulating such plan. At such hearing, the court shall consider among other things: (A) The appropriateness of the department's plan for service to the child or youth and his or her family; (B) the treatment and support services that have been offered and provided to the child or youth to strengthen and reunite the family; (C) if return home is not likely for the child or youth, the efforts that have been made or should be made to evaluate and plan for other modes of care; and (D) any further efforts ~~[which]~~ that have been or will be made to promote the best interests of the child or youth.

(3) The permanency plan pursuant to subdivision (2) of this subsection may include the goal of (A) placement of the child or youth with the parent or guardian, (B) transfer of guardianship, (C) long-term foster care with a relative licensed as a foster parent, ~~[or certified as a relative caregiver,]~~ (D) termination of parental rights and adoption, or (E) such other planned permanent living arrangement ordered by the court provided the commissioner has documented a compelling reason why it would not be in the best interest of the child or youth for the permanency plan to include the goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such other planned permanent living arrangement may include, but not be limited to, placement of a child or youth in an independent living program or long-term foster care with an identified foster parent.

(4) At a permanency hearing, the court shall review the status of the child or youth and the progress being made to implement the permanency plan, determine a timetable for attaining the permanency prescribed by the plan and determine whether the commissioner has made reasonable efforts to achieve the permanency plan. At the conclusion of the hearing, the court may: (A) Direct that the services being provided, or the placement of the child or youth and reunification efforts, be continued if the court, after hearing, determines that continuation of the child or youth in services or placement is in the child's or youth's best interests, or (B) direct that the child's or youth's services or placement be modified to reflect the child's or youth's best interest.

Sec. 2. Subdivision (13) of section 17a-93 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(13) "Foster family" means a person or persons, licensed ~~[or certified]~~ by the Department of Children and Families or approved by a licensed child-placing agency, for the care of a child or children in a private home;

Sec. 3. Subsection (c) of section 17a-111b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(c) If the court determines that such efforts are not required, the court shall, at such hearing or at a hearing held not later than thirty days after such determination, approve a permanency plan for such child. The plan may include (1) adoption and a requirement that the commissioner file a petition to terminate parental rights, (2) long-term foster care with a relative licensed as a foster parent, ~~[or certified as a relative caregiver,]~~ (3) transfer of guardianship, or (4) such other planned permanent living arrangement as may be ordered by the court, provided the commissioner has documented a compelling reason why it would not be in the best interests of the child for the permanency plan to include one of the options set forth in subdivisions (1) to (3), inclusive, of this subsection. The child's health and safety shall be of paramount concern in formulating such plan.

Sec. 4. Section 17a-114a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

A person licensed ~~[or certified]~~ pursuant to section 17a-114 shall be liable for any act or omission resulting in personal injury to a child placed in his care by the Commissioner of Children and Families to the same extent as a biological parent is liable for any act or omission resulting in personal injury to a biological child in his care.

Sec. 5. Subdivision (10) of subsection (g) of section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(10) The Governor, when requested in writing in the course of the Governor's official functions, the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly having cognizance of matters relating to human services, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary or the ~~[select]~~ joint standing committee of the General Assembly having cognizance of matters relating to children, when requested in writing in the course of said committee's official functions, and upon a majority vote of said committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;

Sec. 6. Section 17a-106e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) On and after October 1, 2013, the Department of Children and Families shall, within available appropriations, ensure that each child thirty-six months of age or younger who has been substantiated as a victim of abuse or neglect is screened for both developmental and social-emotional delays using validated assessment tools such as the Ages and Stages and the Ages and Stages-Social/Emotional Questionnaires, or their equivalents. The department shall ensure that such screenings are administered to any such child twice annually, unless such child has been found to be eligible for the birth-to-three program, established under section 17a-248b.

(2) On and after July 1, 2015, the department shall ensure that each child thirty-six months of age or younger who is being served through the department's ~~[differential]~~ family assessment response program, established under section 17a-101g, is screened for both developmental and social-emotional delays using validated assessment tools such as the Ages and Stages and the Ages and Stages-Social/Emotional Questionnaires, or their equivalents, unless such child has been found to be eligible for the birth-to-three program.

(b) The department shall refer any child exhibiting developmental or social-emotional delays pursuant to such screenings to the birth-to-three program. The department shall refer any child who is not found eligible for services under the birth-to-three program to the Help Me Grow prevention program of the Children's Trust Fund or a similar program [~~which~~] that the department deems appropriate.

(c) Not later than July 1, 2014, and annually thereafter, the department shall submit, in accordance with the provisions of section 11-4a, a report to the joint standing committee of the General Assembly having cognizance of matters relating to children for inclusion in the annual report card prepared pursuant to section 2-53m on the status of the screening and referral program authorized pursuant to subsection (a) of this section. Such report shall include: (1) The number of children thirty-six months of age or younger within the state who have been substantiated as victims of abuse or neglect within the preceding twelve months; (2) the number of children thirty-six months of age or younger within the state who have been served through the department's [~~differential~~] family assessment response program within the preceding twelve months; (3) the number of children who were screened for developmental and social-emotional delays pursuant to subsection (a) of this section by the department or by a provider contracted by the department within the preceding twelve months; (4) the number of children in subdivisions (1) and (2) of this subsection referred for evaluation under the birth-to-three program within the preceding twelve months, the number of such children actually evaluated under such program, the number of such children found eligible for services under such program and the services for which such children were found eligible under such program; and (5) the number of children described in subdivisions (1) and (2) of this subsection receiving evidence-based developmental support services through the birth-to-three program or through a provider contracted by the department within the preceding twelve months.

Sec. 7. Section 17a-44 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The photo-listing service shall quarterly check the status of photo-listed children for whom inquiries have been received. Periodic checks shall be made by such service to determine the progress toward adoption of such children and the status of those children registered but never photo-listed because of placement in a preadoptive or adoptive home prior to or at the time of registration.

(b) The commissioner shall refer appropriate children to national adoption or permanency exchanges when an adoptive family has not been identified within one hundred eighty days of the termination of the parental rights. The commissioner shall establish criteria by which a determination may be made that a referral to national exchanges is not necessary, and the commissioner shall monitor the status of those children not referred.

Sec. 8. Section 17a-110b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

The Commissioner of Children and Families shall, within available appropriations, establish an [~~adoption~~] permanency resource exchange in this state within the Department of Children and Families. The primary purpose of the exchange shall be to link children who are awaiting placement with permanent families by providing information and referral services and by the recruitment of potential adoptive families or families interested in pursuing guardianship opportunities. The department and each child-placing agency shall register any child who is free for adoption with such [~~adoption~~] permanency resource exchange.



STATE OF CONNECTICUT
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Lead agency division requesting this proposal: Government Affairs

Agency Analyst/Drafter of Proposal: Josh Howroyd

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Statutory Reference §§ 17a-11 (d), 17a-28 (g), 17a-44, 17a-93 (13), 17a-106e, 17a-110b, 17a-114a

Proposal Summary

This proposal improves the effectiveness and efficiency of the Department of Children and Families by making minor changes to the statutes involving the department.

- Sections 1 through 4 delete obsolete references to "certified relatives" in §§ 17a-11(d), 17a-93, 17a-11b and 17a-114a. Section 24 of Public Act 12-1 (December Special Session) repealed the specific statutory authority of certified relative caregivers as the Department had stopped new placements of children with certified relatives over ten years ago because those placements did not qualify for federal Title IV-E reimbursement. Those certified relative caregivers in place at that time were "grandfathered," however, no such placements have existed for the past several years.
- Section 5 corrects an obsolete statutory reference to the Select Committee on Children.
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Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
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- If this is a resubmission, please share:*
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 - (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
 - (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
 - (4) *What was the last action taken during the past legislative session?*

Most of this proposal (§§ 1 - 6) was submitted by the Department as part of our legislative package during the 2013 session and became SB 43 - An Act Concerning Revisions to the Department of Children and Families Statutes. SB 43 was approved by the Children Committee, Human Services Committee and Judiciary Committee and passed the Senate. It died on the House Calendar. Provisions of last year's legislation that raised concerns (foster parent liens and repeal of two reporting requirements) are not included in this proposal. The only new provisions included in this proposal are two sections (§§ 7 & 8) which rename the "Adoption Resource Exchange" the "Permanency Resource Exchange."

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

<p>Agency Name: Agency Contact (name, title, phone): Date Contacted:</p> <p>Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing</p>
<p>Summary of Affected Agency's Comments</p>
<p>Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>

Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

<p>Municipal (please include any municipal mandate that can be found within legislation): No municipal fiscal impact.</p>
<p>State: No state fiscal impact.</p>
<p>Federal: No federal fiscal impact.</p>
<p>Additional notes on fiscal impact:</p>

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

This proposal makes a number of technical and minor changes to various DCF statutes. There are no significant policy implications regarding any of the proposed modifications.

LANGUAGE

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Section 1. Subsection (d) of section 17a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(d) (1) Ten months after admitting a child or youth on a voluntary basis and annually thereafter if the child or youth remains in the custody of the commissioner and remains placed in a foster home licensed pursuant to section 17a-114 or a facility licensed pursuant to section 17a-145, the commissioner shall file a motion for review of a permanency plan. A hearing on such motion shall be held not later than thirty days after the filing of such motion. The court shall provide notice to the child or youth and such child's or youth's parent or guardian of the time and place of the hearing on such motion not less than ten days prior to the date of such hearing.

(2) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The health and safety of the child or youth shall be of paramount concern in formulating such plan. At such hearing, the court shall consider among other things: (A) The appropriateness of the department's plan for service to the child or youth and his or her family; (B) the treatment and support services that have been offered and provided to the child or youth to strengthen and reunite the family; (C) if return home is not likely for the child or youth, the efforts that have been made or should be made to evaluate and plan for other modes of care; and (D) any further efforts ~~[which]~~ that have been or will be made to promote the best interests of the child or youth.

(3) The permanency plan pursuant to subdivision (2) of this subsection may include the goal of (A) placement of the child or youth with the parent or guardian, (B) transfer of guardianship, (C) long-term foster care with a relative licensed as a foster parent, ~~[or certified as a relative caregiver,]~~ (D) termination of parental rights and adoption, or (E) such other planned permanent living arrangement ordered by the court provided the commissioner has documented a compelling reason why it would not be in the best interest of the child or youth for the permanency plan to include the goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such other planned permanent living arrangement may include, but not be limited to, placement of a child or youth in an independent living program or long-term foster care with an identified foster parent.

(4) At a permanency hearing, the court shall review the status of the child or youth and the progress being made to implement the permanency plan, determine a timetable for attaining the permanency prescribed by the plan and determine whether the commissioner has made reasonable efforts to achieve the permanency plan. At the conclusion of the hearing, the court may: (A) Direct that the services being provided, or the placement of the child or youth and reunification efforts, be continued if the court, after hearing, determines that continuation of the child or youth in services or placement is in the child's or youth's best interests, or (B) direct that the child's or youth's services or placement be modified to reflect the child's or youth's best interest.

Sec. 2. Subdivision (13) of section 17a-93 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(13) "Foster family" means a person or persons, licensed ~~[or certified]~~ by the Department of Children and Families or approved by a licensed child-placing agency, for the care of a child or children in a private home;

Sec. 3. Subsection (c) of section 17a-111b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(c) If the court determines that such efforts are not required, the court shall, at such hearing or at a hearing held not later than thirty days after such determination, approve a permanency plan for such child. The plan may include (1) adoption and a requirement that the commissioner file a petition to terminate parental rights, (2) long-term foster care with a relative licensed as a foster parent, ~~[or certified as a relative caregiver,]~~ (3) transfer of guardianship, or (4) such other planned permanent living arrangement as may be ordered by the court, provided the commissioner has documented a compelling reason why it would not be in the best interests of the child for the permanency plan to include one of the options set forth in subdivisions (1) to (3), inclusive, of this subsection. The child's health and safety shall be of paramount concern in formulating such plan.

Sec. 4. Section 17a-114a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

A person licensed ~~[or certified]~~ pursuant to section 17a-114 shall be liable for any act or omission resulting in personal injury to a child placed in his care by the Commissioner of Children and Families to the same extent as a biological parent is liable for any act or omission resulting in personal injury to a biological child in his care.

Sec. 5. Subdivision (10) of subsection (g) of section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(10) The Governor, when requested in writing in the course of the Governor's official functions, the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly having cognizance of matters relating to human services, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary or the ~~[select]~~ joint standing committee of the General Assembly having cognizance of matters relating to children, when requested in writing in the course of said committee's official functions, and upon a majority vote of said committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;

Sec. 6. Section 17a-106e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) On and after October 1, 2013, the Department of Children and Families shall, within available appropriations, ensure that each child thirty-six months of age or younger who has been substantiated as a victim of abuse or neglect is screened for both developmental and social-emotional delays using validated assessment tools such as the Ages and Stages and the Ages and Stages-Social/Emotional Questionnaires, or their equivalents. The department shall ensure that such screenings are administered to any such child twice annually, unless such child has been found to be eligible for the birth-to-three program, established under section 17a-248b.

(2) On and after July 1, 2015, the department shall ensure that each child thirty-six months of age or younger who is being served through the department's ~~[differential]~~ family assessment response program, established under section 17a-101g, is screened for both developmental and social-emotional delays using validated assessment tools such as the Ages and Stages and the Ages and Stages-Social/Emotional Questionnaires, or their equivalents, unless such child has been found to be eligible for the birth-to-three program.

(b) The department shall refer any child exhibiting developmental or social-emotional delays pursuant to such screenings to the birth-to-three program. The department shall refer any child who is not found eligible for services under the birth-to-three program to the Help Me Grow prevention program of the Children's Trust Fund or a similar program [~~which~~] that the department deems appropriate.

(c) Not later than July 1, 2014, and annually thereafter, the department shall submit, in accordance with the provisions of section 11-4a, a report to the joint standing committee of the General Assembly having cognizance of matters relating to children for inclusion in the annual report card prepared pursuant to section 2-53m on the status of the screening and referral program authorized pursuant to subsection (a) of this section. Such report shall include: (1) The number of children thirty-six months of age or younger within the state who have been substantiated as victims of abuse or neglect within the preceding twelve months; (2) the number of children thirty-six months of age or younger within the state who have been served through the department's [~~differential~~] family assessment response program within the preceding twelve months; (3) the number of children who were screened for developmental and social-emotional delays pursuant to subsection (a) of this section by the department or by a provider contracted by the department within the preceding twelve months; (4) the number of children in subdivisions (1) and (2) of this subsection referred for evaluation under the birth-to-three program within the preceding twelve months, the number of such children actually evaluated under such program, the number of such children found eligible for services under such program and the services for which such children were found eligible under such program; and (5) the number of children described in subdivisions (1) and (2) of this subsection receiving evidence-based developmental support services through the birth-to-three program or through a provider contracted by the department within the preceding twelve months.

Sec. 7. Section 17a-44 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The photo-listing service shall quarterly check the status of photo-listed children for whom inquiries have been received. Periodic checks shall be made by such service to determine the progress toward adoption of such children and the status of those children registered but never photo-listed because of placement in a preadoptive or adoptive home prior to or at the time of registration.

(b) The commissioner shall refer appropriate children to national adoption or permanency exchanges when an adoptive family has not been identified within one hundred eighty days of the termination of the parental rights. The commissioner shall establish criteria by which a determination may be made that a referral to national exchanges is not necessary, and the commissioner shall monitor the status of those children not referred.

Sec. 8. Section 17a-110b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

The Commissioner of Children and Families shall, within available appropriations, establish an [~~adoption~~] permanency resource exchange in this state within the Department of Children and Families. The primary purpose of the exchange shall be to link children who are awaiting placement with permanent families by providing information and referral services and by the recruitment of potential adoptive families or families interested in pursuing guardianship opportunities. The department and each child-placing agency shall register any child who is free for adoption with such [~~adoption~~] permanency resource exchange.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2015 SESSION



Document Name: DCF 15-3 Reporting of Suspected Child Abuse

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: DCF Legal

Agency Analyst/Drafter of Proposal: Barbara Claire

Title of Proposal Reporting of Suspected Child Abuse by Persons Who Are Directors, Officers or Employees of Nonprofit Corporations

Statutory Reference §§ 17a-101, 17a-101a, 17a-101b, 17a-101c, 17a-101o,

Proposal Summary

To require any director, officer or employee of a nonprofit corporation to report any act of suspected child abuse or neglect committed by any person acting on behalf of such corporation.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

This proposal addresses a significant omission in the implementation of mandated reporting laws to protect children--the organizational liability for Connecticut-based entities for the failure to report known instances of child abuse or neglect, including the sexual exploitation of children. The Department believes that it is necessary to close this significant gap in our reporting laws. We must hold organizations that operate in Connecticut, that raise money in Connecticut accountable for the failure to report acts of abuse or neglect when they have knowledge that children are being harmed.

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

While this is a new submission from DCF, it is based on 2014 SB 492 - *An Act Concerning the Reporting of Suspected Child Abuse by Persons Who Are Directors, Officers or Employees of Nonprofit Corporations*. This legislation was favorably reported by both the Judiciary Committee and the Human Services Committee, but died of inaction when the Senate referred the bill to the Appropriations Committee.

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation):

No municipal fiscal impact.

State:

No state fiscal impact.

Federal:

No federal fiscal impact.

Additional notes on fiscal impact:

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

This proposal addresses the reporting responsibilities of non-profit employees, officers and board members regarding the abuse or neglect of a child.

LANGUAGE

AN ACT CONCERNING THE REPORTING OF SUSPECTED CHILD ABUSE BY PERSONS WHO ARE DIRECTORS, OFFICERS OR EMPLOYEES OF NONPROFIT CORPORATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (c) of section 17a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(c) The Commissioner of Children and Families shall develop an educational training program and refresher training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program and refresher training program shall be made available to all persons mandated to report child abuse and neglect at various times and locations throughout the state as determined by the Commissioner of Children and Families. [Such training program may be made available to the persons described in subsection \(b\) of section 17a-101a, as amended by this act.](#) Such training program shall be provided to all new school employees, as defined in section 53a-65, within available appropriations.

Sec. 2. Section 17a-101a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Any mandated reporter, as defined in section 17a-101, [as amended by this act](#), 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 (1) has been abused or neglected, as defined in section 46b-120, (2) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (3) is placed at imminent risk of serious harm, shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive, [as amended by this act](#).

[\(b\) Any director, officer or employee of a nonprofit corporation, as described in section 33-1002, that is incorporated or operates in this state, who has reasonable cause to suspect or believe that any child under the age of eighteen years \(1\) has been abused or neglected, as defined in section 46b-120, \(2\) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or \(3\) is placed at imminent risk of serious harm, by a person acting on behalf of the nonprofit corporation, shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive, as amended by this act.](#)

~~(b)~~ (c) Any person required to report under the provisions of this section who fails to make such report or fails to make such report within the time period prescribed in sections 17a-101b to 17a-101d, inclusive, [as amended by this act](#), and section 17a-103 shall be guilty of a class A misdemeanor and shall be required to participate in an educational and training program. The program may be provided by one or more private organizations approved by the commissioner, provided the entire cost of the program shall be paid from fees charged to the participants, the amount of which shall be subject to the approval of the commissioner.

~~(c)~~ (d) The Commissioner of Children and Families, or the commissioner's designee, shall promptly notify the Chief State's Attorney when there is reason to believe that any such person has failed to make a report in accordance with this section.

Sec. 3. Section 17a-101b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) An oral report shall be made by a mandated reporter [or any person described in subsection \(b\) of section 17a-101a, as amended by this act](#), as soon as practicable but not later than twelve hours after ~~the~~ a mandated reporter [or such person](#) has reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm, by telephone or in person to the Commissioner of Children and Families or a law enforcement agency. If a law enforcement agency receives an oral report, it shall immediately notify the Commissioner of Children and Families.

(b) If the commissioner or the commissioner's designee suspects or knows that [a mandated reporter or such person](#) has knowingly made a false report, the identity of [the mandated reporter or such person](#) shall be disclosed to the appropriate law enforcement agency and to the perpetrator of the alleged abuse.

(c) If the Commissioner of Children and Families, or the commissioner's designee, receives a report alleging sexual abuse or serious physical abuse, including, but not limited to, a report that: (1) A child has died; (2) a child has been sexually assaulted; (3) a child has suffered brain damage or loss or serious impairment of a bodily function or organ; (4) a child has been sexually exploited; or (5) a child has suffered serious nonaccidental physical injury, the commissioner shall, within twelve hours of receipt of such report, notify the appropriate law enforcement agency.

(d) Whenever a mandated reporter, as defined in section 17a-101, [as amended by this act, or a person described in subsection \(b\) of section 17a-101a, as amended by this act](#), has reasonable cause to suspect or believe that any child has been abused or neglected by a member of the staff of a public or private institution or facility that provides care for such child or a public or private school, the mandated reporter [or such person](#) shall report as required in subsection (a) of this section. The Commissioner of Children and Families or the commissioner's designee shall notify the principal, headmaster, executive director or other person in charge of such institution, facility or school, or the person's designee, unless such person is the alleged perpetrator of the abuse or neglect of such child. In the case of a public school, the commissioner shall also notify the person's employing superintendent. ~~Such~~ [The](#) person in charge, or such person's designee, shall then immediately notify the child's parent or other person responsible for the child's care that a report has been made.

Sec. 4. Section 17a-101c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Not later than forty-eight hours after making an oral report, a mandated reporter [or a person described in subsection \(b\) of section 17a-101a, as amended by this act](#), shall submit a written report to the Commissioner of Children and Families or the commissioner's designee. When a mandated reporter [or a person described in subsection \(b\) of section 17a-101a, as amended by this act](#), 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 [mandated](#) reporter [or such person](#) 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. In the case of a report concerning a school employee holding a certificate, authorization or permit issued by the State Board of Education under the provisions of sections 10-144o to 10-146b, inclusive, and 10-149, a copy of the written report shall also be sent by the Commissioner of Children and Families or the commissioner's designee to the Commissioner of Education or the commissioner's designee. In the case of an employee of a facility or institution that provides care for a child which is licensed by the state, a copy of the written report shall also be sent by the Commissioner of Children and Families to the executive head of the state licensing agency.

Sec. 5. Section 17a-101o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) If the Commissioner of Children and Families suspects or knows that a mandated reporter, as defined in section 17a-101, [as amended by this act](#), employed by a local or regional board of education, [or a person described in subsection \(b\) of section 17a-101a, as amended by this act](#), has failed to make a report that a child has been abused or neglected or placed in immediate risk of serious harm within the time period prescribed in sections 17a-101a to 17a-101d, inclusive, [as amended by this act](#), and section 17a-103, the commissioner shall make a record of such delay and develop and maintain a database of such records. The commissioner shall investigate such delayed reporting. Such investigation shall be conducted in accordance with the policy developed in subsection (b) of this section, and include the actions taken by the [\(1\)](#) employing local or regional board of education or superintendent of schools for the district in response to such employee's failure to report, [or \(2\) nonprofit corporation in response to a failure to report by a person described in subsection \(b\) of section 17a-101a, as amended by this act.](#)

(b) The Department of Children and Families shall develop a policy for the investigation of delayed reports by mandated reporters [or persons described in subsection \(b\) of section 17a-101a, as amended by this act](#). Such policy shall include, but not be limited to, when referrals to the appropriate law enforcement agency for delayed reporting are required and when the department shall require mandated reporters [and such persons](#) who have been found to have delayed making a report to participate in the educational and training program pursuant to subsection ~~[(b)]~~ [\(c\)](#) of section 17a-101a, [as amended by this act](#).

Statement of Purpose: Require any director, officer or employee of a nonprofit corporation to report any act of suspected child abuse or neglect committed by any person acting on behalf of such corporation.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2015 SESSION



Document Name: DCF 15-4 Children’s BH Services

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: Clinical and Community Consultation and Support Team

Agency Analyst/Drafter of Proposal: Kristina Stevens

Title of Proposal Behavioral Health Services for Children and Youth

Statutory Reference §§ 17a-77, 17a-79, 17a-82, 38a-498, 38a-525

Proposal Summary
 This proposal inserts the requirements of the existing emergency mobile psychiatric services (EMPS) program into statute and permit EMPS services to be provided to young adults age 21 and younger, within available appropriations. It also addresses transportation to behavioral health assessment centers and requires that insurance policies cover the transportation by ambulance of children in need of emergency behavioral health services directly to a behavioral health assessment centers rather than requiring transportation to a hospital.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Insurance Department

Agency Contact (name, title, phone): Jim Perras

Date Contacted: December 15, 2014

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation):

No municipal fiscal impact.

State:

Permitting the extension of EMPS services to young adults age 21 or younger may result in cost-effective behavioral health interventions as opposed to costly visits to hospital emergency departments. Allowing ambulances to transport children and youth to behavioral health assessment centers rather than hospitals will also provide more cost-effective service delivery and will result in less trauma to children.

Federal:

No federal fiscal impact.

Additional notes on fiscal impact:

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

Section 1 – Permitting expansion of EMPS services to age 21.

Sections 2 – 6 address ambulance transportation for children and youth in need of behavioral health assessment.

LANGUAGE

AN ACT CONCERNING BEHAVIORAL HEALTH SERVICES FOR CHILDREN AND YOUTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

[Section 1. \(NEW\) \(October1, 2015\) \(a\) For purposes of this section: "emergency mobile psychiatric services" means emergency services including mobile response; psychiatric assessment; medication consultation, assessment, and short-term medication management; behavioral management services; substance abuse screening and referral to traditional and non-traditional services for any family with a](#)

child or youth that is in crisis. Such services may be extended, within available appropriations to young adults age twenty-one or younger.

(b) Emergency mobile psychiatric services shall deliver a range of crisis response and crisis stabilization services to children, youth, young adults, their families and caregivers including children residing in relative, adoptive and foster care homes. For children, youth and young adults currently involved in clinical treatment, the emergency mobile psychiatric services first assesses the capability of that clinical service to handle the intervention. The emergency mobile psychiatric services provider is responsible for assuring that the client receives appropriate care during the crisis period. The target population is any child, youth or young adult in crisis including any HUSKY A or B or voluntary services program enrollee and any other child, youth or young adult in their designated towns. The emergency mobile psychiatric services service will be available across child welfare, juvenile justice, prevention and behavioral health systems.

(c) Statewide emergency mobile psychiatric services providers have a centralized, toll-free phone number to serve as a point of entry and to provide person-to-person assistance and connection to crisis services. The centralized number is accessible twenty-four hours per day, seven days per week. In the event of a psychiatric emergency, a trained screener will facilitate direct contact with a licensed emergency mobile psychiatric services staff member or other emergency service as necessary. When clinically appropriate, and following risk and decision making protocols, the emergency mobile psychiatric services will dispatch a mobile team to the point of the crisis.

Sec. 2. Subsection (c) of section 17a-77 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(c) If the child refuses to be examined by the court appointed physicians as herein provided, the court may issue a warrant for the apprehension of the child and a police officer for the town in which such court is located or if there is no such police officer then the state police shall deliver the child to a general hospital where he shall be examined by two physicians one of whom shall be a psychiatrist, in accordance with subsection (b) of this section. If, as a result of such examination, the child is committed under subsection (e) of this section, transportation of the child to any such hospital or behavioral health assessment center qualified to treat the illness shall be in accordance with said subsection (e). If the child is not committed under subsection (e) of this section, he shall be released and the reports of such physicians shall be sent to the Court of Probate to satisfy the requirement of examination of two physicians under subsection (b) of this section.

Sec. 3. Subsection (a) of section 17a-79 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Except as provided in subsection (b) of this section, any hospital or behavioral health assessment center qualified to treat the illness may admit any child for diagnosis or treatment of a mental disorder upon the written request of the child's parent. A child fourteen years of age or over may be admitted under this section without consent of his or her parents if such child consents in writing, provided that the parents of such child, if any, shall be notified within five days of such admission that such child has been hospitalized under the provisions of this subsection. If the whereabouts of such parents are unknown, then such child's nearest relative shall be so notified. In the event that a child's parent or guardian requests in writing release of such child, or in the event a child age fourteen or older who has been admitted with his or her written consent requests in writing his or her release, the hospital shall release such child or commence commitment proceedings in accordance with sections 17a-76 and 17a-

77 and the hospital may detain the child for five business days, in order to allow an application to be filed. In the event such an application is filed, such hospitalization shall be continued for an additional period of time to allow such application to be heard, but in no event shall such hospitalization continue for more than fifteen days, or twenty-five days, if the matter has been transferred to the Superior Court, beyond the receipt of such application by the court.

Sec. 4. Subsection (c) of section 17a-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(c) The expenses of medically necessary transportation from any state facility or hospital to any other state facility, ~~or~~ hospital [or behavioral health assessment center qualified to treat the illness](#) shall be assumed by the state facility, ~~or~~ hospital [or behavioral health assessment center qualified to treat the illness](#) which initiated the transfer of such child.

Sec. 5. Subsection (a) of section 38a-498 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Each individual health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (6), (10), (11) and (12) of section 38a-469 delivered, issued for delivery, renewed, amended or continued in this state shall provide coverage for medically necessary ambulance services for persons covered by the policy. The hospital policy shall be primary if a person is covered under more than one policy. The policy shall, as a minimum requirement, cover such services whenever any person covered by the contract is transported when medically necessary by ambulance to a hospital [or, in the case of a person age twenty-one or younger in need of behavioral health services, to the nearest behavioral health assessment center qualified to treat the illness](#). Such benefits shall be subject to any policy provision which applies to other services covered by such policies. Notwithstanding any other provision of this section, such policies shall not be required to provide benefits in excess of the maximum allowable rate established by the Department of Public Health in accordance with section 19a-177.

Sec 6. Subsection (a) of section 38a-525 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Each group health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (6), (11) and (12) of section 38a-469 delivered, issued for delivery, renewed, amended or continued in this state shall provide coverage for medically necessary ambulance services for persons covered by the policy. The hospital policy shall be primary if a person is covered under more than one policy. The policy shall, as a minimum requirement, cover such services whenever any person covered by the contract is transported when medically necessary by ambulance to a hospital [or, in the case of a person age twenty-one or younger in need of behavioral health services, to the nearest behavioral health assessment center qualified to treat the illness](#). Such benefits shall be subject to any policy provision which applies to other services covered by such policies. Notwithstanding any other provision of this section, such policies shall not be required to provide benefits in excess of the maximum allowable rate established by the Department of Public Health in accordance with section 19a-177.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2015 SESSION



Document Name: DCF 15-5 Voluntary Services

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: DCF Legal

Agency Analyst/Drafter of Proposal: Barbara Claire

Title of Proposal DCF Voluntary Services

Statutory Reference § 17a-11

Proposal Summary

To outline Probate Court responsibility in DCF voluntary services cases.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

This proposal was developed jointly by DCF and the Probate Court Administration to specify the role of Probate Courts in DCF voluntary services cases.

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Probate Court Administration
Agency Contact (name, title, phone): Vin Russo, Legislative Program Manager, (860) 231-2442 ext 332
Date Contacted: 12/15/2014

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

DCF and the Probate Court Administration have jointly developed this proposal.

Will there need to be further negotiation? YES NO

Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation):

No municipal fiscal impact.

State:

No state fiscal impact.

Federal:

No federal fiscal impact.

Additional notes on fiscal impact:

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

LANGUAGE

AN ACT CONCERNING DCF VOLUNTARY SERVICES

Section 1. Section 17a-11 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The commissioner may, in the commissioner's discretion, admit to the department on a voluntary basis any child or youth who, in the commissioner's opinion, could benefit from any of the services offered or administered by, or under contract with, or otherwise available to, the department. Application for voluntary admission shall be made in writing by the parent or guardian of a child under fourteen years of age or by such person himself or herself if he or she

is a child fourteen years of age or older or a youth. The fact that a parent has applied for services or received services for his or her child through voluntary admission shall not be used against the parent (1) in any investigation conducted by the department in accordance with section 17a-101g, (2) when making placement decisions for the child, (3) when making foster care licensing determinations in accordance with section 17a-114, or (4) in any court proceeding related to the placement of a minor relative of the parent.

(b) A child or youth voluntarily admitted to the department shall be deemed to be within the care of the commissioner until such admission is terminated. The commissioner shall terminate the admission of any child or youth voluntarily admitted to the department within ten days after receipt of a written request for termination from a parent or guardian of any child under fourteen years of age or from a child if such child is fourteen years of age or older, or youth, unless prior to the expiration of that time the commissioner has sought and received from the Superior Court an order of temporary custody as provided by law. Except as provided in subsection (i) of this section, [The] the commissioner may terminate the admission of any child or youth voluntarily admitted to the department after giving reasonable notice in writing to the parent or guardian of any child [under fourteen years of age] or youth and to a child fourteen years of age or older, [and to any] or youth. If the commissioner has previously filed a petition with the Probate Court under subsection (c) of this section, the commissioner shall give notice to the court. Any child or youth admitted voluntarily to the department may be placed in, or transferred to, any resource, facility or institution within the department or available to the commissioner except the Connecticut Juvenile Training School, provided the commissioner shall give written notice to such child or youth and to the parent or guardian of the child of the commissioner's intention to make a transfer at least ten days prior to any actual transfer, unless written notice is waived by those entitled to receive it, or unless an emergency commitment of such child or youth is made pursuant to section 17a-502. Any child or youth admitted voluntarily to the department may be transferred to the supervision of the Department of Mental Health and Addiction Services or the Department of Developmental Services, in collaboration with the commissioner of the department to which the child is transferred. The commissioner shall give written notice of the commissioner's intention to make a transfer at least ten days prior to any actual transfer to a child if fourteen years of age or older or youth, and to the parent or guardian of the child or youth. If the department has previously filed a petition with the Probate Court under subsection (c) of this section, the commissioner shall give notice to the court. The commissioner may continue to provide services to the child or youth in conjunction with the department to which the child or youth has been transferred or may terminate the voluntary services if, in the commissioner's discretion, the department to which the child or youth has been transferred can provide adequate services. The commissioner shall give written notice of the commissioner's intention to terminate services following transfer to another department to a child if fourteen years of age or older or youth, and to the parent or guardian of the child or youth. If the department has previously filed a petition with the Probate Court under subsection (c) of this section, the commissioner shall give notice to the court.

(c) Not more than one hundred twenty days after admitting a child or youth on a voluntary basis, the ~~[department]~~ Commissioner of Children and Families shall petition the probate court for the district in which a parent or guardian of the child or youth resides for a determination as

to whether continuation in care is in the child's or youth's best interest and, if so, whether there is an appropriate case service or permanency plan. A case service plan shall be required for all children and youths receiving services voluntarily from the department who are not in an out-of-home placement. A permanency plan shall be required for all children and youths voluntarily admitted to the department and placed by the department in a foster home licensed pursuant to section 17a-114 or a licensed facility licensed pursuant to section 17a-145. Upon receipt of such application, the court shall set a time and place for hearing to be held within thirty days of receipt of the application, unless continued by the court for cause shown. The court shall order notice of the hearing to be given by first class mail at least five days prior to the hearing to the Commissioner of Children and Families, and by first class mail at least five days prior to the hearing to the parents or guardian of the child or youth, and ~~[the minor, if over twelve]~~ a child fourteen years of age or older or youth. If the whereabouts of the parent or guardian are unknown, or if delivery cannot reasonably be effected, then notice shall be ordered to be given by publication. In making its determination as to whether there is an appropriate permanency plan for a child or youth who is placed in a foster home or licensed facility, the court shall consider the items specified in subsection ~~[(d)]~~ (e) of this section. In making its determination as to whether there is an appropriate case service plan for a child or youth who is not in an out-of-home placement, the court shall consider the items specified in subsection (f) of this section. The court shall possess continuing jurisdiction in proceedings under this section.

(d) (1) Ten months after admitting a child or youth on a voluntary basis and annually thereafter if the child or youth remains in the custody of the commissioner and remains placed in a foster home licensed pursuant to section 17a-114 or a licensed facility licensed pursuant to section 17a-145 the commissioner shall file a motion for review of a permanency plan. A hearing on such motion shall be held not later than thirty days after the filing of such motion. The court shall provide notice ~~[to the child or youth and such child's or youth's parent or guardian of the time and place of the hearing on such motion not less than ten days prior to the date of such hearing]~~ of the time and place of the hearing on such motion not later than ten days prior to the date of such hearing to the Commissioner of Children and Families, the parents or guardian of the child or youth and to a child fourteen years of age or older or youth. In making its determination as to whether there is an appropriate permanency plan, the court shall consider the items specified in subsection (e) of this section.

(2) If the child or youth is not in an out-of-home placement, the commissioner shall not be required to file periodic motions for review of the case service plan, provided, however, that the court shall conduct a hearing to review the case service plan on motion of the commissioner, the parents or guardian of the child or youth or a child fourteen years of age or older or youth. The court may conduct a hearing on its own motion to review the case service plan for a child or youth who is not in an out-of-home placement if the court determines that imminent concerns regarding the health and safety of the child or youth require a hearing. The court shall provide notice of the time and place of the hearing on such motion not later than ten days prior to the date of such hearing to the Commissioner of Children and Families, the parents or guardian of the child or youth and to a child fourteen years of age or older or youth. In making its determination as to whether there is an appropriate case service plan, the court shall consider the items specified in subsection (f) of this section.

(e)(1) At a [permanency] hearing to review a permanency plan for a child or youth who is placed in a foster home or licensed facility ~~[held in accordance with the provisions of subdivision (1) of this subsection]~~, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The health and safety of the child or youth shall be of paramount concern in formulating such plan. At such hearing, the court shall consider among other things: (A) The appropriateness of the department's plan for service to the child or youth and his or her family; (B) the treatment and support services that have been offered and provided to the child or youth to strengthen and reunite the family; (C) if return home is not likely for the child or youth, the efforts that have been made or should be made to evaluate and plan for other modes of care; and (D) any further efforts which have been or will be made to promote the best interests of the child or youth.

~~(3)~~ (2) The permanency plan ~~[pursuant to subdivision (2) of this subsection]~~ may include the goal of (A) placement of the child or youth with the parent or guardian, (B) transfer of guardianship, (C) long-term foster care with a relative licensed as a foster parent or certified as a relative caregiver, (D) termination of parental rights and adoption, or (E) such other planned permanent living arrangement ordered by the court provided the commissioner has documented a compelling reason why it would not be in the best interest of the child or youth for the permanency plan to include the goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such other planned permanent living arrangement may include, but not be limited to, placement of a child or youth in an independent living program or long-term foster care with an identified foster parent.

~~(4)~~ (3) At a [permanency] hearing on a motion to review a permanency plan, the court shall review the status of the child or youth and the progress being made to implement the permanency plan, determine a timetable for attaining the permanency prescribed by the plan and determine whether the commissioner has made reasonable efforts to achieve the permanency plan. At the conclusion of the hearing, the court may: (A) Direct that the services being provided, or the placement of the child or youth and reunification efforts, be continued if the court, after hearing, determines that continuation of the child or youth in services or placement is in the child's or youth's best interests, or (B) direct that the child's or youth's services or placement be modified to reflect the child's or youth's best interest.

(f) At a hearing on a motion to review a case service plan for a child or youth who is not in an out-of-home placement, the court shall approve a case service plan that is in the best interests of the child or youth. The health and safety of the child or youth shall be of paramount concern in formulating such plan. At such hearing, the court shall consider among other things: (A) The appropriateness of the department's plan for service to the child or youth and his or her family; (B) the treatment and support services that have been offered and provided to the child or youth to strengthen the family; and (C) any further efforts which have been or will be made to promote the best interests of the child or youth. At the conclusion of the hearing, the court may: (A) Direct that the services being provided be continued if the court, after hearing, determines that continuation of the child or youth in services is in the child's or youth's best interests, or (B) direct that the child's or youth's services be modified to reflect the child's or youth's best interest.

~~(e)~~ (g) The commissioner shall adopt regulations in accordance with chapter 54 ~~[describing the documentation required for]~~ concerning applications for voluntary admission, the grant or denial of services, ~~[and for]~~ informal administrative case review, ~~[upon request, of any denial of an application for voluntary admission]~~ and termination of voluntary services.

~~(f)~~ (h) Any person aggrieved by a decision of the commissioner denying voluntary services may appeal such decision through an administrative hearing held pursuant to chapter 54.

(i) Any parent or guardian or child fourteen years of age or older or youth who is aggrieved by a decision of the commissioner terminating voluntary services may request an administrative hearing in accordance with regulations adopted by the commissioner pursuant to chapter 54. In the alternative, the parent or guardian or child age fourteen or older or youth may request a hearing before the Probate Court. If the court finds that the decision to terminate services was made in accordance with the applicable regulations adopted by the commissioner, the court shall uphold the decision. If the court finds that the decision to terminate services was not made in accordance with the applicable regulations, the court may order the continuation of services and specify a time for the presentation of a new permanency plan or case service plan.

~~(g)~~ (j) Notwithstanding any provision of sections 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive, any person already under the care and supervision of the Commissioner of Children and Families who has passed such person's eighteenth birthday but has not yet reached such person's twenty-first birthday may be permitted to remain voluntarily under the supervision of the commissioner, provided the commissioner, in the commissioner's discretion, determines that such person would benefit from further care and support from the Department of Children and Families. Any person remaining voluntarily under the supervision of the commissioner pursuant to this subsection shall be entitled to a written plan for care and treatment, and review of such plan, in accordance with section 17a-15.

~~(h)~~ (k) Upon motion of any interested party in a Probate Court proceeding under this section, the probate court of record may transfer the file for cause shown to a probate court for a district other than the district in which the initial or permanency hearing was held. The file shall be transferred by the probate court of record making copies of all recorded documents in the court file, certifying each of them, and delivering the certified copies to the probate court to which the matter is transferred.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2015 SESSION



Document Name: DCF 15-6 Human Trafficking of Minors

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Children and Families
Liaison: Josh Howroyd
Phone: 860-550-6329
E-mail: Josh.Howroyd@ct.gov
Lead agency division requesting this proposal: DCF Government Affairs
Agency Analyst/Drafter of Proposal: Josh Howroyd

Title of Proposal Human Trafficking of Minors
Statutory Reference § 19a-112b, § 46a-170, § 46b-146, § 52-570d(a), § 53a-82(a), § 53a-83, § 53a-90a, § 53a-83(c), § 53a-90a, § 53a-90a, § 53a-192a, § 53a-192a, § 53a-192a, § 53a-196d(a), 53a-196e(a), § 53a-196f(a), § 54-41b, § 54-208(c), § 54-211, § 54-250(2)(A), § 54-250(2)(A)
Proposal Summary
 This proposal strengthens a number of criminal penalties related to the prosecution of crimes related to sex trafficking of minors.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

This proposal seeks to implement a number of recommendations from an annual report card regarding domestic minor sex trafficking produced by Shared Hope International. The organization found that “Connecticut’s human trafficking law requires the use of force, fraud, or coercion, even when committed against a minor. Buyer laws have weak penalties, unlikely to seriously deter demand. Advances in victim protection through immunity and presumptions need statutory wrap-around protective provisions to respond appropriately to the child victims of sex trafficking.” A link to the report card can be found at http://sharedhope.org/PICframe4/reportcards/PIC_RC_2014_CT.pdf
 A link to an analysis of existing Connecticut law and specific recommendations for statutory changes can be found at http://sharedhope.org/PICframe4/analysis/PIC_AR_2014_CT.pdf

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Office of the Chief State's Attorney

Agency Contact (name, title, phone): Wil Blanchette, Legislative Liaison, (860) 214-9301

Date Contacted: December 15, 2014

Approve of Proposal ___ YES ___ NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES ___ NO

Agency Name: Judicial Branch

Agency Contact (name, title, phone): Stephen Ment, Dir., External Affairs, (860) 757-2270

Date Contacted: December 15, 2014

Approve of Proposal ___ YES ___ NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES ___ NO

Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation):
No municipal fiscal impact.

State:
No state fiscal impact.

Federal:
No federal fiscal impact.

Additional notes on fiscal impact:

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

This proposal builds upon recent legislation enacted in Connecticut to raise awareness and strengthen laws related to domestic minor sex trafficking.

LANGUAGE

AN ACT CONCERNING HUMAN TRAFFICKING OF MINORS.

Language to be drafted to include:

- Enact a law that prohibits selling or offering to sell travel services in Connecticut that include or facilitate travel for the purpose of engaging in commercial sexual exploitation of a minor or prostitution of a minor. (*Shared Hope International Recommendation 4.3.1.*)
- Enact a statute that expressly prohibits a consent defense to any commercial sex act against a minor under the age of 18. (*Shared Hope International Recommendation 5.2.1.*)
- Enact a law expressly permitting the use of a law enforcement decoy during the investigation or prohibiting a defense to prosecution based on the “minor” being in fact a person posing as a minor for purposes of the investigation of a violation under Conn. Gen. Stat. § 53a-192a (Trafficking in persons) and CSEC laws. (*Shared Hope International Recommendation 6.4.1.*)
- Amend Conn. Gen. Stat. § 19a-112b (Services to victims of sexual acts) to include Conn. Gen. Stat. § 53a-192a (Trafficking in persons) and other CSEC offenses. (*Shared Hope International Recommendation 5.1.1.*)
- Amend Conn. Gen. Stat. § 46a-170 (Trafficking in Persons Council. Membership. Duties. Reports) to expressly include CSEC and other child trafficking victims. (*Shared Hope International Recommendation 5.1.2.*)
- Amend Conn. Gen. Stat. § 46b-146 (Erasure of police and court records) to permit a minor who has incurred a criminal record as a result of being trafficked to expunge the records immediately or, at latest, upon turning 18 years of age. (*Shared Hope International Recommendation 5.9.1.*)
- Amend Conn. Gen. Stat. § 52-570d(a) (Action for illegal recording of private telephonic communications) to create an exception that allows for single-party consent to audio-taping if the offense being investigated is a trafficking in persons offense under Conn. Gen. Stat. § 53a-192a or a CSEC offense. (*Shared Hope International Recommendation 6.2.1.*)
- Amend Conn. Gen. Stat. § 53a-82(a) (Prostitution) to make prostitution an offense that is inapplicable to all minors under the age of 18. (*Shared Hope International Recommendation 5.3.1.*)
- Amend Conn. Gen. Stat. § 53a-83 (Patronizing a prostitute) and § 53a-90a (Enticing a minor. Penalties) to establish penalties comparable with federal penalties for all offenses involving a minor under 18. (*Shared Hope International Recommendation 2.4.1.*)
- Amend Conn. Gen. Stat. § 53a-83(c) (Patronizing a prostitute) to remove the knowledge requirement and expressly prohibit a mistake of age defense. (*Shared Hope International Recommendation 2.6.1.*)
- Amend Conn. Gen. Stat. § 53a-90a (Enticing a minor. Penalties) to expressly prohibit a mistake of age defense. (*Shared Hope International Recommendation 2.6.2.*)

- Amend Conn. Gen. Stat. § 53a-90a (Enticing a minor) to expressly allow for an undercover officer to investigate buyers or traffickers using the internet without regard to whether the defendant merely believed the investigator to be a minor. (*Shared Hope International Recommendation 6.5.1.*)
- Amend Conn. Gen. Stat. § 53a-192a (Trafficking in persons) to eliminate the requirement of proving use of force or threat of use of force, fraud, or coercion in the sex trafficking of a minor under the age of 18 (*Shared Hope International Recommendation 1.1.1.*)
- Amend Conn. Gen. Stat. § 53a-192a (Trafficking in persons) to make the statute applicable to the actions of buyers of commercial sex with minors. (*Shared Hope International Recommendation 2.1.1.*)
- Amend Conn. Gen. Stat. § 53a-192a (Trafficking in persons) to include those who have knowingly assisted, enabled, or financially benefited from domestic minor sex trafficking. (*Shared Hope International Recommendation 4.1.1.*)
- Amend Conn. Gen. Stat. § 53a-196d(a) (Possessing child pornography in the first degree), Conn. Gen. Stat. § 53a-196e(a) (Possessing child pornography in the second degree), and Conn. Gen. Stat. § 53a-196f(a) (Possessing child pornography in the third degree) to enhance the penalties for these offenses and align them closer to federal penalties. (*Shared Hope International Recommendation 2.9.1.*)
- Amend Conn. Gen. Stat. § 54-41b (Application for order authorizing interception to include Conn. Gen. Stat 53a-192a (Trafficking in persons), § 53a-86(a) (Promoting prostitution in the first degree), § 53a-70c (Aggravated sexual assault of a minor), § 53a-90a(a) (Enticing a minor. Penalties), and § 53a-196a (Employing a minor in an obscene performance) as crimes for which wiretapping can be authorized. (*Shared Hope International Recommendation 6.3.1.*)
- Amend Conn. Gen. Stat. § 54-211 (Time limitation on filing application for compensation. Restrictions on award of compensation. Amount of compensation) and § 54-208(c) (Order of payment compensation) to make an exception from the listed ineligibility factors for commercially sexually exploited minors under the age of 18. (*Shared Hope International Recommendation 5.7.1.*)
- Amend Conn. Gen. Stat. § 54-250(2)(A) (Definitions) to include Conn. Gen. Stat. § 53a-83(c) (Patronizing a prostitute) and Conn. Gen. Stat. § 53a-83a (Patronizing a prostitute from a motor vehicle), if the person patronized is under the age of 18, as offenses that qualify as a “criminal offense against a victim who is a minor” and require registration. (*Shared Hope International Recommendation 2.10.1.*)
- Amend Conn. Gen. Stat. § 54-250(2)(A) (Definitions) to include Conn. Gen. Stat. § 53-192a (Trafficking in persons), if the person trafficked is under the age of 18, as an offense that qualifies as a “criminal offense against a victim who is a minor.” (*Shared Hope International Recommendation 3.5.1.*)



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2015 SESSION



Document Name: DCF 15-7 Juvenile Justice Risk and Needs Assessment

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: DCF Government Affairs

Agency Analyst/Drafter of Proposal: Josh Howroyd

Title of Proposal Juvenile Justice Risk and Needs Assessment

Statutory Reference § 46b-140(j)

Proposal Summary

To amend subsection (j) of section 46b-140 regarding risk and needs assessments for juvenile offenders to include its applicability to girls in the juvenile justice system.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

The current statute requiring a risk and needs assessment for delinquent youth only applies to male juvenile offenders, although such assessments are currently conducted for girls in the juvenile justice system. This proposal updates the statute to conform to current practice.

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation): No municipal fiscal impact.
State: No state fiscal impact.
Federal: No federal fiscal impact.
Additional notes on fiscal impact:

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

Conforms statute to current practice.

LANGUAGE

AN ACT CONCERNING JUVENILE JUSTICE RISK AND NEEDS ASSESSMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (j) of section 46b-140 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(j) Except as otherwise provided in this section, the court may order that a child be (1) committed to the Department of Children and Families and, after consultation with said department, the court may order that the child be placed directly in a residential facility within this state and under contract with said

department, or (2) committed to the Commissioner of Children and Families for placement by the commissioner, in said commissioner's discretion, (A) with respect to the juvenile offenders determined by the Department of Children and Families to be the highest risk, in the Connecticut Juvenile Training School, if the juvenile offender is a male, or in another state facility, presumptively for a minimum period of twelve months, or (B) in a private residential or day treatment facility within or outside this state, or (C) on parole. No such commitment may be ordered or continued for any child who has attained the age of twenty. The commissioner shall use a risk and needs assessment classification system to ensure that ~~[male]~~ children who are in the highest risk level will be placed in ~~[the Connecticut Juvenile Training School]~~ an appropriate secure treatment setting.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2015 SESSION



Document Name: DCF 15-7 Juvenile Justice Risk and Needs Assessment

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: DCF Government Affairs

Agency Analyst/Drafter of Proposal: Josh Howroyd

Title of Proposal Juvenile Justice Risk and Needs Assessment

Statutory Reference § 46b-140(j)

Proposal Summary

To amend subsection (j) of section 46b-140 regarding risk and needs assessments for juvenile offenders to include its applicability to girls in the juvenile justice system.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

The current statute requiring a risk and needs assessment for delinquent youth only applies to male juvenile offenders, although such assessments are currently conducted for girls in the juvenile justice system. This proposal updates the statute to conform to current practice.

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation): No municipal fiscal impact.
State: No state fiscal impact.
Federal: No federal fiscal impact.
Additional notes on fiscal impact:

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

Conforms statute to current practice.

LANGUAGE

AN ACT CONCERNING JUVENILE JUSTICE RISK AND NEEDS ASSESSMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (j) of section 46b-140 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(j) Except as otherwise provided in this section, the court may order that a child be (1) committed to the Department of Children and Families and, after consultation with said department, the court may order that the child be placed directly in a residential facility within this state and under contract with said

department, or (2) committed to the Commissioner of Children and Families for placement by the commissioner, in said commissioner's discretion, (A) with respect to the juvenile offenders determined by the Department of Children and Families to be the highest risk, in the Connecticut Juvenile Training School, if the juvenile offender is a male, or in another state facility, presumptively for a minimum period of twelve months, or (B) in a private residential or day treatment facility within or outside this state, or (C) on parole. No such commitment may be ordered or continued for any child who has attained the age of twenty. The commissioner shall use a risk and needs assessment classification system to ensure that ~~[male]~~ children who are in the highest risk level will be placed in ~~[the Connecticut Juvenile Training School]~~ an appropriate secure treatment setting.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2015 SESSION



Document Name: DCF 15-8 TPR Grounds

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: DCF Legal

Agency Analyst/Drafter of Proposal: Barbara Claire

Title of Proposal Grounds for Termination of Parental Rights

Statutory Reference §§ 17a-112, 45a-717

Proposal Summary

Sections 17a-112(j) and 45a-717(g) need to be amended to update the legal basis for failure to rehabilitate on the grounds that a child has been neglected, uncared for or abused. The current statute does not include “abused” which needs to be added to incorporate a change that was made to the statutory definition of "neglect." Previously, “abuse” was included as a form of neglect and there is a need to revise the statutes to make a distinct legal basis for the initial neglect/abused/uncared for petition.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

To update the statutory grounds for termination of parental rights consistent with other statutes and current practice.

Origin of Proposal ✓ **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

<p>Agency Name: Judicial Branch Agency Contact (name, title, phone): Stephen Ment, Dir., External Affairs, (860) 757-2270 Date Contacted: December 15, 2014</p> <p>Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Talks Ongoing</p> <p>Summary of Affected Agency's Comments</p> <p>Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>
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<p>Agency Name: Probate Court Administration Agency Contact (name, title, phone): Vin Russo, Legislative Program Manager, (860) 231-2442 ext 332 Date Contacted: 12/15/2014</p> <p>Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Talks Ongoing</p> <p>Summary of Affected Agency's Comments</p> <p>Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>
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Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

<p>Municipal (please include any municipal mandate that can be found within legislation): No municipal fiscal impact.</p>
<p>State: No state fiscal impact.</p>
<p>Federal: No federal fiscal impact.</p>
<p>Additional notes on fiscal impact:</p>

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

LANGUAGE

AN ACT CONCERNING GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (j) of section 17a-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective Upon passage*):

(j) The Superior Court, upon notice and hearing as provided in sections 45a-716 and 45a-717, may grant a petition filed pursuant to this section if it finds by clear and convincing evidence that (1) the Department of Children and Families has made reasonable efforts to locate the parent and to reunify the child with the parent in accordance with subsection (a) of section 17a-111b, unless the court finds in this proceeding that the parent is unable or unwilling to benefit from reunification efforts, except that such finding is not required if the court has determined at a hearing pursuant to section 17a-111b, or determines at trial on the petition, that such efforts are not required, (2) termination is in the best interest of the child, and (3) (A) the child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child; (B) the child (i) has been found by the Superior Court or the Probate Court to have been neglected, ~~or~~ uncared for or abused in a prior proceeding, or (ii) is found to be neglected, ~~or~~ uncared for or abused and has been in the custody of the commissioner for at least fifteen months and the parent of such child has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child; (C) the child has been denied, by reason of an act or acts of parental commission or omission including, but not limited to, sexual molestation or exploitation, severe physical abuse or a pattern of abuse, the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being, except that nonaccidental or inadequately explained serious physical injury to a child shall constitute prima facie evidence of acts of parental commission or omission sufficient for the termination of parental rights; (D) there is no ongoing parent-child relationship, which means the relationship that ordinarily develops as a result of a parent having met on a day-to-day basis the physical, emotional, moral and educational needs of the child and to allow further time for the establishment or reestablishment of such parent-child relationship would be detrimental to the best interest of the child; (E) the parent of a child under the age of seven years who is neglected, ~~or~~ uncared for or abused, has failed, is unable or is unwilling to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable period of time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child and such parent's parental rights of another child were previously terminated pursuant to a petition filed by the Commissioner of Children and Families; (F) the parent has killed through deliberate, nonaccidental act another child of the parent or has requested, commanded, importuned, attempted, conspired or solicited such killing or has committed an assault, through

deliberate, nonaccidental act that resulted in serious bodily injury of another child of the parent; or (G) the parent was convicted as an adult or a delinquent by a court of competent jurisdiction of a sexual assault resulting in the conception of the child, except a conviction for a violation of section 53a-71 or 53a-73a, provided the court may terminate such parent's parental rights to such child at any time after such conviction.

Sec. 2. Subsection (g) of section 45a-717 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective Upon passage*):

(g) At the adjourned hearing or at the initial hearing where no investigation and report has been requested, the court may approve a petition terminating the parental rights and may appoint a guardian of the person of the child, or, if the petitioner requests, the court may appoint a statutory parent, if it finds, upon clear and convincing evidence, that (1) the termination is in the best interest of the child, and (2) (A) the child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of the child; (B) the child has been denied, by reason of an act or acts of parental commission or omission, including, but not limited to sexual molestation and exploitation, severe physical abuse or a pattern of abuse, the care, guidance or control necessary for the child's physical, educational, moral or emotional well-being. Nonaccidental or inadequately explained serious physical injury to a child shall constitute prima facie evidence of acts of parental commission or omission sufficient for the termination of parental rights; (C) there is no ongoing parent-child relationship which is defined as the relationship that ordinarily develops as a result of a parent having met on a continuing, day-to-day basis the physical, emotional, moral and educational needs of the child and to allow further time for the establishment or reestablishment of the parent-child relationship would be detrimental to the best interests of the child; (D) the parent of a child who (i) has been found by the Superior Court or the Probate Court to have been neglected, ~~or~~ uncared for or abused in a prior proceeding, or (ii) is found to be neglected, ~~or~~ uncared for or abused and has been in the custody of the commissioner for at least fifteen months and such parent has been provided specific steps to take to facilitate the return of the child to the parent pursuant to section 46b-129 and has failed to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child; (E) the parent of a child, under the age of seven years who is neglected, ~~or~~ uncared for or abused, has failed, is unable or is unwilling to achieve such degree of personal rehabilitation as would encourage the belief that within a reasonable amount of time, considering the age and needs of the child, such parent could assume a responsible position in the life of the child and such parent's parental rights of another child were previously terminated pursuant to a petition filed by the Commissioner of Children and Families; (F) the parent has killed through deliberate, nonaccidental act another child of the parent or has requested, commanded, importuned, attempted, conspired or solicited such killing or has committed an assault, through deliberate, nonaccidental act that resulted in serious bodily injury of another child of the parent; or (G) the parent was convicted as an adult or a delinquent by a court of competent jurisdiction of sexual assault resulting in the conception of a child except for a violation of section 53a-71 or 53a-73a provided the court may terminate such parent's parental rights to such child at any time after such conviction.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2015 SESSION



Document Name: DCF 15-9 DCF Info Sharing

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: DCF Legal

Agency Analyst/Drafter of Proposal: Barbara Claire

Title of Proposal Confidentiality and Access to Records of the Department of Children and Families

Statutory Reference § 17a-28

Proposal Summary

This proposal makes a technical amendment to clarify existing statutory language. The current section 17a-28 of the General Statutes creates exceptions in subsection (g) that are subject to subsection (b), but that exception doesn't make sense because subsection (g) is an exception to subsection (b), so how can it be subject to subsection (b)?

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

Technical amendment

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal ___ YES ___NO ___Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input checked="" type="checkbox"/> YES ___NO

Fiscal Impact (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation): No municipal fiscal impact.
State: No state fiscal impact.
Federal: No federal fiscal impact.
Additional notes on fiscal impact:

Policy and Programmatic Impacts (Please specify the proposal section associated with the impact)

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LANGUAGE

AN ACT CONCERNING CONFIDENTIALITY AND ACCESS TO RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (g) of section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective Upon passage*):

(g) Notwithstanding subsection (b) of this section and subject to subsection (c) of this section, the [The] department shall disclose records[, ~~subject to subsections (b) and (c) of this section,~~] without the consent of the person who is the subject of the record, to:

- (1) The person named in the record or such person's authorized representative, provided such disclosure shall be limited to information (A) contained in the record about such person or about such person's biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) identifying an individual who reported abuse or neglect of the person, including any tape recording of an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;
- (2) An employee of the department for any purpose reasonably related to the performance of such employee's duties;
- (3) A guardian ad litem or attorney appointed to represent a child or youth in litigation affecting the best interests of the child or youth;
- (4) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an employee of the department;
- (5) The Child Advocate or the Child Advocate's designee;
- (6) The Chief Public Defender or the Chief Public Defender's designee for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide legal and guardian ad litem services to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;
- (7) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting an allegation related to child abuse or neglect, provided such prosecuting authority shall have access to records of a child charged with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release;
- (8) A state or federal law enforcement officer for purposes of investigating an allegation related to child abuse or neglect;
- (9) Any foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;
- (10) The Governor, when requested in writing in the course of the Governor's official functions, the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly having cognizance of matters relating to human services, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary or the select committee of the General Assembly having cognizance of matters relating to children, when requested in writing in the course of said committee's official functions, and upon a majority vote of said committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;
- (11) The Department of Public Health for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining the suitability of such person for licensure; or (C) an investigation conducted pursuant to section 19a-80f;
- (12) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's voluntary services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' voluntary services program, or at the time that said department updates a

child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;

(13) A state agency that licenses or certifies an individual to educate or care for children or youth;

(14) A judge or employee of a probate court who requires access to such records in order to perform such judge's or employee's official duties;

(15) A judge of the Superior Court for purposes of determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs;

(16) A judge of the Superior Court in a criminal prosecution for purposes of in camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;

(17) A judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding;

(18) The Auditors of Public Accounts, or their representative, provided no information identifying the subject of the record is disclosed unless such information is essential to an audit conducted pursuant to section 2-90;

(19) A local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut Unified School District #2, established pursuant to section 17a-37;

(20) The superintendent of schools for any school district for the purpose of determining the suitability of a person to be employed by the local or regional board of education for such school district pursuant to subsection (a) of section 10-221d;

(21) The Department of Motor Vehicles for the purpose of criminal history records checks pursuant to subsection (e) of section 14-44, provided information disclosed pursuant to this subdivision shall be limited to information included on the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, subject to the provisions of sections 17a-101g and 17a-101k concerning the nondisclosure of findings of responsibility for abuse and neglect;

(22) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families;

(23) The superintendent of a public school district or the executive director or other head of a public or private institution for children providing care for children or a private school pursuant to sections 17a-101b, 17a-101c and 17a-101i; and

(24) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the Department of Social Services for providing child care; (B) promoting the health, safety and welfare of the child or youth; or (C) investigating allegations of fraud provided no information identifying the subject of the record is disclosed unless such information is essential to any such investigation.