



Agency Legislative Proposal - 2020 Session

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(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Children and Families

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Lead agency division requesting this proposal: Commissioner's Office

Agency Analyst/Drafter of Proposal: Vincent Russo

Title of Proposal: AAC the Department of Children and Families

Statutory Reference: 17a-6a; 17a-114; 17a-151; 46b-127(f); 17a-3(b); 17a-22bb; 17a-63; 46b-129

Proposal Summary:

This bill would include proposals that would be viewed as technical changes or improve efficiencies at DCF not seen as controversial. All provisions of this bill would not have any fiscal impact.

Sections 1 - 3: These sections will amend language in PA 19-120 concerning background checks for individuals that work with children in DCF care. The public act requires certain individuals to submit to a child abuse registry check in any and all states the subject of the check has resided for the preceding five years. Pursuant to the public act, the Commissioner of DCF is responsible for ensuring those requisite checks are completed. This amendment will clarify that individuals are able to obtain their own checks from other states. The employing organizations would be required to keep the checks in their personnel files which are audited by DCF under contract.

Section 4: Technical fix removing a reference to DCF in a juvenile justice section.

Sections 5 - 7: Currently, DCF or organizations under the auspices of the department, must submit approximately 30 statutorily required reports annually. Many of these reports have become obsolete due to their longevity and the fact that other reports have been mandated concerning the same subject matter. This provision would either repeal or combine several of these reports.

Section 5 amends section 17a-3 regarding the department's strategic plan and reporting updates to the legislature. The department is mandated to provide the information sought after in this statute to the U.S. Department of Health and Human Services through several federal reports. Rather than duplicate efforts, this proposed amendment will require DCF to submit all those federal reports to the legislature in accordance with section 11-4a.



Section 6 deletes several subsections of 17a-22bb regarding the development of an implementation plan for meeting the mental, emotional and behavioral health needs of children. The due date for several of these onetime reports has passed.

Section 7 repeals a report under 17a-63 regarding the administrative case reviews. The report is submitted within available appropriations and the data tracking systems we have would need significant expensive upgrades in order to capture the information being sought after in this report.

Section 8 repeals a report under 46b-129 requiring the department to report on the number of cases in which an adult with a significant relationship with a child has been identified as a permanency resource. Current practice dictates that the department explores family and fictive kin resources in every case. DCF staff meets with family members and others close to the child in question to determine if any adult known to the child is able to bring him or her into their home. The department is also statutorily mandated to contact grandparents to ascertain their ability and willingness to provide their grandchild a home with them. Given the widespread use of this practice, and our efforts to increase placement with relatives and fictive kin, this reporting requirement is unnecessary.

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)? Are other states considering something similar this year?*
- (3) Have certain constituencies called for this action?*
- (4) What would happen if this was not enacted in law this session?*

This proposal is meant to streamline and clarify some statutory requirements of the department. By adopting these changes, DCF will be able to relieve some burdensome and repetitive activities allowing us to redeploy those resources more effectively.

◇ 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?*

The 5-year look back at other states for professionals working with children in DCF care passed last year in PA 19-120 and the budget bill. Unfortunately, the language was drafted in such a way that it isn't clear who is required to contact other states to check the states' abuse and neglect registries. This has led to a back-up in our background check division. It is clear that other states allow individuals to request the check themselves. This would be an enormous relief to the department in terms of alleviating staffing issues and overtime.



PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

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|--|
| Agency Name: N/A Agency Contact (name, title, phone): Click here to enter text. Date Contacted: Click here to enter text. |
| Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing |
| Summary of Affected Agency's Comments Click here to enter text. |
| 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)*

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| Municipal <i>(please include any municipal mandate that can be found within legislation)</i> None |
| State Savings for DCF – By clarifying that DCF does not have to be the party to contact other states to perform a check on their abuse and neglect registries, it would greatly reduce the amount of overtime required to complete the background checks in a timely manner. Even with the overtime we are currently paying, we continue to receive complaints from employers due to the delay in completing the checks. |
| Federal None |
| Additional notes on fiscal impact Click here to enter text. |

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

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| Alleviate burdensome administrative activities and combine duplicative reports while providing information to policy makers. |
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◇ EVIDENCE BASE

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

[Click here to enter text.](#)

Insert fully drafted bill here

Sec. 1. Subsection (b) of section 17a-6a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(b) The Commissioner of Children and Families shall require each vendor or contractor of the department and each employee of such vendor or contractor that provides direct services to children or youths in the care and custody of the department or that has access to the department's records to submit to [\(1\) state and national criminal history records checks, in accordance with section 29-17a, and \(2\) a check of the child abuse and neglect registry in any state in which a vendor or contractor or employee of a vendor or contractor that provides direct services to children or youths in the care and custody of the department or has access to records of the department has resided in the preceding five years for the name of such vendor or contractor or employee.](#) The commissioner shall check the ~~[(1)]~~ state child abuse and neglect registry established pursuant to section 17a-101k for the name of such vendor or contractor and each employee of such vendor or contractor that provides direct services to children or youths in the care and custody of the department or has access to records of the department ~~[, and (2) child abuse and neglect registry in any state in which a vendor or contractor or employee of a vendor or contractor that provides direct services to children or youths in the care and custody of the department or has access to records of the department has resided in the preceding five years for the name of such vendor or contractor or employee]~~. The commissioner shall comply with any request to check the child abuse and neglect registry established pursuant to section 17a-101k made by the child welfare agency of another state.

Sec. 2. Section 17a-114 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):



(a) As used in this section, (1) "approval" or "approved" means that a person has been approved to adopt or provide foster care by a child-placing agency licensed pursuant to section 17a-149, (2) "licensed" means a person holds a license to provide foster care issued by the Department of Children and Families, (3) "fictive kin caregiver" means a person who is twenty-one years of age or older and who is unrelated to a child by birth, adoption or marriage but who has an emotionally significant relationship with such child or such child's family amounting to a familial relationship, and (4) "regular unsupervised access" means periodic interaction with a child in the home for purposes of unsupervised child care, medical or other services to the child.

(b) (1) No child in the custody of the Commissioner of Children and Families shall be placed in foster care with any person, unless (A) (i) such person is licensed for that purpose by the department or the Department of Developmental Services pursuant to the provisions of section 17a-227, or (ii) such person's home is approved by a child placing agency licensed by the commissioner pursuant to section 17a-149, or (iii) such person has received approval as provided in this section, and (B) on and after January 1, 2017, for a child twelve years of age or older, such child has received a foster family profile in accordance with the provisions of section 17a-114e. Any person licensed by the department may be a prospective adoptive parent. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the licensing procedures and standards.

(2) The commissioner shall require each applicant for licensure or approval pursuant to this section and any person sixteen years of age or older living in the household of such applicant to submit to (A) state and national criminal history records checks, in accordance with section 29-17a, and (B) a check of the child abuse and neglect registry in any state in which such applicant or person resided in the preceding five years for the name of such applicant or person prior to issuing a license or approval to such applicant to accept placement of a child for purposes of foster care or adoption. **[Such criminal history records checks shall be conducted in accordance with section 29-17a.]** The commissioner shall check the **[(A)]** state child abuse and neglect registry established pursuant to section 17a-101k for the name of such applicant and for the name of any person sixteen years of age or older living in the household of such applicant **[, and (B) child abuse and neglect registry in any state in which such applicant or person resided in the preceding five years for the name of such applicant or person].**

(3) The commissioner shall require each individual licensed or approved pursuant to this



section and any person sixteen years of age or older living in the household of such individual to submit to (A) state and national criminal history records checks, in accordance with section 29-17a, and (B) a check of the child abuse and neglect registry in any state in which such applicant or person resided in the preceding five years for the name of such applicant or person prior to renewing a license or approval for any individual providing foster care or adopting. **[Such criminal history records checks shall be conducted in accordance with section 29-17a.]** Prior to such renewal, the commissioner shall check the **[(A)]** state child abuse and neglect registry established pursuant to section 17a-101k for the name of such applicant and for the name of any person sixteen years of age or older living in the household of such applicant **[, and (B) child abuse and neglect registry in any state in which such applicant or person resided in the preceding five years for the name of such applicant or person].**

(4) The commissioner shall comply with any request to check the child abuse and neglect registry established pursuant to section 17a-101k made by the child welfare agency of another state.

(c) Notwithstanding the requirements of subsection (b) of this section, the commissioner may place a child with a relative or fictive kin caregiver who has not been issued a license or approval, when such placement is in the best interests of the child, provided a satisfactory home visit is conducted, a basic assessment of the family is completed and such relative or fictive kin caregiver attests that such relative or fictive kin caregiver and any adult living within the household has not been convicted of a crime or arrested for a felony against a person, for injury or risk of injury to or impairing the morals of a child, or for the possession, use or sale of a controlled substance. Any such relative or fictive kin caregiver who accepts placement of a child shall be subject to licensure by the commissioner, pursuant to regulations adopted by the commissioner in accordance with the provisions of chapter 54 to implement the provisions of this section or approval by a child-placing agency licensed pursuant to section 17a-149. The commissioner may grant a waiver from such regulations, including any standard regarding separate bedrooms or room-sharing arrangements, for a child placed with a relative or fictive kin caregiver, on a case-by-case basis, if such placement is otherwise in the best interests of such child, provided no procedure or standard that is safety-related may be so waived. The commissioner shall document, in writing, the reason for granting any waiver from such regulations.

(d) Any individual who has been licensed or approved to adopt or provide foster care and



any relative or fictive kin caregiver shall apply a reasonable and prudent parent standard, as defined in subsection (a) of section 17a-114d, on behalf of the child.

Sec. 3. Subsection (a) of section 17a-151 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) The Commissioner of Children and Families shall investigate the conditions stated in each application made under the provisions of sections 17a-145 and 17a-149 and shall require any person identified on the application under said sections and any individual eighteen years of age or older who is employed by a child care facility licensed pursuant to section 17a-145 to submit to (1) state and national criminal history records checks, [in accordance with section 29-17a](#), (2) a check of the state child abuse and neglect registry established pursuant to section 17a-101k, and (3) a check of the child abuse and neglect registry in any state in which such person or individual resided in the preceding five years. The commissioner shall comply with any request to check the child abuse and neglect registry established pursuant to section 17a-101k made by the child welfare agency of another state. The commissioner shall investigate the conditions in each application under the provisions of sections 17a-145 and 17a-149 and, if the commissioner finds such conditions suitable for the proper care of children, or for the placing out of children, under such standards for the promotion of the health, safety, morality and well-being of such children as the commissioner prescribes, shall issue such license as is required as promptly as possible, without expense to the licensee. If, after such investigation, the commissioner finds that the applicant, notwithstanding good faith efforts, is not able to fully comply with all the requirements the commissioner prescribes, but compliance can be achieved with minimal efforts, the commissioner may issue a provisional license for a period not to exceed sixty days. The provisional license may be renewed for additional sixty-day periods, but in no event shall the total of such periods be for longer than one year. Before issuing any license, the commissioner shall give to the selectmen of the town wherein such licensee proposes to carry on the licensed activity ten days' notice in writing that the issuance of such license is proposed, but such notice shall not be required in case of intention to issue such license to any corporation incorporated for the purpose of caring for or placing such children. Each license so issued shall specify whether it is granted for child-caring or child-placing purposes, shall state the number of children who may be cared for, shall be in force twenty-four months from date of issue, and shall be renewed for the ensuing twenty-four months, if conditions continue to be satisfactory to the commissioner. The commissioner shall



provide such periodical inspections and review as shall safeguard the well-being, health and morality of all children cared for or placed under a license issued by the commissioner under this section and shall visit and consult with each such child and with the licensee as often as the commissioner deems necessary but at intervals of not more than ninety days. Each licensee under the provisions of this section shall file annually with the commissioner a report containing such information concerning its functions, services and operation, including financial data, as the commissioner requires. Any license issued under this section may be revoked, suspended or limited by the commissioner for cause, after notice given to the person or entity concerned and after opportunity for a hearing thereon. Any party whose application is denied or whose license is revoked, suspended or limited by the commissioner may appeal from such adverse decision in accordance with the provisions of section 4-183. Appeals under this section shall be privileged in respect to the order of trial assignment.

Sec. 4. Subsection (f) of section 46b-127 of the general statutes, as amended by public act 19-187, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(f) The transfer of a child to a Department of Correction facility shall be limited as provided in subsection (e) of this section and said subsection shall not be construed to permit the transfer of or otherwise reduce or eliminate any other population of juveniles in detention or confinement within the Judicial Department [**or the Department of Children and Families**].

Sec. 5. Subsection (b) of section 17a-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(b) **[(1) The department, with the assistance of the State Advisory Council on Children and Families, and in consultation with representatives of the children and families served by the department, providers of services to children and families, advocates, and others interested in the well-being of children and families in this state, shall develop and regularly update a single, comprehensive strategic plan for meeting the needs of children and families served by the department. In developing and updating the strategic plan, the department shall identify and define agency goals and indicators of progress, including benchmarks, in achieving such goals. The strategic plan shall include, but not be limited to: (A) The department's mission statement; (B) the expected results for the department and each of its mandated areas of responsibility; (C) a schedule of action steps and a time frame for achieving such results and fulfilling the department's mission that includes strategies for working with other state agencies to leverage**



resources and coordinate service delivery; (D) strategies, informed by data on referrals, substantiations, removal, placements and retention, by which the department shall identify racial and ethnic disparities within child welfare practice and work to eliminate such disparities; (E) priorities for services and estimates of the funding and other resources necessary to carry them out; (F) standards for programs and services that are based on research-based best practices, when available; and (G) relevant measures of performance.

(2) The department shall begin the strategic planning process on July 1, 2009. The department shall hold regional meetings on the plan to ensure public input and shall post the plan and the plan's updates and progress reports on the department's web site. The department shall submit the strategic plan to the State Advisory Council on Children and Families for review and comment prior to its final submission to the General Assembly and the Governor. On or before July 1, 2010, the department shall submit the strategic plan, in accordance with section 11-4a, to the General Assembly and the Governor.

(3) The commissioner shall track and report on progress in achieving the strategic plan's goals not later than October 1, 2010, and quarterly thereafter, to said State Advisory Council. The commissioner shall submit a status report on progress in achieving the results in the strategic plan, in accordance with section 11-4a, not later than July 1, 2011, and annually thereafter to the General Assembly, the joint standing committee of the General Assembly having cognizance of matters relating to children and the Governor.] (1) On or before July 1, 2020, the Commissioner of Child and Families shall submit, in accordance with the provisions of section 11-4a of the general statutes, the department's Child and Family Services Plan and the Annual Progress and Services Report, as approved by the Administration for Children and Families of the United States Department of Health and Human Services, to the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations and the State Advisory Council for Children and Families. Thereafter, any time such plan or report is required to be resubmitted or updated under federal law, upon approval of the plan or report by the Administration for Children and Families of the United States Department of Health and Services, the commissioner shall submit such plan or report to the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations and the State Advisory Council for Children and Families.

(2) The Commissioner of Children and Families shall submit, in accordance with the provisions of section 11-4a of the general statutes, the department's Child and Family Services



Review final report and the Program Improvement Plan developed following such review to the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations and the State Advisory Council for Children and Families at any time the department is required to provide such review and plan to the Administration for Children and Families under federal law.

Sec. 6. Section 17a-22bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) **[(1)]** The Commissioner of Children and Families, in consultation with representatives of the children and families served by the department, including children at increased risk of involvement with the juvenile justice system, providers of mental, emotional or behavioral health services for such children and families, advocates, and others interested in the well-being of children and families in this state, shall develop a comprehensive implementation plan, across agency and policy areas, for meeting the mental, emotional and behavioral health needs of all children in the state, and preventing or reducing the long-term negative impact of mental, emotional and behavioral health issues on children. In developing the implementation plan, the department shall include, at a minimum, the following strategies to prevent or reduce the long-term negative impact of mental, emotional and behavioral health issues on children:

(A) Employing prevention-focused techniques, with an emphasis on early identification and intervention;

(B) Ensuring access to developmentally-appropriate services;

(C) Offering comprehensive care within a continuum of services;

(D) Engaging communities, families and youths in the planning, delivery and evaluation of mental, emotional and behavioral health care services;

(E) Being sensitive to diversity by reflecting awareness of race, culture, religion, language and ability;

(F) Establishing results-based accountability measures to track progress towards the goals and objectives outlined in this section, sections 17a-22cc, 17a-22dd and 17a-248h and section 7 of public act 13-178*;



(G) Applying data-informed quality assurance strategies to address mental, emotional and behavioral health issues in children;

(H) Improving the integration of school and community-based mental health services;

(I) Enhancing early interventions, consumer input and public information and accountability by (i) in collaboration with the Department of Public Health, increasing family and youth engagement in medical homes; (ii) in collaboration with the Department of Social Services, increasing awareness of the 2-1-1 Infoline program; and (iii) in collaboration with each program that addresses the mental, emotional or behavioral health of children within the state, insofar as they receive public funds from the state, increasing the collection of data on the results of each program, including information on issues related to response times for treatment, provider availability and access to treatment options; and

(J) Identifying and addressing any increased risk of involvement in the juvenile and criminal justice system attributable to unmet mental, emotional and behavioral health needs of children.

[(2) Not later than April 15, 2014, the commissioner shall submit and present a status report on the progress of the implementation plan, in accordance with section 11-4a, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations.

(3) On or before October 1, 2014, the commissioner shall submit and present the implementation plan, in accordance with section 11-4a, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations.

(4) On or before October 1, 2015, and biennially thereafter through and including 2019, the department shall, in collaboration with the Department of Education, Department of Social Services, Department of Developmental Services, Office of Early Childhood, Department of Public Health and Court Support Services Division of the Judicial Branch, submit and present progress reports on the status of implementation, and any data-driven recommendations to alter or augment the implementation in accordance with section 11-4a, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations.]



(b) Emergency mobile psychiatric service providers shall collaborate with community-based mental health care agencies, school-based health centers and the contracting authority for each local or regional board of education throughout the state, utilizing a variety of methods, including, but not limited to, memoranda of understanding, policy and protocols regarding referrals and outreach and liaison between the respective entities. These methods shall be designed to (1) improve coordination and communication in order to enable such entities to promptly identify and refer children with mental, emotional or behavioral health issues to the appropriate treatment program, and (2) plan for any appropriate follow-up with the child and family.

(c) Local law enforcement agencies and local and regional boards of education that employ or engage school resource officers shall, provided federal funds are available, train school resource officers in nationally recognized best practices to prevent students with mental health issues from being victimized or disproportionately referred to the juvenile justice system as a result of their mental health issues.

(d) The Department of Children and Families, in collaboration with agencies that provide training for mental health care providers in urban, suburban and rural areas, shall provide phased-in, ongoing training for mental health care providers in evidence-based and trauma-informed interventions and practices.

(e) The state shall seek existing public or private reimbursement for (1) mental, emotional and behavioral health care services delivered in the home and in elementary and secondary schools, and (2) mental, emotional and behavioral health care services offered through the Department of Social Services pursuant to the federal Early and Periodic Screening, Diagnosis and Treatment Program under 42 USC 1396d.

(f) [On or before October 1, 2017, the Department of Children and Families, in collaboration with the Judicial Branch and the Department of Correction, shall submit a plan to prevent or reduce the negative impact of mental, emotional and behavioral health issues on children and youth twenty years of age or younger who are held in secure detention or correctional confinement, in accordance with section 11-4a, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations.]



[(g)] On or before October 1, 2017, and annually thereafter, the Commissioner of Correction shall compile records regarding the frequency and use of physical restraint and seclusion, as defined in section 46a-150, on children and youth twenty years of age or younger who are in the custody of the commissioner at the John R. Manson Youth Institution, Cheshire, and shall submit a report summarizing such records, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to children. Such report shall address the prior year and shall indicate, at a minimum, the frequency that (1) physical restraint was used as (A) an emergency intervention, and (B) a nonemergency intervention, and (2) restricted housing or other types of administrative segregation or seclusion were used at such facility.

[(h)] On or before October 1, 2018, the Department of Children and Families, in collaboration with the Children's Mental, Emotional and Behavioral Health Plan Implementation Advisory Board, established pursuant to section 17a-22ff, shall submit recommendations for addressing any unmet mental, emotional and behavioral health needs of children that are attributed to an increased risk of involvement in the juvenile and criminal justice systems, in accordance with section 11-4a, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations.]

Sec. 7. Section 17a-63 of the general statutes is repealed. (*Effective from passage*):

[The Commissioner of Children and Families shall submit, in accordance with the provisions of section 11-4a and within available appropriations, an annual report to the joint standing committee of the General Assembly having cognizance of matters relating to children regarding (1) the results of Connecticut comprehensive objective reviews conducted by the Department of Children and Families, including any recommendations contained in such reviews and any steps taken by the department to implement such recommendations; (2) the aggregate data from each administrative case review, including any information regarding the strengths and deficiencies of the department's case review process; and (3) any steps the department is taking to address department-wide deficiencies.]

Sec. 8. Clause (iv) of subparagraph (B) of subdivision (1) of subsection (k) of section 46b-129 of the general statutes is repealed. (*Effective from passage*):

[(iv)] Not later than January 1, 2016, and annually thereafter, the commissioner shall submit



a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to children and the judiciary, on the number of case plans in which children have identified adults with whom they have a significant relationship and who may serve as a permanency resource.]