

REVISED



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2019 SESSION



Document Name: DCF 19-1A Threatening CPS Workers.docx

(If submitting electronically, please label with date, agency, and title of proposal, e.g. 18-1_DCF_TechRevisions)

State Agency: Department of Children and Families

Liaison: Elizabeth Duryea

Phone: (860) 550-6314

E-mail: Elizabeth.Duryea@ct.gov

Lead agency division requesting this proposal: Office of the Chief of Staff bvc

Agency Analyst/Drafter of Proposal: Josh Howroyd

Title of Proposal: Threatening CPS Workers

Statutory Reference: §§ 53a-61aa, 53a-62

Proposal Summary:

This proposal establishes a criminal offense of threatening a child protective services worker. It increases the penalty for 2nd degree threatening, and certain cases of 1st degree threatening, when the victim is a child protective services worker, and the threat is related to the victim's official duties. For 1st degree threatening, the bill increases the penalty from a class D to a class C felony. Thus, the bill increases the (1) maximum term of imprisonment from five to 10 years and (2) maximum fine from \$5,000 to \$10,000. For 2nd degree threatening, the bill increases the penalty from a class A misdemeanor to a class D felony. Thus, the bill increases the (1) maximum term of imprisonment from one year to five years and (2) maximum fine from \$2,000 to \$5,000.

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?*

DCF workers, along with other human service providers, have been the subject of serious threats. Three years ago, a Vermont DCF social worker was killed by a disgruntled client and earlier this year, an Illinois CPS worker died from injuries sustained during an assault by a client.

◇ 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?

This proposal was submitted by DCF during the 2016 (S.B. No. 186) session and was favorably reported by the Children's Committee and the Judiciary Committee and passed the Senate on Consent. It died on the House Calendar.

PROPOSAL IMPACT

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

Agency Name: [Click here to enter text.](#)

Agency Contact (name, title, phone): [Click here to enter text.](#)

Date Contacted: [Click here to enter text.](#)

Approve of Proposal **YES** **NO** **Talks Ongoing**

Summary of Affected Agency's Comments

[Click here to enter text.](#)

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

The proposal, which increases the penalty for certain cases of threatening, results in a potential revenue gain from criminal fines and a potential cost for increased sentences. In FY 16, there were 11 charges with a total revenue gain of \$2,640. As of March 2017, there were 66 inmates incarcerated for the charges specified. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

Federal

No federal fiscal impact

Additional notes on fiscal impact

[Click here to enter text.](#)

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

Click here to enter text.

Protection of Child Protective Services Workers

Section 1. Section 53a-61aa of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) A person is guilty of threatening in the first degree when such person (1) (A) threatens to commit any crime involving the use of a hazardous substance with the intent to terrorize another person, to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such terror, evacuation or inconvenience; (2) (A) threatens to commit any crime of violence with the intent to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such evacuation or inconvenience; (3) commits threatening in the second degree as provided in section 53a-62, [as amended by this act](#), and in the commission of such offense such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, shotgun, rifle, machine gun or other firearm; ~~or~~ (4) violates subdivision (1) or (2) of this subsection with the intent to cause an evacuation of a building or the grounds of a (A) house of religious worship, (B) religiously-affiliated community center, (C) public or nonpublic preschool, school or institution of higher education, or (D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, institution or day care center-sponsored activities; [or \(5\) violates subdivision \(1\) or \(3\) of this subsection and the person being threatened is a child protective services worker, and the threat is related to such child protective services worker's official duties](#). No person shall be found guilty of threatening in the first degree under subdivision (3) of this subsection and threatening in the second degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

(b) For the purposes of this section, "hazardous substance" means any physical, chemical, biological or radiological substance or matter which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health ~~and~~ "religiously-affiliated community center" means real property used for the provision of recreational, social or educational services that is owned or leased by a nonprofit organization that holds such property out as being affiliated with an organized religion [and "child protective services worker" means a social worker, supervisor, manager, case worker, case aide or investigator employed by the](#)

Department of Children and Families, or a provider under contract with the department, who provides social work, case work or investigative services to or on behalf of the department.

(c) Threatening in the first degree is a class D felony, except that a violation of [~~subdivision~~] subdivisions (4) or (5) of subsection (a) of this section is a class C felony.

Sec. 2. Section 53a-62 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) A person is guilty of threatening in the second degree when: (1) By physical threat, such person intentionally places or attempts to place another person in fear of imminent serious physical injury, (2) (A) such person threatens to commit any crime of violence with the intent to terrorize another person, or (B) such person threatens to commit such crime of violence in reckless disregard of the risk of causing such terror, [~~or~~] (3) such person violates subdivision (1) or (2) of this subsection and the person threatened is in a building or on the grounds of a (A) house of religious worship, (B) religiously-affiliated community center, (C) public or nonpublic preschool, school or institution of higher education, or (D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, institution or day care center-sponsored activities; or (4) such person violates subdivision (1) or (2) of this subsection and the person being threatened is a child protective services worker, and the threat is related to the child protective services worker's official duties. For purposes of this section, "child protective services worker" has the same meaning as provided in subsection (b) of section 531-61aa, as amended by this act.

(b) For the purposes of this section, "religiously-affiliated community center" has the same meaning as provided in section 53a-61aa, as amended by this act.

(c) Threatening in the second degree is a class A misdemeanor, except that a violation of [~~subdivision~~] subdivisions (3) or (4) of subsection (a) of this section is a class D felony.

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STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2019 SESSION



Document Name: DCF 19-2A Wilderness School Epi-Pens.docx

(If submitting electronically, please label with date, agency, and title of proposal, e.g. 18-1_DCF_TechRevisions)

State Agency: Department of Children and Families

Liaison: Elizabeth Duryea

Phone: (860) 550-6314

E-mail: Elizabeth.Duryea@ct.gov

Lead agency division requesting this proposal: Office of the Chief of Staff

Agency Analyst/Drafter of Proposal: Josh Howroyd

Title of Proposal: Use of Epinephrine Auto-Injectors at the DCF Wilderness School

Statutory Reference: New statute

Proposal Summary:

This proposal authorizes Wilderness School employees over age 18 who fulfill certain training requirements to administer epinephrine by a premeasured commercially prepared auto-injector (e.g., EpiPen) for emergency first aid purposes to a student who experiences a presumed allergic reaction. The injector may be used without a prescription.

The school must ensure that injectors are maintained on the premises for such purposes. School employees may not administer an injector to a student unless the student's parent or guardian has consented to its use.

No employee who administers an injector as permitted under the bill may be held liable to the student or the student's parent or guardian for any personal injuries that result from acts or omissions that may constitute ordinary negligence in administering the injector. The immunity does not extend to acts or omissions that constitute gross, wilful, or wanton negligence.

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 Wilderness School is a prevention, intervention, and transition program for adolescents from Connecticut. The Wilderness School offers high impact wilderness programs intended to foster positive youth development. Participants in Wilderness School programs are often in remote areas without immediate access to emergency medical care. Staff are trained in

wilderness medicine. This proposal will permit them to administer epinephrine auto-injectors for the purpose of emergency first aid to participants who experience allergic reactions and who do not have prior written authorization for the administration of epinephrine.

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?*

This proposal was submitted by DCF during the 2018 (S.B. No. 314) session and was favorably reported by the Children's Committee but died on the Senate Calendar.

PROPOSAL IMPACT

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

Agency Name: Office of Early Childhood
Agency Contact (name, title, phone): Maggie Adair, Director, Government & Community Relations, 860-713-6413
Date Contacted: September 13, 2018

Approve of Proposal **YES** **NO** **Talks Ongoing**

Summary of Affected Agency's Comments

OEC suggested the revised language.

Will there need to be further negotiation? **YES** **NO**

Agency Name: Department of Public Health
Agency Contact (name, title, phone): Brie Wolf, Legislative Liaison, 860-509-7246
Date Contacted: September 13, 2018

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

The current cost for generic epinephrine auto-injectors is \$313.50 (for a two pack). The Wilderness School estimates that they would purchase 24 two-packs to cover their summer needs. This is an annual cost of \$7524.00.

Federal

No federal fiscal impact

Additional notes on fiscal impact

[Click here to enter text.](#)

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

To ensure the safety of Wilderness School program participants.

Use of Epinephrine Auto-Injectors at the DCF Wilderness School

Section 1. (NEW) *(Effective upon passage)* (a) A staff member of the Department of Children and Families Wilderness School who is no less than eighteen years of age may, with written parent permission, administer epinephrine by a premeasured commercially prepared auto-injector to a child participating in the Department of Children and Families Wilderness School program who experiences a presumed allergic reaction and who does not have an individual written order from an authorized prescriber.

(b) Prior to the administration of such medication, in addition to satisfying the training requirements of section 19a-428-6(a)(2)(A) of the regulations of Connecticut state agencies, a staff member shall have satisfactorily completed training by a physician in the past twelve months that includes how to identify common causes of allergic reactions, identify the signs and symptoms of a mild and severe allergic reaction, identify how signs and symptoms of anaphylaxis differ from other medical conditions and emergency follow-up procedures. The documentation requirements of sections 19a-428-6(a)(2)(B) and 19a-428-6(a)(2)(D) of the regulations of Connecticut state agencies, and the storage and labeling requirements of section 19a-428-6(a)(2)(E) of the regulations of Connecticut state agencies except the child's name shall apply.

(c) No staff member of the Department of Children and Families Wilderness School administering medication pursuant to this section shall be liable to a participant in the Wilderness School program or a parent or guardian of such participant for civil damages for any personal injuries that result from acts or omissions of such staff member administering medication pursuant to this section in administering such preparations that may constitute ordinary negligence. This immunity does not apply to acts or omissions constituting gross, wilful or wanton negligence.

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STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2019 SESSION



Document Name: DCF 19-3A Revisions to DCF Statutes.docx

(If submitting electronically, please label with date, agency, and title of proposal – 18-1_DCF_TechRevisions)

State Agency: Department of Children and Families

Liaison: Elizabeth Duryea

Phone: (860) 550-6314

E-mail: Elizabeth.Duryea@ct.gov

Lead agency division requesting this proposal: Office of the Chief of Staff

Agency Analyst/Drafter of Proposal: Josh Howroyd

Title of Proposal: Revisions to Certain Statutes of the Department of Children and Families

Statutory Reference: §§ 17a-28(g), 17a-62, 17a-101(b), 17a-101g(a), 17a-103c

Proposal Summary:

This proposal makes the following revisions to DCF statutes:

§ 1 amends § 17a-101 to add new categories of mandated reporters

§ 2 amends § 17a-101g to change number of days to complete Intakes from 45 calendar day to 33 business days.

§ 3 amends § 17a-28(g) to provide disclosure of information to the Board of Pardons and Parole.

§ 4 repeals reporting requirements regarding at-risk youth and reports of abuse for youth committed delinquent.

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 is an omnibus proposal to amend various DCF statutes. § 1 adds DCF providers, who have regular contact with children, and employees of juvenile justice programs to the list of mandated reporters. § 2 - DCF currently has per statute 45 calendar days to complete Intakes. Due to the variability in the number of working days in a 45 calendar day period, DCF would like to change the days to completion within 33 working days. DCF has been conducting time studies of worker caseloads. During this process DCF studied periods of the year when DCF experienced higher than normal caseloads, along with reduced working days due to holidays, snow days, etc. There were clusters of non-workdays that far exceeded the normal weekends off in 45 calendar day cycles. In one cycle there were only 25 working days within the 45 calendar period cycle and this coincided with the peak in accepted

reports. It is believed that when this occurs, Intakes may not be done as thoroughly as possible and it could result in more cases being transferred to on-going to ensure meeting the deadline of 45 working days. § 3 addresses a concern raised by the Board of Pardons and Parole. § 4 repeals burdensome and/or obsolete reporting requirements.

◇ **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?*

Click here to enter text.

PROPOSAL IMPACT

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

Agency Name: Judicial

Agency Contact (name, title, phone): Doreen DelBianco, Deputy Director, (860) 757-2276

Date Contacted: September 21, 2018

Approve of Proposal **YES** **NO** **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? **YES** **NO**

Agency Name: Board of Pardons and Parole

Agency Contact (name, title, phone): Leland Moore, Legislative and Regulations Advisor, (203) 805-6605

Date Contacted: October 5, 2018

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
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Click here to enter text.

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

This proposal expands the list of mandated reporters to professionals with regular contact with children, consistent with the statutory public policy goal of this state to “protect children whose health and welfare may be adversely affected through injury and neglect.” The proposal also promotes efficiency in agency operations.

Revisions to Certain Statutes of the Department of Children and Families

Section 1. Subsection (b) of section 17a-101 of the general statutes, as amended by public act 18-17, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(b) The following persons shall be mandated reporters: (1) Any physician or surgeon licensed under the provisions of chapter 370, (2) any resident physician or intern in any hospital in this state, whether or not so licensed, (3) any registered nurse, (4) any licensed practical nurse, (5) any medical examiner, (6) any dentist, (7) any dental hygienist, (8) any psychologist, (9) any school employee, as defined in section 53a-65, (10) any social worker, (11) any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics and is eighteen years of age or older, (12) any individual who is employed as a coach or director of youth athletics and is eighteen years of age or older, (13) any individual who is employed as a coach or director of a private youth sports organization, league or team and is eighteen years of age or older, (14) any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer employed by a public or private institution of higher education who is eighteen years of age or older, excluding student employees, (15) any police officer, (16) any juvenile or adult probation officer, (17) any juvenile or adult parole officer, (18) any member of the clergy, (19) any pharmacist, (20) any physical therapist, (21) any optometrist, (22) any chiropractor, (23) any podiatrist, (24) any mental health professional, (25) any physician assistant, (26) any person who is a licensed or certified emergency medical services provider, (27) any person who is a licensed or certified alcohol and drug counselor, (28) any person who is a licensed marital and family therapist, (29) any person who is a sexual assault counselor or a domestic violence counselor, as defined in section 52-146k, (30) any person who is a licensed professional counselor, (31) any person who is a licensed foster parent, (32) any person paid to care for a child in any public or private facility, child care center, group child care home or family child care home licensed by the state, (33) any employee of the Department of Children and Families or any other person who, in the performance of his or her duties, has regular contact with children and who provides services to or on behalf of children pursuant to a contract with, or a credential issued by, the Department of Children and Families, (34) any employee of the Department of Public Health, (35) any employee of the Office of Early Childhood who is responsible for the licensing of child care centers, group child care homes, family child care

homes or youth camps, (36) any paid youth camp director or assistant director, (37) the Child Advocate and any employee of the Office of the Child Advocate, (38) any person who is a licensed behavior analyst, ~~and~~ (39) any family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department, (40) any victims services supervisor employed by the Judicial Department, and (41) any employee of a juvenile justice program operated by, or pursuant to a contract with, the Court Support Services Division of the Judicial Department.

Sec. 2. Subsection (a) of section 17a-101g of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) Upon receiving a report of child abuse or neglect, as provided in sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which the alleged perpetrator is (1) a person responsible for such child's health, welfare or care, (2) a person given access to such child by such responsible person, or (3) a person entrusted with the care of a child, the Commissioner of Children and Families, or the commissioner's designee, shall cause the report to be classified and evaluated immediately. If the report contains sufficient information to warrant an investigation, the commissioner shall make the commissioner's best efforts to commence an investigation of a report concerning an imminent risk of physical harm to a child or other emergency within two hours of receipt of the report and shall commence an investigation of all other reports within seventy-two hours of receipt of the report. A report classified by the commissioner, or the commissioner's designee, as lower risk may be referred for family assessment and services pursuant to subsection (g) of this section. Any such report may thereafter be referred for standard child protective services if safety concerns for the child become evident. A report referred for standard child protective services may be referred for family assessment and services at any time if the department determines there is a lower risk to the child. If the alleged perpetrator is a school employee, as defined in section 53a-65, or is employed by an institution or facility licensed or approved by the state to provide care for children, the department shall notify the Department of Education or the state agency that has issued such license or approval to the institution or facility of the report and the commencement of an investigation by the Commissioner of Children and Families. The department shall complete any such investigation not later than ~~forty-five calendar~~ thirty-three business days after the date of receipt of the report. If the report is a report of child abuse or neglect in which the alleged perpetrator is not a person specified in subdivision (1), (2) or (3) of this subsection, the Commissioner of Children and Families shall refer the report to the appropriate local law enforcement authority for the town in which the child resides or in which the alleged abuse or neglect occurred.

Sec. 3. Subsection (g) of section 17a-28 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(g) 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) An attorney representing a parent, guardian or child in a petition filed in the Superior Court pursuant to section 17a-112 or 46b-129, provided (A) if such records do not pertain to such attorney's client or such client's child, such records shall not be further disclosed to another individual or entity by such attorney except pursuant to the order of a court of competent jurisdiction, (B) if such records are confidential pursuant to federal law, such records shall not be disclosed to such attorney or such attorney's client unless such attorney or such attorney's client is otherwise entitled to such records, and (C) nothing in this subdivision shall limit the disclosure of records under subdivision (3) of this subsection;

(5) 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;

(6) The Child Advocate or the Child Advocate's designee;

(7) 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;

(8) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a, 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;

(9) A state or federal law enforcement officer, including a military law enforcement authority under the United States Department of Defense, for purposes of investigating (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a;

(10) A 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;

(11) The Governor, when requested in writing in the course of the Governor's official functions, 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 joint standing committee of the General Assembly having cognizance of matters relating to children, when requested in writing by any of such committees

in the course of such committee's official functions, and upon a majority vote of such committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;

(12) The Office of Early Childhood 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; (C) an investigation conducted pursuant to section 19a-80f; (D) notifying the office when the Department of Children and Families places an individual licensed or certified by the office on the child abuse and neglect registry pursuant to section 17a-101k; or (E) notifying the office when the Department of Children and Families possesses information regarding an office regulatory violation committed by an individual licensed or certified by the office;

(13) 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 behavioral services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' behavioral 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;

(14) Any individual or entity for the purposes of identifying resources that will promote the permanency plan of a child or youth approved by the court pursuant to sections 17a-11, 17a-111b, 46b-129 and 46b-141;

(15) A state agency that licenses or certifies a person to educate, care for or provide services to children or youths;

(16) 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;

(17) 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;

(18) 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;

(19) 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;

(20) 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;

(21) 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;

(22) 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;

(23) 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;

(24) 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;

(25) 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 (A) pursuant to sections 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b, 46b-129 and 46b-141, or (B) when the Department of Children and Families places an individual employed by such institution or school on the child abuse and neglect registry pursuant to section 17a-101k;

(26) 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 a child or youth receiving services from either department; 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;

(27) The Court Support Services Division of the Judicial Branch, to allow the division to determine the supervision and treatment needs of a child or youth, and provide appropriate supervision and treatment services to such child or youth, provided such disclosure shall be limited to information that identifies the child or youth, or a member of such child's or youth's immediate family, as being or having been (A) committed to the custody of the Commissioner of Children and Families as delinquent, (B) under the supervision of the Commissioner of Children and Families, or (C) enrolled in the voluntary services program operated by the Department of Children and Families;

(28) The Court Support Services Division of the Judicial Branch for the purpose of sharing common case records to track recidivism of juvenile offenders;

(29) The birth-to-three program's referral intake office for the purpose of (A) determining eligibility of, (B) facilitating enrollment for, and (C) providing services to (i) substantiated victims of child abuse and neglect with suspected developmental delays, and (ii) newborns impacted by withdrawal symptoms resulting from prenatal drug exposure; **[and]**

(30) The Department of Public Health for the purpose of notification when the Commissioner of Children and Families places an individual licensed or certified by the Department of Public Health on the child abuse and neglect registry established pursuant to section 17a-101k; **and**

[\(31\) The Board of Pardons and Parole for the purpose of reviewing information pertinent to the board's responsibilities pursuant to subsection \(h\) of section 54-124a, 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.](#)

Sec. 4. Sections 17a-62 and 17a-103c of the general statutes are repealed. *(Effective July 1, 2019)*



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2019 SESSION



Document Name: DCF 19-4C Foster Care Incentive for State Employees.docx
(If submitting electronically, please label with date, agency, and title of proposal, e.g. 18-1_DCF_TechRevisions)

State Agency: Department of Children and Families
Liaison: Elizabeth Duryea
Phone: (860) 550-6314
E-mail: Elizabeth.Duryea@ct.gov
Lead agency division requesting this proposal: Office of the Chief of Staff
Agency Analyst/Drafter of Proposal: Josh Howroyd

Title of Proposal: Foster Care Incentive for State Employees
Statutory Reference: New statute (modeled after § 643 of June Special Session, Public Act 17-2)
Proposal Summary: The proposal allows state employees to take paid leave upon placement of a foster child by DCF in their home. This is in addition to other family and medical leave authorized by law. The proposal allows up to five days of paid leave.

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?

Connecticut has a severe shortage of foster parents and this proposal would provide an incentive for state employees to serve as foster parents. This is a similar incentive provided to that provided to state employees who are organ donors pursuant to § 643 of June Special Session, Public Act 17-2.

Origin of Proposal

[X] 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?

Click here to enter text.

PROPOSAL IMPACT

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

<p>Agency Name: Department of Administrative Services Agency Contact (name, title, phone): Terrence Tulloch-Reid, Legislative Program Manager, 860-713-5085 & Erin Choquette, Legal & Policy Advisor, 860-713-5276 Date Contacted: September 13, 2018, Revised language submitted September 28, 2018 & October 16, 2018</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 Incorporated language drafted by DAS into revised proposal.</p>
<p>Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>

<p>Agency Name: Office of Policy and Management Agency Contact (name, title, phone): Kelly Sinko, Policy Development Coordinator, 860-418-6226 & Anne Foley, Undersecretary, 860-418-6268 Date Contacted: September 13, 2018, Revised language submitted September 28, 2018 & October 16, 2018</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 Click here to enter text.</p>
<p>Will there need to be further negotiation? <input checked="" 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 <i>(please include any municipal mandate that can be found within legislation)</i> No municipal fiscal impact</p>
<p>State There will be a cost associated to the Personal Services account for individual state associated with additional utilization paid leave by their employees. It is estimated to fewer than 500 state employees are currently foster parents and, in any given fiscal year, fewer than 10% would accept new placements of foster children. We do know that 83 DCF employees are licensed as foster parents by the Department (this number does not include employee that may be licensed by private agencies).</p>
<p>Federal No federal fiscal impact</p>

Additional notes on fiscal impact

Click here to enter text.

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

Click here to enter text.

Insert fully drafted bill here

Foster Care Incentive for State Employees

Section 1. (NEW) *(Effective July 1, 2019)* (a) As used in this section:

(1) "State employee" means any employee in the executive, judicial or legislative branch of state government, whether in the classified or unclassified service and whether full or part-time;

(2) "Foster child" means a child placed by the Department of Children and Families in a foster home which is licensed pursuant to section 17a-114 or approved by the Department of Children and Families pursuant to section 17a-149; and

(3) "Paid leave" means leave from work during an employee's regular hours of employment without loss of pay, vacation time, sick leave, personal leave, earned overtime accumulation, or earned compensatory time accumulation and shall not result in a loss of credit for time or service or affect the employee's rights with respect to any other employee benefits under federal or state law.

(b) Any state employee who, on or after July 1, 2019, is approved to take leave pursuant to section 31-51kk of the Connecticut General Statutes or the federal Family and Medical Leave Act, 29 U.S.C. 2602 et seq., for the purpose of bonding with a foster child shall be entitled to up to five days of paid leave from state employment immediately upon placement of the foster child. Leave taken under this section shall run concurrently with the leave taken pursuant to section 31-51kk of the Connecticut General Statutes or the federal Family and Medical Leave Act, as applicable. Such employee may only take one such paid leave, as permitted by this section, in any calendar year.

(c) Any state employee who takes paid leave under this section shall provide his or her employer with not less than seven days' notice prior to the commencement of such leave when practicable.

(d) The employer may require verification from the Department of Children and Families of the date of the placement of the foster child for the purpose of verifying the employee's eligibility for paid leave under this section.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2019 SESSION



Document Name: DCF 19-5B Failure to Report Suspected Child Abuse or Neglect.docx
(If submitting electronically, please label with date, agency, and title of proposal, e.g. 18-1_DCF_TechRevisions)

State Agency: Department of Children and Families

Liaison: Elizabeth Duryea
Phone: (860) 550-6314
E-mail: Elizabeth.Duryea@ct.gov

Lead agency division requesting this proposal: Office of the Chief of Staff

Agency Analyst/Drafter of Proposal: Josh Howroyd

Title of Proposal: Failure to Report Suspected Child Abuse or Neglect

Statutory Reference: §§ 17a-101a, 17a-101i & 17a-101o

Proposal Summary:

This proposal restructures statutes related to failure to report suspect child abuse or neglect. The proposal moves the failure to report language from § 17a-101a into § 17a-101o, thereby making § 17a-101o the primary statute for failure to report and applicable to all mandated reporters. The proposal reorganizes some provisions specific to school employees in the new subsection (d) of § 17a-101o.

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?

In recent years, DCF has seen a dramatic increase the number of instances of failure to report suspect child abuse or neglect.

Origin of Proposal [X] 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?

Click here to enter text.

PROPOSAL IMPACT

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

Agency Name: State Department of Education
Agency Contact (name, title, phone): Laura Stefon, Legislative Liaison, 860-713-6493
Date Contacted: [Click here to enter text.](#)

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

[Click here to enter text.](#)

Failure to Report Suspected Child Abuse or Neglect

Section 1. Section 17a-101a of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof *(Effective July 1, 2019)*:

(a)(1) Any mandated reporter, as described in section 17a-101, who in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (A) has been abused or neglected, as described in section 46b-120, (B) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (C) is placed at imminent risk of serious harm, or (2) any school employee, as defined in section 53a-65, who in the ordinary course of such

person's employment or profession has reasonable cause to suspect or believe that any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim under the provisions of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, and the perpetrator is a school employee shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive.

~~(b) [(1) 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, and section 17a-103 shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class E felony if (A) such violation is a subsequent violation, (B) such violation was wilful or intentional or due to gross negligence, or (C) such person had actual knowledge that (i) a child was abused or neglected, as described in section 46b-120, or (ii) a person was a victim described in subdivision (2) of subsection (a) of this section.~~

~~(2) Any person who intentionally and unreasonably interferes with or prevents the making of a report pursuant to this section, or attempts or conspires to do so, shall be guilty of a class D felony. The provisions of this subdivision shall not apply to any child under the age of eighteen years or any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program.~~

~~(3) Any person found guilty under the provisions of this subsection 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) 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.~~

~~(d)]~~ For purposes of this section and section 17a-101b, a mandated reporter's suspicion or belief may be based on factors including, but not limited to, observations, allegations, facts or statements by a child, victim, as described in subdivision (2) of subsection (a) of this section, or third party. Such suspicion or belief does not require certainty or probable cause.

Sec 2. Subsection (d) of section 17a-101i of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(d) If a school employee, as defined in section 53a-65, or any person holding a certificate, permit or authorization issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, is convicted of a crime involving an act of child abuse or neglect as described in section 46b-120 or a violation of subdivision (2) of subsection ~~[(b) of section 17a-101a]~~ [(d) of section 17a-101o, as amended by this act, or section 53-21, 53a-71 or 53a-73a against any person, or a violation of section 53a-70, 53a-70a, 53a-72a or 53a-72b against a victim, as described in subdivision (2) of subsection (a) of section 17a-101a, the state's attorney for the judicial district in which the conviction occurred shall in writing notify the superintendent of the

school district or the supervisory agent of the nonpublic school in which the person is employed and the Commissioner of Education of such conviction.

Sec. 3. Section 17a-101o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) If the Commissioner of Children and Families suspects or knows that a mandated reporter, as defined in section 17a-101, ~~[employed by a local or regional board of education,]~~ 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, 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 employing local or regional board of education or superintendent of schools for the district in response to such employee's failure to report].~~

(b) The Department of Children and Families shall develop a policy for the investigation of ~~[delayed reports]~~ failure to make a report within the time period prescribed in sections 17a-101a to 17a-101d, inclusive and section 17a-103 by mandated reporters. Such policy shall include, but not be limited to, when referrals to the ~~[appropriate law enforcement agency]~~ Chief State's Attorney for failure to report or delayed reporting are required and when the department shall require mandated reporters who have been found to have failed or delayed making a report to participate in the educational and training program pursuant to ~~[subsection (b) of section 17a-101a]~~ subsection (d) of this section, as amended by this act.

(c) If the Commissioner of Children and Families suspects or knows that a mandated reporter, as defined in section 17a-101, employed by a local or regional board of education, 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, and section 17a-103, the commissioner shall investigate such delayed reporting and report the findings of such investigation and documentation of concerns related to such findings, if applicable, to such local or regional board of education, the superintendent of the school district in which the mandated reporter is employed and the Department of Education. Such investigation shall be conducted in accordance with the policy developed in subsection (b) of this section, and include the actions taken by the employing local or regional board of education or superintendent of schools for the district in response to such employee's failure to report.

(d) (1) Any person required to report under the provisions of section 17a-101a, as amended by this act, 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, and section 17a-103 shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class E felony if (A) such violation is a subsequent violation, (B) such violation was wilful or intentional or due to gross negligence, or (C) such person had actual knowledge that (i) a child was abused or neglected, as described in section 46b-120, or (ii) a person was a victim described in subdivision (2) of subsection (a) of this section.

(2) Any person who intentionally and unreasonably interferes with or prevents the making of a report pursuant to this section, or attempts or conspires to do so, shall be guilty of a class D felony. The provisions of this subdivision shall not apply to any child under the age of eighteen years or any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program.

(3) Any person found guilty under the provisions of this subsection 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.

~~(e)~~ (e) For purposes of this section, “child” includes any victim described in subdivision (2) of subsection (a) of section 17a-101a, as amended by this act.