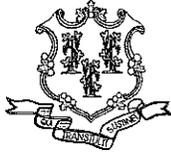


**STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES**



2013 Legislative Proposals

- 1 Addressing the Medical and Educational Needs of Children**
- 2 Victims of Sex Trafficking**
- 3 Responsibilities of Mandated Reporters of Child Abuse and Neglect**
- 4 DCF Voluntary Services**
- 5 Background Checks for Providers**
- 6 Notices of DCF Investigations**
- 7 Revising Various Statutes Concerning the Department of Children and Families**
- 8 Family Assessment Response Cases**
- 9 Due Process Rights for Individuals Placed on the Child Abuse and Neglect Registry**
- 10 Interview of Children by the Department of Children and Families During Investigations of Child Abuse and Neglect**
- 11 Post-Secondary Educational and Vocational Services**
- 12 School of Origin Clarification**
- 13 Subsidies for Non-Relative Permanent Guardians**



STATE OF CONNECTICUT
 DEPARTMENT OF CHILDREN AND FAMILIES
 AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-1 Medical and Educational Needs of Children.doc
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal Addressing the Medical and Educational Needs of Children
Statutory Reference § 46b-129 (b)
Proposal Summary
 To provide DCF with the authority to meet the medical and educational needs of children under an Order of Temporary Custody.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

There is a need to clarify specific authority for DCF to make various medical and educational decisions for children.

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Judicial Branch
Agency Contact (name, title, phone): Deb Fuller, Stephen Ment
Date Contacted: September 28, 2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: Attorney General's Office
Agency Contact (name, title, phone): Bob Clark
Date Contacted: September 28, 2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

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

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

State:
No state fiscal impact.

Federal:
No federal fiscal impact.

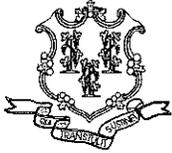
Additional notes on fiscal impact:

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

Section 1. Subsection (b) of section 46b-129 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition and application, or subsequent thereto, that there is reasonable cause to believe that (1) the child or youth is suffering from serious physical illness or serious physical injury or is in immediate physical danger from the child's or youth's surroundings, and (2) that as a result of said conditions, the child's or youth's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's or youth's safety, the court shall either (A) issue an order to the parents or other person having responsibility for the care of the child or youth to appear at such time as the court may designate to determine whether the court should vest the child's or youth's temporary care and custody in a person related to the child or youth by blood or marriage or in some other person or suitable agency pending disposition of the petition, or (B) issue an order ex parte vesting the child's or youth's temporary care and custody in a person related to the child or youth by blood or marriage or in some other person or suitable agency. A preliminary hearing on any ex parte custody order or order to appear issued by the court shall be held not later than ten days after the issuance of such order. The service of such orders may be made by any officer authorized by law to serve process, or by any probation officer appointed in accordance with section 46b-123, investigator from the Department of Administrative Services, state or local police officer or indifferent person. Such orders shall include a conspicuous notice to the respondent written in clear and simple language containing at least the following information: (i) That the order contains allegations that conditions in the home have endangered the safety and welfare of the child or youth; (ii) that a hearing will be held on the date on the form; (iii) that the hearing is the opportunity to present the parents' position concerning the alleged facts; (iv) that an attorney will be appointed for parents who cannot afford an attorney; (v) that such parents may apply for a court-appointed attorney by going in person to the court address on the form and are advised to go as soon as possible in order for the attorney to prepare for the hearing; (vi) that such parents, or a person having responsibility for the care and custody of the child or youth, may request the Commissioner of Children and Families to investigate placing the child or youth with a person related to the child or youth by blood or marriage who might serve as a licensed foster parent or temporary custodian for such child or youth. The commissioner, where practicable, shall investigate such relative or relatives prior to the preliminary hearing and provide a report to the court at such hearing as to such relative's suitability; and (vii) if such parents have any questions concerning the case or appointment of counsel, any such parent is advised to go to the court or call the clerk's office at the court as soon as possible. Upon application for appointed counsel, the court shall promptly determine eligibility and, if the respondent is eligible, promptly appoint counsel. The expense for any temporary care and custody shall be paid by the town in which such child or youth is at the time residing, and such town shall be reimbursed for such expense by the town found liable for the child's or youth's support, except that where a state agency has filed a petition pursuant to the provisions of subsection (a) of this section, the agency shall pay such expense. The agency shall give primary consideration to placing the child or youth in the town where such child or youth resides. The agency shall file in writing with the clerk of the court the reasons for placing the child or youth in a particular placement outside the town where the child or youth resides. Upon issuance of an ex parte order, the court shall provide to the commissioner and the parent or guardian specific steps necessary for each to take to address the ex parte order for the parent or guardian to retain or regain custody of the child or youth. Any person or agency awarded the temporary custody of a minor under this section, shall have the following rights and duties regarding the minor: (1) The obligation of care and control; (2) the authority to make decisions regarding routine medical treatment, education, school counseling and emergency medical, psychological, psychiatric or surgical treatment; and (3) other rights and duties which the juvenile court

having jurisdiction may approve. Upon the issuance of such order, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child or youth with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's or youth's best interests, including the child's or youth's health and safety.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-2 Victims of Sex Trafficking.doc

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

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

Title of Proposal Victims of Sex Trafficking

Statutory Reference §§ 46b-133, 53a-192a

Proposal Summary
 Establish a comprehensive response to child victims of human trafficking to:

- provide that victims of human trafficking under the age of 18 be presumed abused or neglected and allow them be placed in a secure setting until a proper placement is found;
- Permit law enforcement to hold the child in protective custody for a maximum period of twelve hours until the officer and DCF can determine a more suitable disposition of the matter;
- amend an existing requirement that law enforcement report an allegation of human trafficking of a child to the Department of Children and Families to require DCF to commence an investigation within 2 hours; and
- provide an expedited process for the filing of a motion to vacate prostitution convictions for victims of human trafficking.

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

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This proposal is based upon issues raised from the work of the Trafficking in Persons Council and various regional and national collaborations that DCF staff have participated in over the past few years. It is based upon laws passed in Illinois and New York, addressing several of these key issues.

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Judicial Branch

Agency Contact (name, title, phone): Deb Fuller, Stephen Ment

Date Contacted: September 28, 2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: State's Attorney Office

Agency Contact (name, title, phone): Wil Blanchette

Date Contacted: September 28, 2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: Department of Emergency Services and Public Protection

Agency Contact (name, title, phone): Steve Spellman

Date Contacted: September 28, 2012

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):
Indeterminate. Impact on local law enforcement is anticipated to be minimal. This clarifies some existing procedures and modifies other. Allowing law enforcement to refer youth to DCF rather than arresting them may result in some administrative efficiencies.

State:
Indeterminate. Currently, DCF provides services to these youth however, providing explicit legal authority may result in some additional cases. Fewer prosecutions may result in savings of the Judicial Branch, State's Attorney's Office and the Department of Emergency Services and Public Protection.

Federal:
No federal fiscal impact.

Additional notes on fiscal impact:

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

Victims of Sex Trafficking

Section 1. Subdivision (9) of section 46b-133 of the general statutes is repealed and the following is substituted in lieu thereof:

(9) A child or youth may be found "uncared for" who is homeless or whose home cannot provide the specialized care that the physical, emotional or mental condition of the child or youth requires or is a victim of human trafficking. For the purposes of this section, the treatment of any child or youth by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment;

Sec. 2. Subsection (c) of section 46b-133 of the general statutes is repealed and the following is substituted in lieu thereof:

(c) (1) Upon the arrest of any child by an officer, such officer may (A) release the child to the custody of the child's parent or parents, guardian or some other suitable person or agency, (B) at the discretion of the officer, release the child to the child's own custody, or (C) immediately turn the child over to a juvenile detention center. When a child is arrested for the commission of a delinquent act and the child

is not placed in detention or referred to a diversionary program, an officer shall serve a written complaint and summons on the child and the child's parent, guardian or some other suitable person or agency. If such child is released to the child's own custody, the officer shall make reasonable efforts to notify, and to provide a copy of a written complaint and summons to, the parent or guardian or some other suitable person or agency prior to the court date on the summons. If any person so summoned wilfully fails to appear in court at the time and place so specified, the court may issue a warrant for the child's arrest or a *capias* to assure the appearance in court of such parent, guardian or other person. If a child wilfully fails to appear in response to such a summons, the court may order such child taken into custody and such child may be charged with the delinquent act of wilful failure to appear under section 46b-120. The court may punish for contempt, as provided in section 46b-121, any parent, guardian or other person so summoned who wilfully fails to appear in court at the time and place so specified.

(2) Upon the [arrest] investigation of any youth by an officer for a potential violation of section 53a-82, such officer shall report suspected abuse or neglect to the Department of Children and Families in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive. The Department of Children and Families shall respond within two hours of such report. Any police officer investigating a potential violation of section 53a-82 may hold the child in protective custody for a maximum period of twelve hours until the officer can determine, in consultation with the Department of Children and Families, a more suitable disposition of the matter, provided (A) the child is not held in any locked room or cell and (B) the officer may release the child at any time without taking further action; or (4) he may transport or refer a child to any public or private agency serving children, with or without the agreement of the child. If it is determined, after a reasonable period of protective custody for investigative purposes, that the person suspected of or charged with a violation of section 53a-82 is a person under the age of 18, that person shall be immune from prosecution for a prostitution offense under said section, and shall be subject to the temporary protective custody provisions of section 46b-129.

Sec. 3. (NEW) (a) A motion to vacate prostitution convictions for sex trafficking victims under this Section may be filed at any time following the entry of a verdict or finding of guilty where the conviction was under Section 53a-82 and the defendant's participation in the offense was a result of having been a trafficking victim under Section 53a-192a or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. Section 7102(13)); provided that: (1) a motion under this Section shall state why the facts giving rise to this motion were not presented to the court, and shall be made with due diligence, after the defendant has ceased to be a victim of such trafficking or has sought services for victims of such trafficking, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking that may be jeopardized by the bringing of such motion, or for other reasons consistent with the purpose of this section; and (2) reasonable notice of the motion shall be served upon the State.

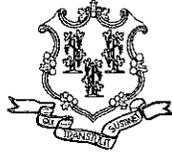
(b) The court may grant the motion if, in the discretion of the court, the violation was a result of the defendant having been a victim of human trafficking. Evidence of such may include, but is not limited to: (1) certified records of federal or State court proceedings which demonstrate that the defendant was a victim of a trafficker charged with a trafficking offense under Section 53a-192a or under 22 U.S.C. Chapter 78;

(2) certified records of "approval notices" or "law enforcement certifications" generated from federal immigration proceedings available to such victims; or

(3) a sworn statement from the Commissioner of Children and Families or designee, a trained professional staff of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the defendant has sought assistance in addressing the trauma associated with being trafficked.

(c) Alternatively, the court may consider such other evidence as it deems of sufficient credibility and probative value in determining whether the defendant is a trafficking victim or victim of a severe form of trafficking.

(d) If the court grants a motion under this Section, it shall vacate the conviction and may take such additional action as is appropriate in the circumstances.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-3 Mandated Reporter Responsibilities.doc

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

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: Legal

Agency Analyst/Drafter of Proposal: Barbara Claire

Title of Proposal: Responsibilities of Mandated Reporters of Child Abuse and Neglect

Statutory Reference: §§ 17a-101e, 31-51m

Proposal Summary:

To provide legal protection for mandated reporters of child abuse from retaliatory actions by their employers.

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

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

There is a concern that some employers may screen or interfere with employees who are mandated reporters of child abuse and neglect from discharging their legal responsibilities to report. This proposal strengthens existing statutes in a manner that would allow greater enforcement of violations.

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Attorney General's Office
Agency Contact (name, title, phone): Bob Clark
Date Contacted: September 28, 2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

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

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

State:
No state fiscal impact.

Federal:
No federal fiscal impact.

Additional notes on fiscal impact:

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

Responsibilities of Mandated Reporters of Child Abuse and Neglect

Section 1. Section 17a-101e of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No employer shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a report, or prevent an employee from fulfilling his or her duties as a mandated reporter of child abuse or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103, testifies or is about to testify in any proceeding involving child abuse or neglect. The Attorney General may bring an action in Superior Court against an employer who violates this subsection. The court may

assess a civil penalty of not more than two thousand five hundred dollars and may order such other equitable relief as the court deems appropriate.

(b) Any person, institution or agency which, in good faith, makes, or in good faith does not make, the report pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103 shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such report provided such person did not perpetrate or cause such abuse or neglect.

(c) Any person who knowingly makes a false report of child abuse or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103, shall be fined not more than two thousand dollars or imprisoned not more than one year or both.

Sec. 2. Section 31-51m of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section and section 31-278:

(1) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons;

(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision of the state;

(3) "Employee" means any person engaged in service to an employer in a business of his employer;

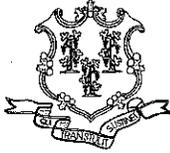
(4) "Public body" means (A) any public agency, as defined in subdivision (1) of section 1-200, or any employee, member or officer thereof, or (B) any federal agency or any employee, member or officer thereof;

(5) "Mandated reporter" means any person required to report suspected child abuse or neglect, as defined in subsection (b) of section 17a-101.

(b) No employer shall discharge, discipline or otherwise penalize any employee because the employee, or a person acting on behalf of the employee, reports, verbally or in writing, a violation or a suspected violation of any state or federal law or regulation or any municipal ordinance or regulation to a public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action, or because an employee is fulfilling his or her duties as a mandated reporter of child abuse or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103. No municipal employer shall discharge, discipline or otherwise penalize any employee because the employee, or a person acting on behalf of the employee, reports, verbally or in writing, to a public body concerning the unethical practices, mismanagement or abuse of authority by such employer. The provisions of this subsection shall not be applicable when the employee knows that such report is false.

(c) Any employee who is discharged, disciplined or otherwise penalized by his employer in violation of the provisions of subsection (b) may, after exhausting all available administrative remedies, bring a civil action, within ninety days of the date of the final administrative determination or within ninety days of such violation, whichever is later, in the superior court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office, for the reinstatement of his previous job, payment of back wages and reestablishment of employee benefits to which he would have otherwise been entitled if such violation had not occurred. An employee's recovery from any such action shall be limited to such items, provided the court may allow to the prevailing party his costs, together with reasonable attorney's fees to be taxed by the court. Any employee found to have knowingly made a false report shall be subject to disciplinary action by his employer up to and including dismissal.

(d) This section shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-4 Voluntary Services.doc
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal DCF Voluntary Services
Statutory Reference § 17a-11
Proposal Summary
 To remove in-home cases from Probate Court jurisdiction and to permit DCF to close a Voluntary Services case when a youth is transferred to DMHAS or DDS.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Probate Courts
Agency Contact (name, title, phone): Vin Russo
Date Contacted: September 28, 2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: Department of Mental Health and Addiction Services
Agency Contact (name, title, phone): Doreen DelBianco
Date Contacted: September 28, 2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: Department of Developmental Services
Agency Contact (name, title, phone): Rod O'Connor
Date Contacted: September 28, 2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

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

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

State:
No state fiscal impact.

Federal:
No federal fiscal impact.

Additional notes on fiscal impact:

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

DCF Voluntary Services

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

(a) The commissioner may, in the commissioner's discretion, admit to the department on a voluntary basis any child or youth who, in the commissioner's opinion, could benefit from any of the services offered or administered by, or under contract with, or otherwise available to, the department. Application for voluntary admission shall be made in writing by the parent or guardian of a child under fourteen years of age or by such person himself or herself if he or she is a child fourteen years of age or older or a youth. The fact that a parent has applied for services or received services for his or her child through voluntary admission shall not be used against the parent (1) in any investigation conducted by the department in accordance with section 17a-101g, (2) when making placement decisions for the child, (3) when making foster care licensing determinations in accordance with section 17a-114, or (4) in any court proceeding related to the placement of a minor relative of the parent.

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

of the commissioner's intention to make a transfer at least ten days prior to any actual transfer, Ten days after the notice of the case, the commissioner may continue to provide services to the child or youth in conjunction with the Department of Mental Health and Addiction Services or the Department of Developmental Services or the commissioner may terminate the voluntary services case if, in the Commissioner's discretion, the agency to which the child youth has been transferred can provide adequate services.

(c) A case plan shall be required for all children and youths receiving services voluntarily from the department in accordance with section 17a-15 of the general statutes.

~~[(e)] (d) [Not]~~ If the commissioner places a child in out-of-home care on a voluntary basis not more than one hundred twenty days after [admitting a] placing said child or youth [on a voluntary basis], the department shall petition the probate court for the district in which a parent or guardian of the child or youth resides for a determination as to whether continuation in care is in the child's or youth's best interest and, if so, whether there is an appropriate case service or permanency plan. [A case service plan shall be required for all children and youths receiving services voluntarily from the department who are not in an out-of-home placement.] A permanency plan shall be required for all children and youths voluntarily admitted to the department and placed by the department in a foster home licensed pursuant to section 17a-114 or a facility licensed pursuant to section 17a-145 or 17a-154. Upon receipt of such application, the court shall set a time and place for hearing to be held within thirty days of receipt of the application, unless continued by the court for cause shown. The court shall order notice of the hearing to be given by first class mail at least five days prior to the hearing to the Commissioner of Children and Families, and by first class mail at least five days prior to the hearing to the parents or guardian of the child and the minor, if over twelve years of age. If the whereabouts of the parent or guardian are unknown, or if delivery cannot reasonably be effected, then notice shall be ordered to be given by publication. In making its determination, the court shall consider the items specified in subsection (d) of this section. The court shall possess continuing jurisdiction in proceedings under this section.

~~[(d)] (e)~~ (1) Ten months after admitting a child or youth on a voluntary basis and annually thereafter if the child or youth remains in the custody of the commissioner and remains placed in a foster home licensed pursuant to section 17a-114 or a facility licensed pursuant to section 17a-145 or 17a-154, the commissioner shall file a motion for review of a permanency plan. A hearing on such motion shall be held not later than thirty days after the filing of such motion. The court shall provide notice to the child or youth and such child's or youth's parent or guardian of the time and place of the hearing on such motion not less than ten days prior to the date of such hearing.

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

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

interest of the child or youth for the permanency plan to include the goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such other planned permanent living arrangement may include, but not be limited to, placement of a child or youth in an independent living program or long-term foster care with an identified foster parent.

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

(5) The probate court shall retain jurisdiction until the first to occur of (i) the youth turns 18 years of age; (ii) the youth is reunified with a parent, legal guardian or other approved relative resource; or (iii) the case is terminated consistent with subsection (b) of this section or in accordance with the regulations adopted by the commissioner pursuant to subsection (f) of this section.

~~[(e)]~~ (f) The commissioner shall adopt regulations in accordance with chapter 54 describing the documentation required for voluntary admission and for informal administrative case review, upon request, of any denial of an application for voluntary admission and describing those conditions under which voluntary services may be terminated, including, but not limited to the conditions outlined in subsection (b) of this section.

~~[(f)]~~ (g) Any person aggrieved by a decision of the commissioner denying voluntary services or terminating voluntary services according to the provisions of subsection (b) of this section may appeal such decision through an administrative hearing held pursuant to chapter 54.

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

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



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-5 Background Checks for Providers.doc

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

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

Title of Proposal Background Checks for Providers
Statutory Reference New
Proposal Summary
 To require background checks for any person owning, employed by or volunteering for an entity receiving funds from the department and who has responsibility for providing direct supervision, care or treatment to children receiving services from the department.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Department of Emergency Services and Public Protection Agency Contact (name, title, phone): Steve Spellman Date Contacted: September 28, 2012
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

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

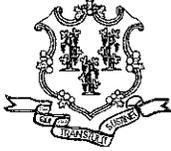
Municipal (please include any municipal mandate that can be found within legislation): No municipal fiscal impact.
State: No state fiscal impact.
Federal: No federal fiscal impact.
Additional notes on fiscal impact:

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

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Background Checks for DCF Providers

(NEW) The Commissioner of Children and Families shall require that any person owning, employed by or volunteering for an entity receiving funds from the department and who has responsibility for providing direct supervision, care or treatment to children receiving services from the department, submit to state and national criminal history records checks and check of the department's child abuse and neglect registry, except that any such person who is licensed by the department or another state agency to provide said direct supervision, care or treatment to a child shall be exempt.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-6 Notices of DCF Investigations.doc

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

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal:

Agency Analyst/Drafter of Proposal:

Title of Proposal Notices of DCF Investigations

Statutory Reference §§ 17a-101b, 17a-101c & 17a-101i

Proposal Summary
 Amend §§ 17a-101b & 17a-101c to clarify that DCF provide notice only at the commencement of investigation in all cases. No notice is to be required of non-accepted reports. Amend § 17a-101i to: 1) provide notice to SDE and school districts of all findings, including unsubstantiated cases; 2) clarify that notice to districts and SDE only if person is substantiated and placed on the child abuse and neglect registry if the victim is not a student; and 3) clarify what notification should be given regarding non-SDE certified school employees, such as school nurses.

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

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: State Department of Education Agency Contact (name, title, phone): Sarah Hemingway Date Contacted: September 28, 2012
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

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

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

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

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Notices of DCF Investigations

Section 1. Subsection (d) of section 17a-101b of the general statutes is repealed and the following is substituted in lieu thereof:

(d) Whenever a mandated reporter, as defined in section 17a-101, has reasonable cause to suspect or believe that any child has been abused or neglected by a member of the staff of a public or private institution or facility that provides care for such child or a public or private school, the mandated reporter shall report as required in subsection (a) of this section. ~~[The]~~ If such report is accepted for

investigation, the Commissioner of Children and Families or the commissioner's designee shall notify the principal, headmaster, executive director or other person in charge of such institution, facility or school, or the person's designee, unless such person is the alleged perpetrator of the abuse or neglect of such child. In the case of a public school, the commissioner shall also notify the person's employing superintendent. Such person in charge, or such person's designee, shall then immediately notify the child's parent or other person responsible for the child's care that a report has been made.

Sec. 2. Section 17a-101c of the general statutes is repealed and the following is substituted in lieu thereof:

Not later than forty-eight hours after making an oral report, a mandated reporter shall submit a written report to the Commissioner of Children and Families or the commissioner's designee. When a mandated reporter is a member of the staff of a public or private institution or facility that provides care for such child or public or private school the reporter shall also submit a copy of the written report to the person in charge of such institution, school or facility or the person's designee. In the case of a report accepted for investigation by the Commissioner of Children and Families or the commissioner's designee concerning a school employee holding a certificate, authorization or permit issued by the State Board of Education under the provisions of sections 10-144o to 10-146b, inclusive, and 10-149, a copy of the written report shall also be sent by the Commissioner of Children and Families or the commissioner's designee to the Commissioner of Education or the commissioner's designee. In the case of an employee of a facility or institution that provides care for a child which is licensed by the state, a copy of the written report shall also be sent by the Commissioner of Children and Families to the executive head of the state licensing agency.

Sec. 3. Section 17a-101i of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Notwithstanding any provision of the general statutes, not later than five working days after the completion of an investigation of abuse or neglect in which the alleged perpetrator is a school employee, as defined in section 53a-65, the Commissioner of Children and Families shall notify the Commissioner of Education and the employing superintendent of the results of the investigation and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to the Commissioner of Education and the employing superintendent. ~~If [has been completed and]~~ the Commissioner of Children and Families, based upon the results of the investigation, (1) has reasonable cause to believe that a child has been abused or neglected by a school employee, as defined in section 53a-65, ~~[who has been entrusted with the care of a child and who holds a certificate, permit or authorization issued by the State Board of Education, or]~~ and (2) has recommended that such employee be placed on the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, ~~[the commissioner shall, not later than five working days after such finding, notify the employing superintendent and the Commissioner of Education of such finding and shall provide records, whether or not created by the department, concerning such investigation to the superintendent and the Commissioner of Education. The]~~ the employing superintendent shall suspend such school employee. The Commissioner of Children and Families shall provide such notice whether or not the child was a student in the employing school or school district. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee. Not later than seventy-two hours after such suspension the superintendent shall notify the local or regional board of education and the Commissioner of Education, or the commissioner's representative, of the reasons for and conditions of the suspension. The superintendent shall disclose such records to the Commissioner of Education and the local or regional board of education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization. The suspension of a school employee employed in a position requiring a certificate shall remain in effect

until the board of education acts pursuant to the provisions of section 10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the superintendent shall notify the Commissioner of Education, or the commissioner's representative, within seventy-two hours after such termination or resignation. Upon receipt of such notice from the superintendent, the Commissioner of Education may commence certification revocation proceedings pursuant to the provisions of subsection (i) of section 10-145b, as amended by this act. Notwithstanding the provisions of sections 1-210 and 1-211, information received by the Commissioner of Education, or the commissioner's representative, pursuant to this section shall be confidential subject to regulations adopted by the State Board of Education under section 10-145g.

(b) Not later than five working days after ~~[an investigation has been completed, if]~~ the completion of an investigation of abuse or neglect in which the alleged perpetrator is a staff member of a public or private institution or facility providing care for children or private school, the Commissioner of Children and Families shall notify the executive director of such institution, school or facility of the results of such investigation and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to such executive director. If (1) the Commissioner of Children and Families, based upon the results of the investigation, has reasonable cause to believe that a child has been abused or neglected by a staff member of a public or private institution or facility providing care for children or private school, and (2) the commissioner recommends that such staff member be placed on the child abuse and neglect registry established pursuant to section 17a-101k, such institution, school or facility shall suspend such staff person. Such suspension shall be with pay and shall not result in diminution or termination of benefits to such staff person. Such suspension shall remain in effect until the incident of abuse or neglect has been satisfactorily resolved by the employer of the staff person or until an appeal, conducted in accordance with section 17a-101k, has resulted in a finding that such staff person is not responsible for the abuse or neglect or does not pose a risk to the health, safety or well-being of children. If such staff member has a professional license or certificate issued by the state or a permit or authorization issued by the State Board of Education or if such institution, school or facility has a license or approval issued by the state, the commissioner shall forthwith notify the state agency responsible for issuing such license, certificate, permit, approval or authorization to the staff member and provide records, whether or not created by the department, concerning such investigation.

(c) 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 section 53-21, 53a-71 or 53a-73a, 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.

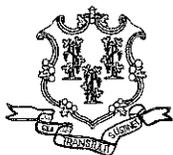
(d) For the purposes of receiving and making reports, notifying and receiving notification, or investigating, pursuant to the provisions of sections 17a-101a to 17a-101h, inclusive, and 17a-103, a superintendent of a school district or a supervisory agent of a nonpublic school may assign a designee to act on such superintendent's or agent's behalf.

(e) On or before February 1, 2012, each local and regional board of education shall adopt a written policy, in accordance with the provisions of subsection (d) of section 17a-101, as amended by this act, regarding the reporting by school employees, as defined in section 53a-65, of suspected child abuse in accordance with sections 17a-101a to 17a-101d, inclusive, as amended by this act, and 17a-103, as amended by this act. Such policy shall be distributed annually to all school employees employed by the local or regional board of education. The local or regional board of education shall document that all

such school employees have received such written policy and completed the training and refresher training programs required by subsection (c) of section 17a-101, as amended by this act.

(f) (1) All school employees, as defined in section 53a-65, hired by a local or regional board of education on or after July 1, 2011, shall be required to complete the training program developed pursuant to subsection (c) of section 17a-101. All such school employees shall complete the refresher training program, developed pursuant to subsection (c) of section 17a-101, not later than three years after completion of the initial training program, and shall thereafter retake such refresher training course at least once every three years.

(2) On or before July 1, 2012, all school employees, as defined in section 53a-65, hired by a local or regional board of education before July 1, 2011, shall complete the refresher training program developed pursuant to subsection (c) of section 17a-101 and shall thereafter retake such refresher training course at least once every three years.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-7 Revisions to DCF Statutes.doc
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal Revising Various Statutes Concerning the Department of Children and Families
Statutory Reference §§ 17a-4, 17a-28, 17a-63a (Repealer), 17a-93, 17a-114b, 17a-115a, 17a-154 (Repealer), 17a-155 (Repealer) & 19a-112f,

Proposal Summary
 Section 1 amends section 17a-4 of the General Statutes to make technical clarifications to the membership of the State Advisory Council on Children and Families.
 Section 2 amends section 17a-9 of the General Statutes to allow appointment of a third Deputy Commissioner for DCF.
 Section 3 amends section 17a-28 of the General Statutes to permit sharing of DCF records with DSS for purposes of investigating fraud and require in camera review for disclosure of DCF records to civil courts.
 Section 4 amends section 17a-93 of the General Statutes to correct statutory references for the licensing of child caring facilities.
 Section 5 amends section 17a-114b of the General Statutes to make the credit report review for foster youth to be consistent with the provisions of federal law.
 Section 6 amends section 17a-115a of the General Statutes to change from 15 to 5 days the time requirements for doing a full fingerprint check after emergency placements. This change is necessary to conform to the requirements of federal law.
 Section 7 amends section 19a-112f of the General Statutes to include DCF on the Sexual Assault Forensic Examiners Advisory Committee.
 Section 8 repeals sections 17a-154 and 17a-155 of the General Statutes concerning Permanent Family Residences, an obsolete category of homes licensed by DCF.

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

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

Origin of Proposal New Proposal Resubmission

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Department of Social Services (§ 2 only) Agency Contact (name, title, phone): Carolyn Treiss, Heather Rossi Date Contacted: September 28, 2012
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

Agency Name: Judicial Branch (§ 2 only) Agency Contact (name, title, phone): Deb Fuller, Stephen Ment Date Contacted: September 28, 2012
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

Agency Name: Department of Emergency Services and Public Protection (§ 5 only) Agency Contact (name, title, phone): Steve Spellman Date Contacted: September 28, 2012
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments

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

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

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

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

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Revising Various Statutes Concerning the Department of Children and Families

Section 1. Subsection (a) of section 17a-4 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) There shall be a State Advisory Council on Children and Families which shall consist of nineteen members as follows: (1) Thirteen members appointed by the Governor, including [at least] two persons who are child care professionals, two persons eighteen to twenty-five years of age, inclusive, served by the Department of Children and Families, one child psychiatrist licensed to practice medicine in this state and [at least] one attorney who has expertise in legal issues related to children and youth and seven persons who shall be representative of young persons, parents and others interested in the delivery of services to children and youths, including child protection, behavioral health, juvenile justice and prevention services, at least four of whom shall be parents, foster parents or family members of children who have received, or are receiving, behavioral health services, child welfare services or juvenile services; and (2) six members representing the regional advisory councils established pursuant to section 17a-30, appointed one each by the members of each council. On and after October 1, 2014, no more than half the members of the council shall be persons who receive income from a private practice or any public or private agency that delivers mental health, substance abuse, child abuse

prevention and treatment, child welfare services or juvenile services. Members of the council shall serve without compensation, except for necessary expenses incurred in the performance of their duties. The Department of Children and Families shall provide the council with funding to facilitate the participation of those members representing families and youth, as well as for other administrative support services. Members shall serve on the council for terms of two years each and no member shall serve for more than three consecutive terms. The commissioner shall be an ex-officio member of the council without vote and shall attend its meetings. Any member who fails to attend three consecutive meetings or fifty per cent of all meetings during any calendar year shall be deemed to have resigned. The council shall elect a chairperson and vice-chairperson to act in the chairperson's absence.

Sec. 2. Subsection (a) of section 17a-9 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The commissioner shall appoint, after consultation with the state advisory council, and may remove in a like manner, ~~two~~ three deputy commissioners who shall be in the unclassified service. The deputy commissioner for program services shall be a clinically competent professional person experienced in one or more fields of children's services and in the administration of such services, and shall be responsible for the supervision of all clinical treatment and program services of the department. The deputy commissioner of administrative services shall have experience in business or institutional administration and shall be responsible for the organizational and general administrative services of the department. The deputy commissioner of quality improvement shall have experience in business or institutional administration and shall be responsible for the oversight of quality management, administrative case review, program review, research and evaluation, special investigations and other oversight functions.

Sec. 3. Section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section:

- (1) "Person" means (A) any individual named in a record, maintained by the department, who (i) is presently or at any prior time was a ward of or committed to the commissioner for any reason; (ii) otherwise received services, voluntarily or involuntarily, from the department; or (iii) is presently or was at any prior time the subject of an investigation by the department; (B) a parent whose parental rights have not been terminated or current guardian of an individual described in subparagraph (A) of this subdivision, if such individual is a minor; or (C) the authorized representative of an individual described in subparagraph (A) of this subdivision, if such individual is deceased;
- (2) "Attorney" means the licensed attorney authorized to assert the confidentiality of or right of access to records of a person;
- (3) "Authorized representative" means a parent, guardian, guardian ad litem, attorney, conservator or other individual authorized to assert the confidentiality of or right of access to records of a person;
- (4) "Consent" means permission given in writing by a person, such person's attorney or authorized representative to disclose specified information, within a limited time period, regarding the person to specifically identified individuals or entities;
- (5) "Records" means information created or obtained in connection with the department's child protection activities or other activities related to a child while in the care or custody of the department, including information in the registry of reports to be maintained by the commissioner pursuant to section 17a-101k;
- (6) "Disclose" means (A) to provide an oral summary of records maintained by the department to an individual, agency, corporation or organization, or (B) to allow an individual, agency, corporation or organization to review or obtain copies of such records in whole, part or summary form;
- (7) "Near fatality" means an act that places a child in serious or critical condition.

(b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213, records maintained by the department shall be confidential and shall not be disclosed, unless the department receives written consent from the person or as provided in this section, section 17a-101g or section 17a-101k. Any unauthorized disclosure shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. Any employee of the department who in the ordinary course of such person's employment has reasonable cause to suspect or believe that another employee has engaged in the unauthorized disclosure of records shall report in writing such unauthorized disclosure of records to the commissioner. The report shall include the name of the person disclosing the information and the nature of the information disclosed and to whom it was disclosed, if known.

(c) Records that (1) contain privileged communications, or (2) are confidential pursuant to any federal law or regulation shall not be disclosed except as authorized by law.

(d) Any information disclosed from a person's record shall not be further disclosed to another individual or entity without the written consent of the person, except (1) pursuant to section 19a-80 or 19a-80f, provided such disclosure is otherwise permitted pursuant to subsections (b) and (c) of this section, (2) pursuant to the order of a court of competent jurisdiction, or (3) as otherwise provided by law.

(e) The commissioner shall, upon written request, disclose the following information concerning agencies licensed by the Department of Children and Families, except foster care parents, relatives of the child who are licensed to provide foster care or prospective adoptive families: (1) The name of the licensee; (2) the date the original license was issued; (3) the current status of the license; (4) whether an agency investigation or review is pending or has been completed; and (5) any licensing action taken by the department at any time during the period such license was issued and the reason for such action, provided disclosure of such information will not jeopardize a pending investigation.

(f) The name of any individual who reports suspected abuse or neglect of a child or youth or cooperates with an investigation of child abuse or neglect shall be kept confidential upon request or upon determination by the department that disclosure of such information may be detrimental to the safety or interests of the individual, except the name of any such individual shall be disclosed pursuant to subparagraph (B) of subdivision (1) of subsection (g) of this section to (1) an employee of the department for reasons reasonably related to the business of the department; (2) a law enforcement officer for purposes of investigating abuse or neglect of a child or youth; (3) a state's attorney for purposes of investigating or prosecuting abuse or neglect of a child or youth; (4) an assistant attorney general or other legal counsel representing the department; (5) a judge of the Superior Court and all necessary parties in a court proceeding pursuant to section 17a-112 or 46b-129, or a criminal prosecution involving child abuse or neglect; (6) a state child care licensing agency; or (7) the executive director of any institution, school or facility or superintendent of schools pursuant to section 17a-101i.

(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) information identifying an individual who reported abuse or neglect of the person, including any tape recording or an oral report pursuant to section 17a-103, as amended by this act, 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 business of the department;

- (3) A guardian ad litem or attorney appointed to represent a child or youth in litigation affecting the best interests of the child or youth;
- (4) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an employee of the department;
- (5) The Child Advocate or the Child Advocate's designee;
- (6) The Chief Public Defender or the Chief Public Defender's designee for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide legal and guardian ad litem services to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;
- (7) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting an allegation related to child abuse or neglect, provided such prosecuting authority shall have access to records of a delinquency defendant, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release;
- (8) A state or federal law enforcement officer for purposes of investigating an allegation related to child abuse or neglect;
- (9) Any foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;
- (10) The Governor, when requested in writing in the course of the Governor's official functions, the Legislative Program Review and Investigations Committee, the joint standing committees of the General Assembly having cognizance of matters relating to human services and the judiciary and the select committee of the General Assembly having cognizance of matters relating to children, when requested in writing in the course of said committees' official functions, and upon a majority vote of said committees, provided no names or other identifying information is disclosed unless it is essential to the gubernatorial or legislative purpose;
- (11) The Department of Public Health for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining the suitability of such person for licensure; or (C) an investigation conducted pursuant to section 19a-80f;
- (12) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's voluntary services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' voluntary services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;
- (13) A state agency that licenses or certifies a person to educate or care for children or youth;
- (14) A judge or employee of a probate court who requires access to such records in order to perform such judge's or employee's official duties;
- (15) A judge of the Superior Court for purposes of determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs, or 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;
- (16) 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;

(17) 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;

(18) 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;

(19) 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;

(20) 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;

(21) 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; ~~and~~

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

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

(h) The department may, subject to subsections (b) and (c) of this section, disclose records without the consent of the person who is the subject of the record, to:

(1) An employee or former employee of the department or such employee or former employee's authorized representative for purposes of participating in any court, administrative or disciplinary proceeding, provided such disclosure shall be limited to records that are necessary to the proceeding, as determined by the department;

(2) Multidisciplinary teams, as described in section 17a-106a;

(3) A provider of professional services for a child, youth or parent referred to such provider, provided such disclosure is limited to information necessary to provide services to the child, youth or parent;

(4) An individual or agency under contract with the department for the purposes of identifying and assessing a potential foster or adoptive home for a child or youth, provided no information identifying a biological parent of a child or youth is disclosed without the permission of such biological parent;

(5) ~~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; or (B) promoting the health, safety and welfare of the child or youth;~~

~~(6)~~ A physician examining a child with respect to whom abuse or neglect is suspected and who is authorized pursuant to section 17a-101f to keep the child in the custody of a hospital when such physician requires the information in a record of the department to determine whether to keep the child in protective custody;

~~(7)~~ (6) An individual who reports child abuse or neglect pursuant to sections 17a-101a to 17a-101c, inclusive, or section 17a-103, who made a report of abuse or neglect, provided the information disclosed is limited to (A) the status of the investigation conducted pursuant to section 17a-101g resulting from the individual's report; and (B) in general terms, the action taken by the department as a result of such investigation;

~~(8)~~ (7) An individual or organization engaged in the business of medical, psychological or psychiatric diagnosis and treatment and who is treating an individual who has perpetrated abuse or neglect, as

determined in an investigation conducted pursuant to section 17a-101g, or who is unwilling or unable to protect a child or youth from abuse or neglect, as determined in an investigation conducted pursuant to section 17a-101g, when the commissioner, or the commissioner's designee, determines that the disclosure is necessary to accomplish the objectives of diagnosis or treatment;

~~[(9)]~~ (8) A court or public agency in another state or a federally recognized Indian tribe, that is responsible for investigating child abuse or neglect, preventing child abuse and neglect or providing services to families at risk for child abuse or neglect, for the purpose of such investigation, prevention or providing services to such families;

~~[(10)]~~ (9) An individual conducting bona fide research, provided no information identifying the subject of the record is disclosed unless (A) such information is essential to the purpose of the research; and (B) the department has given written approval for the use of such information;

~~[(11)]~~ (10) An individual or agency involved in the collection of fees for services, provided such information is limited to the name and address of the person who received the services and the fees for services, except as provided in section 17b-225. In cases where a dispute arises over such fees or claims or where additional information is needed to substantiate the fee or claim, the Department of Children and Families may disclose the following: (A) That the person was, in fact, provided services by the department; (B) the dates and duration of such services; and (C) a general description of the types of services, including evidence that a service or treatment plan exists and has been carried out and evidence to substantiate the necessity for admission and length of stay in an institution or facility;

~~[(12)]~~ (11) A law enforcement officer or state's attorney if there is reasonable cause to believe that a child or youth is being abused or neglected or at risk of being abused or neglected as a result of any suspected criminal activity by any individual;

~~[(13)]~~ (12) Any individual interviewed as part of an investigation conducted pursuant to section 17a-101g, who is not otherwise entitled to such information, provided such disclosure is limited to: (A) The general nature of the allegations contained in the reports; (B) the identity of the child or youth alleged to have been abused or neglected; and (C) information necessary to effectively conduct the investigation;

~~[(14)]~~ (13) Any individual, when information concerning an incident of child abuse or neglect has been made public or the commissioner reasonably believes publication of such information is likely, provided such disclosure is limited to: (A) Whether the department has received any report in accordance with sections 17a-101a to 17a-101c, inclusive, or section 17a-103; (B) in general terms, any action taken by the department, provided: (i) Names or other individually identifiable information of the child or other family members is not disclosed, regardless of whether such individually identifiable information is otherwise available, and (ii) the name or other individually identifiable information of the person suspected to be responsible for the abuse or neglect is not disclosed unless such person has been arrested for a crime due to such abuse or neglect; (C) confirmation or denial of the accuracy of information that has been made public; and (D) notwithstanding the provisions of section 46b-124, in general terms, the legal status of the case;

~~[(15)]~~ (14) Any individual for the purpose of locating such individual's missing parent, child or youth, provided such disclosure is limited to information that assists in locating such missing parent, child or youth;

~~[(16)]~~ (15) Any individual, when the information concern an incident of abuse or neglect that resulted in a child or youth fatality or near fatality of a child or youth, provided disclosure of such information is in general terms and does not jeopardize a pending investigation;

~~[(17)]~~ (16) A judge of a court of competent jurisdiction whenever an employee of the department is subpoenaed and ordered to testify about such records 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;

~~[(18)]~~ (17) An individual who is not employed by the department who arranges, performs or assists in performing functions or activities on behalf of the department, including, but not limited to, data

analysis, processing or administration, utilization reviews, quality assurance, practice management, consultation, data aggregation and accreditation services.

(i) Notwithstanding the provisions of subsections (e) to (h), inclusive, of this section, the department may refuse to disclose records to any individual, provided the department gives such individual notice (1) that records are being withheld; (2) of the general nature of the records being withheld; (3) of the department's reason for refusing to disclose the records; and (4) of the individual's right to judicial relief pursuant to subsection (j) of this section.

(j) (1) Any person or individual aggrieved by a violation of subsection (b) or (d), subsections (f) to (h), inclusive, or subsection (k) of this section, or a person's authorized representative, may seek judicial relief in the manner prescribed in section 52-146j.

(2) Any person, individual or authorized representative denied access to records by the commissioner under subdivision (i) of this section may petition the superior court for the venue district provided in section 46b-142 in which the person resides for an order requiring the commissioner to permit access to those records, and the court, after a hearing and an in camera review of the records in question, shall issue such an order unless it determines that permitting disclosure of all or any portion of the record (A) would be contrary to the best interests of the person or the person's authorized representative; (B) could reasonably result in the risk of harm to any individual; or (C) would contravene the public policy of the state.

(k) All written records disclosed to an individual who is not the subject of the record, an agency, an entity or an organization shall bear a stamp requiring confidentiality in accordance with the provisions of this section. Such records shall not be disclosed to another individual, agency, entity or an organization without the written consent of the person who is the subject of the record or as provided by this section. A copy of the consent form, specifying to whom and for what specific use the record is disclosed or a statement setting forth any other statutory authorization for disclosure and the limitations imposed on such disclosure, shall accompany the record. In cases where the disclosure is made orally, the individual disclosing the information shall inform the recipient that such information is governed by the provisions of this section.

(l) Whenever any person, attorney or authorized representative, having obtained access to any record, believes there are factually inaccurate entries or materials contained in such record, such person, attorney or authorized representative may add a statement to the record setting forth what such person, attorney or authorized representative believes to be an accurate statement of those facts and such statement shall become a permanent part of the record.

Sec. 4. Section 17a-93 of the general statutes is repealed and the following is substituted in lieu thereof:

As used in sections 17a-90 to 17a-124, inclusive, and ~~[17a-152]~~ sections 17a-145 to 17a-155, inclusive:

(a) "Child" means any person under eighteen years of age, except as otherwise specified, or any person under twenty-one years of age who is in full-time attendance in a secondary school, a technical school, a college or a state-accredited job training program;

(b) "Parent" means natural or adoptive parent;

(c) "Adoption" means the establishment by court order of the legal relationship of parent and child;

(d) "Guardianship" means guardianship, unless otherwise specified, of the person of a minor and refers to the obligation of care and control, the right to custody and the duty and authority to make major

decisions affecting such minor's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment;

(e) "Termination of parental rights" means the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and his parent or parents so that the child is free for adoption except it shall not affect the right of inheritance of such child or the religious affiliation of such child;

(f) "Statutory parent" means the Commissioner of Children and Families or that child-placing agency appointed by the court for the purpose of giving a minor child or minor children in adoption;

(g) "Child-placing agency" means any agency within or without the state of Connecticut licensed or approved by the Commissioner of Children and Families in accordance with sections 17a-149 and 17a-151, and in accordance with such standards which shall be established by regulations of the Department of Children and Families;

(h) "Child care facility" means a congregate residential setting licensed by the Department of Children and Families for the out-of-home placement of children or youths under eighteen years of age, or any person under twenty-one years of age who is in full-time attendance in a secondary school, a technical school, a college or state accredited job training program;

(i) "Protective supervision" means a status created by court order following adjudication of neglect whereby a child's place of abode is not changed but assistance directed at correcting the neglect is provided at the request of the court through the Department of Children and Families or such other social agency as the court may specify;

(j) "Receiving home" means a facility operated by the Department of Children and Families to receive and temporarily care for children in the guardianship or care of the commissioner;

(k) "Protective services" means public welfare services provided after complaints of abuse, neglect or abandonment, but in the absence of an adjudication or assumption of jurisdiction by a court;

(l) "Person responsible for the health, welfare or care of a child or youth" means a child's or a youth's parent, guardian or foster parent; an employee of a public or private residential home, agency or institution or other person legally responsible in a residential setting; or any staff person providing out-of-home care, including center-based child day care, family day care or group day care, as defined in section 19a-77;

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

(n) "Prospective adoptive family" means a person or persons, licensed by the Department of Children and Families or approved by a licensed child-placing agency, who is awaiting the placement of, or who has a child or children placed in their home for the purposes of adoption;

(o) "Person entrusted with the care of a child or youth" means a person given access to a child or youth by a person responsible for the health, welfare or care of a child or youth for the purpose of providing education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring of such child or youth.

Sec. 5. Section 17a-114b of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Children and Families, pursuant to the federal Fair ~~[and Accurate]~~ Credit ~~[Transactions]~~ Reporting Act, shall request, annually, a free credit report on behalf of each youth sixteen years of age or older who is in the custody of the commissioner and placed in foster care. ~~[The commissioner shall make the first such request not later than fifteen days after the youth reaches the age of sixteen years or, for youth age sixteen years of age or older who are in the custody of the commissioner and placed in foster care on or before July 1, 2010, the commissioner shall make the first such request not later than July 31, 2010.]~~ Upon receipt of each credit report, the commissioner or a designee of the commissioner shall review the report for evidence of identity theft, as defined in section 53a-129a. If the commissioner or the commissioner's designee finds evidence of identity theft, not later than five business days after receipt of the credit report, the commissioner shall report such findings to the office of the Chief State's Attorney. If the commissioner or the commissioner's designee finds evidence of inaccuracies, the commissioner or designee shall assist the youth in resolving such inaccuracies.

(b) The Commissioner of Children and Families shall review the most recent annual credit report obtained pursuant to subsection (a) of this section, ~~[if any, at the time the commissioner reviews the written plan for care, treatment and permanent placement pursuant to section 17a-15. If the commissioner found evidence of identity theft in the youth's credit report and reported such finding pursuant to subsection (a) of this section, the commissioner shall advise the youth, the youth's foster parent, the youth's caseworker and any legal representative of the youth of such finding at the time the commissioner reviews the plan]~~ upon receipt and assist the youth in interpreting it. The commissioner or commissioner's designee shall provide a copy of the report to the youth's attorney or guardian ad litem, if any. Said attorney or guardian ad litem shall also review the report and assist the child with interpretation and, in conjunction with the department, resolution of inaccuracies.

Sec. 6. Subsection (c) of section 17a-115a of the general statutes is repealed and the following is substituted in lieu thereof:

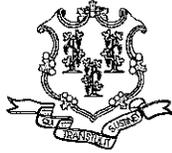
(c) No later than ~~[fifteen]~~ five calendar days after the date such name-based search is performed pursuant to subsection (b) of this section, the department shall request the State Police Bureau of Identification to perform a state and national criminal history records check in accordance with section 29-17a of any person residing in the home. Such criminal history records checks shall be deemed as required by this section for purposes of said section 29-17a and the department may request that such records checks be performed in accordance with subsection (c) of section 29-17a. The results of such criminal history records checks shall be provided to the department. If any person refuses to provide fingerprints or other positive identifying information for purposes of such checks when requested, the department shall immediately remove the child from the home.

Sec. 7. Subsection (a) of section 19a-112f of the general statutes is repealed and the following is substituted in lieu thereof:

(a) There is established a Sexual Assault Forensic Examiners Advisory Committee consisting of the following: (1) The Chief Court Administrator, or the Chief Court Administrator's designee; (2) the Chief State's Attorney, or the Chief State's Attorney's designee; (3) the Commissioner of Public Health, or the commissioner's designee; (4) the Commissioner of Children and Families, or the commissioner's designee; (5) a representative from the Division of Scientific Services, appointed by the Commissioner of Public Safety; ~~[(5)]~~ (6) a representative from the Division of State Police appointed by the Commissioner of Public Safety; ~~[(6)]~~ (7) the Victim Advocate, or the Victim Advocate's designee; ~~[(7)]~~ (8) the president

of the Connecticut Hospital Association, or the president's designee; ~~[(8)]~~ (9) the president of the Connecticut College of Emergency Physicians, or the president's designee; ~~[(9)]~~ (10) one member from Connecticut Sexual Assault Crisis Services, Inc., appointed by its board of directors; ~~[(10)]~~ (11) one member from the Connecticut Police Chiefs Association, appointed by the association; ~~[(11)]~~ (12) one member from the Connecticut Emergency Nurses Association, appointed by the association; and ~~[(12)]~~ (13) one member from the Connecticut Chapter of the International Association of Forensic Nurses, appointed by the association.

Sec. 8. Sections 17a-154 and 17a-155 of the General Statutes are repealed.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-8 Family Assessment Response Cases.doc

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

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal:

Agency Analyst/Drafter of Proposal:

Title of Proposal Family Assessment Response Cases

Statutory Reference §§ 17a-101g & 17a-101k

Proposal Summary

This proposal makes two modifications to existing statutes: 1) a technical change to § 17a-101g to change "differential response" to "family assessment response;" and 2) to provide for expungement of family assessment response cases if no new reports of child abuse or neglect are received on the family for a period of five years.

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

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

The change of "differential response" to "family assessment response" reflects current practice. The proposal also extends the same expungement process for family assessment response cases as exists for unsubstantiated cases.

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

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

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

No municipal fiscal impact.

State:

No state fiscal impact.

Federal:

No federal fiscal impact.

Additional notes on fiscal impact:

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

Family Assessment Response Cases

Section 1. Subsection (g) of section 17a-101g of the general statutes is repealed and the following is substituted in lieu thereof:

(g) (1) Notwithstanding the provisions of subsections (a) to (f), inclusive, of this section, the commissioner may establish a program of [differential] family assessment response to reports of child abuse and neglect whereby the report may be referred to appropriate community providers for family assessment and services without an investigation or at any time during an investigation, provided there

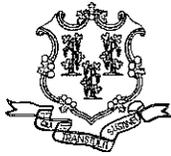
has been an initial safety assessment of the circumstances of a family and child and criminal background checks have been performed on all adults involved in the report.

(2) The commissioner may adopt regulations in accordance with the provisions of chapter 54 to establish a method for the department to monitor the progress of the child and family referred to a community provider pursuant to subdivision (1) of this subsection and to set standards for reopening an investigation pursuant to this section.

(3) Consistent with the provisions of section 17a-28, the department shall disclose all relevant information in its possession concerning the child and family, including prior child protection activity, to each provider to whom a report has been referred for use by the provider in the assessment, diagnosis and treatment of unique needs of the family and the prevention of future reports. Each provider who has received a report of child abuse or neglect referred pursuant to this subsection shall disclose to the department, consistent with the provisions of section 17a-28, all relevant information gathered during assessment, diagnosis and treatment of the child and family. The department may use such information solely to monitor and ensure the continued safety and well-being of the child or children.

Sec. 2. Subsection (h) of section 17a-101k of the general statutes is repealed and the following is substituted in lieu thereof:

(h) Records containing unsubstantiated findings and all family assessment cases shall remain sealed, except that such records shall be made available to department employees in the proper discharge of their duties and shall be expunged by the commissioner five years from the completion date of the investigation or closure of a family assessment case if no further report is made about the individual subject to the investigation, except that if the department receives more than one report on an individual and each report is unsubstantiated, all reports and information pertaining to the individual shall be expunged by the commissioner five years from the completion date of the most recent investigation.



STATE OF CONNECTICUT
 DEPARTMENT OF CHILDREN AND FAMILIES
 AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-9 Registry Removal.doc
 (if submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal Due Process Rights for Individuals Placed on the State Child Abuse and Neglect Registry
Statutory Reference § 17a-101k
Proposal Summary
 This proposal establishes a removal procedure for individuals whose names have been placed on the Child Abuse and Neglect Registry (registry) by DCF for at least five years, to apply to have his or her name removed by showing good cause for removal. Under the proposal, the burden is on the applicant to prove: (1) the applicant has been rehabilitated; (2) the person has accepted personal responsibility for the acts or omissions that resulted in his or her being included in the registry; (3) a bona fide need to remove his or her name; and (4) having the applicant submit at least two supporting letters from persons with knowledge of the applicant's successful rehabilitation.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

Currently, there is no process to appeal older cases that resulted in placement on the Child Abuse and Neglect Registry. This is a significant due process issue for cases pre-5/1/2000. It is estimated that there are over 90,000 names are on the registry.

Prior to May 1, 2000: All individuals who were "substantiated" as perpetrators of child abuse or neglect following a DCF investigation were placed on the registry. There were no notice or due process procedures in place prior to May 1, 2000.

From May 1, 2000 - October 1, 2005: DCF established a process to provide notice to individuals who were "substantiated" following an investigation of child abuse or neglect. The federal Child Abuse Prevention and Treatment Act (CAPTA) required states to establish such a procedure if the information in the state's child abuse and neglect registry was being used for purposes of employment or other background checks.

Since October 1, 2005: Connecticut law was changed to require that in order for anyone to be placed on the registry, DCF must determine, following an agency investigation, that not only was the individual found to have abused or neglected a child, but also, poses a risk to child health, safety, or welfare. The administrative appeal process was also delineated for the first time in statute and regulations.

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?*

Last year, SB 310 passed the Senate and was voted on by the House at 11:59 PM on the last night of the 2012 regular session. The House inadvertently approved a rejected Senate amendment so the vote was not in concurrence.

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

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

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

No municipal fiscal impact.

State:

There is no fiscal impact to the Department of Children and Families from the establishment of a procedure to allow certain individuals to apply to remove their names from the child abuse and neglect registry. It is anticipated that the number of individuals that will apply annually will be small.

Federal:

No federal fiscal impact.

Additional notes on fiscal impact:

Due Process Rights for Individuals Placed on the State Child Abuse and Neglect Registry

Section 1. Section 17a-101k of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Children and Families shall maintain a registry of the commissioner's findings of abuse or neglect of children pursuant to section 17a-101g that conforms to the requirements of this section. The regulations adopted pursuant to subsection ~~((i))~~ (j) of this section shall provide for the use of the registry on a twenty-four-hour daily basis to prevent or discover abuse of children and the establishment of a hearing process for any appeal by a person of the commissioner's determination that such person is responsible for the abuse or neglect of a child pursuant to subsection (b) of section 17a-101g. The information contained in the registry and any other information relative to child abuse, wherever located, shall be confidential, subject to such statutes and regulations governing their use and access as shall conform to the requirements of federal law or regulations. Any violation of this section or the regulations adopted by the commissioner under this section shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year.

(b) Upon the issuance of a recommended finding that an individual is responsible for abuse or neglect of a child pursuant to subsection (b) of section 17a-101g, the commissioner shall provide notice of the finding, by first class mail, not later than five business days after the issuance of such finding, to the individual who is alleged to be responsible for the abuse or neglect. The notice shall:

- (1) Contain a short and plain description of the finding that the individual is responsible for the abuse or neglect of a child;
- (2) Inform the individual of the existence of the registry and of the commissioner's intention to place the individual's name on the registry unless such individual exercises his or her right to appeal the recommended finding as provided in this section;
- (3) Inform the individual of the potential adverse consequences of being listed on the registry, including, but not limited to, the potential effect on the individual obtaining or retaining employment, licensure or engaging in activities involving direct contact with children and inform the individual of the individual's right to administrative procedures as provided in this section to appeal the finding; and
- (4) Include a written form for the individual to sign and return, indicating if the individual will invoke the appeal procedures provided in this section.

(c) (1) Following a request for appeal, the commissioner or the commissioner's designee shall conduct an internal review of the recommended finding to be completed no later than thirty days after the request for appeal is received by the department. The commissioner or the commissioner's designee shall review all relevant information relating to the recommended finding, to determine whether the recommended finding is factually or legally deficient and ought to be reversed. Prior to the review, the commissioner shall provide the individual access to all relevant documents in the possession of the commissioner regarding the finding of responsibility for abuse or neglect of a child, as provided in section 17a-28.

(2) The individual or the individual's representative may submit any documentation that is relevant to a determination of the issue and may, at the discretion of the commissioner or the commissioner's designee, participate in a telephone conference or face-to-face meeting to be conducted for the purpose of gathering additional information that may be relevant to determining whether the recommended finding is factually or legally deficient.

(3) If the commissioner or the commissioner's designee, as a result of the prehearing review, determines that the recommended finding of abuse or neglect is factually or legally deficient, the commissioner or the commissioner's designee shall so indicate, in writing, and shall reverse the recommended finding. The commissioner shall send notice to the individual by certified mail of the commissioner's decision to reverse or maintain the finding not later than five business days after the decision is made. If the finding is upheld, the notice shall be made in accordance with section 4-177 and shall notify the individual of the right to request a hearing. The individual may request a hearing not later than thirty days after receipt of the notice. The hearing shall be scheduled not later than thirty days after receipt by the commissioner of the request for a hearing, except for good cause shown by either party.

(d) (1) The hearing procedure shall be conducted in accordance with the procedures for contested cases pursuant to sections 4-177 to 4-181a, inclusive.

(2) At the hearing, the individual may be represented by legal counsel. The burden of proof shall be on the commissioner to prove that the finding is supported by a fair preponderance of the evidence submitted at the hearing.

(3) Not later than thirty days after the conclusion of the hearing, the hearing officer shall issue a written decision to either reverse or uphold the finding. The decision shall contain findings of fact and a conclusion of law on each issue raised at the hearing.

(e) Any individual aggrieved by the decision of the hearing officer may appeal the decision in accordance with section 4-183. Such individual may also seek a stay of the adverse decision of the hearing officer in accordance with subsection (f) of section 4-183.

(f) Following the issuance of a decision to uphold the finding and absent any stay of that decision issued by the commissioner or the court, the commissioner shall accurately reflect the information concerning the finding in the child abuse and neglect registry maintained pursuant to subsection (a) of this section and shall, in accordance with section 17a-101g, forward to any agency or official the information required to be disclosed pursuant to any provision of the general statutes.

(g) Any individual against whom a finding of abuse or neglect was substantiated prior to May 1, 2000, and who has not previously appealed such finding, may appeal such finding as provided in this section.

(h) Records containing unsubstantiated findings shall remain sealed, except that such records shall be made available to department employees in the proper discharge of their duties and shall be expunged by the commissioner five years from the completion date of the investigation if no further report is made about the individual subject to the investigation, except that if the department receives more than one report on an individual and each report is unsubstantiated, all reports and information pertaining to the individual shall be expunged by the commissioner five years from the completion date of the most recent investigation.

(i) (1) Any individual whose name has been placed on the state child abuse and neglect registry pursuant to this section may file an application with the Department of Children and Families, on such form as the department prescribes, for removal of such individual's name from the registry. The department shall include in such application form a provision that allows the applicant to indicate good cause for removing the applicant's name from the registry. Such good cause shall include, but need not be limited to: (A) Rehabilitation of the applicant; (B) the applicant's acceptance of personal responsibility for

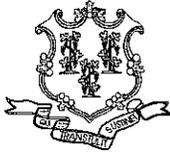
actions and omissions that resulted in the applicant's name being placed on the registry; (C) a bona fide need for removal of the applicant's name from the registry; and (D) at least two letters in support of the application, each from a person with knowledge of the applicant's successful rehabilitation.

(2) Such application may be filed not earlier than five years after the date of the final decision, as defined in section 4-166, that resulted in the placement of the applicant's name on the registry.

(3) The Commissioner of Children and Families may approve such application upon finding good cause. Upon approving such application, the commissioner shall accurately reflect the information concerning the finding in the child abuse and neglect registry maintained pursuant to subsection (a) of this section. If the commissioner denies such application, the applicant shall be entitled to a hearing and appeal therefrom in accordance with subsections (d) and (e) of this section.

(4) Any applicant whose application is denied after a final decision, as defined in section 4-166, may reapply in accordance with subdivisions (1) and (2) of this subsection, without limitation, not earlier than two years after the date of such final decision, provided such application indicates good cause that has occurred since the date of the final decision.

~~[(i) Not later than July 1, 2006, the]~~ (j) The Commissioner of Children and Families shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.



STATE OF CONNECTICUT
 DEPARTMENT OF CHILDREN AND FAMILIES
 AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-10 Child Interview.doc (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)
State Agency: Department of Children and Families
Liaison: Josh Howroyd Phone: 860-550-6329 E-mail: Josh.Howroyd@ct.gov
Lead agency division requesting this proposal: Government Affairs
Agency Analyst/Drafter of Proposal: Josh Howroyd
Title of Proposal Interviews of Children by the Department of Children and Families During Investigations of Child Abuse and Neglect
Statutory Reference § 17a-101h
Proposal Summary This proposal allows DCF to interview a child without parental consent only in situations where there is a documented, compelling reason to believe that seeking consent would place the child in imminent risk of physical harm.
<i>Please attach a copy of fully drafted bill (required for review)</i>

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?

Current law permits DCF to investigate only in cases of alleged abuse. There are situations where there are very real potential threats to the well-being of children, including cases where the allegation being investigated by DCF involves neglect rather than abuse. This is particularly true in cases involving families with a history of domestic violence.

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?

Last session, HB 5363 passed the House unanimously, but was not taken up in the Senate.

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

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

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

Municipal (please include any municipal mandate that can be found within legislation): No municipal fiscal impact.
State: There is no fiscal impact to the Department of Children and Families associated with changes to statute related to interviews of children by DCF during investigations of child abuse and neglect.
Federal: No federal fiscal impact.
Additional notes on fiscal impact:

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

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Interviews of Children by the Department of Children and Families During Investigations of Child Abuse and Neglect.

Section 1. Section 17a-101h of the general statutes is repealed and the following is substituted in lieu thereof :

Notwithstanding any provision of the general statutes, any person authorized to conduct an investigation of abuse or neglect shall coordinate investigatory activities in order to minimize the

number of interviews of any child and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate. A person reporting child abuse or neglect shall provide any person authorized to conduct an investigation of child abuse or neglect with all information related to the investigation that is in the possession or control of the person reporting child abuse or neglect, except as expressly prohibited by state or federal law. The ~~[commissioner]~~ Department of Children and Families shall obtain the consent of parents or guardians or other persons responsible for the care of the child to any interview with a child, except that such consent shall not be required when the department has a documented compelling reason to believe ~~[such parent or guardian or other person responsible for the care of the child or member of the child's household is the perpetrator of the alleged abuse]~~ that seeking such consent will place the child at imminent risk of physical harm. If consent is not required to conduct the interview, such interview shall be conducted in the presence of a disinterested adult unless immediate access to the child is necessary to protect the child from imminent risk of physical harm and a disinterested adult is not available after reasonable search.



STATE OF CONNECTICUT
 DEPARTMENT OF CHILDREN AND FAMILIES
 AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-11 Post-Secondary Educational and Vocational Services.doc
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal Post Secondary Educational and Vocational Services
Statutory Reference NEW
Proposal Summary
 To codify in statute DCF post-secondary educational and vocational services for former foster youth and certain adoptees adopted from the DCF foster care system on or after 12/31/2004.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This proposal incorporates existing DCF policy into statute and makes consistent two different post-secondary practices for former foster youth and adoptees that were adopted from the DCF foster care system.
 Reference: Current DCF Policies: 42-20-20 and 48-20-2

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

If this is a resubmission, please share:

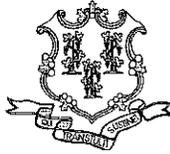
- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators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

PROPOSAL IMPACT

child or youth turns 18 years old or a child or youth who was adopted on or after December 31, 2004 through the Department's foster care program prior to the child or youth's eighteenth birthday.

(b) The Department of Children and Families may provide financial assistance for eligible students for post-secondary school education, within available appropriations. Eligible students pursuing a post-secondary education program may continue up to age twenty-three or the end of the academic year during which his or her twenty-third birthday occurs.

(c) Eligible students shall have obtained a high school diploma or received an approval prior to completion of a Graduate Equivalency Diploma. Former foster youth shall: agree to voluntarily receive services from the department prior to his or her 18th birthday in order to continue receiving services beyond age 18; exhibit adequate social skills and demonstrate appropriate behavior; maintain compliance with the Department through an individual post-majority contract; begin full-time post-secondary education for the first semester/trimester/quarter (excluding summer sessions) immediately after receiving his or her high school diploma or GED; and must have an approved post-secondary education plan. Former foster youth who are residing in a congregate care setting or a foster home are not eligible for the room and board portion of the costs of attendance because the room and board portion shall be paid to the congregate care provider or foster home. Former foster youth and the department shall collaborate to pursue an appropriate educational plan that meets the student's educational needs and goals.



STATE OF CONNECTICUT
 DEPARTMENT OF CHILDREN AND FAMILIES
 AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-12 School of Origin Clarification.doc
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal School of Origin Clarification
Statutory Reference § 17a-16a
Proposal Summary
 To clarify circumstances under which a child in DCF placement can remain with the child's school of origin under the Educational Stability Act.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This addresses implementation issues with some school districts regarding the Educational Stability Act passed in 2010. The new language allows the nexus district or the resident district if there is no identified nexus to apply for an excess cost grant if prior to the change in placement, the child was placed in a private school or regional educational service center and the child will continue to attend this school. Current law is unclear as to how 17a-16a applied when a child was placed in a private school pursuant to an Individualized Education Plan (IEP) and then the child's placement and nexus subsequently changes. Because under Individuals with Disabilities Education Act (IDEA), the receiving school district has the right to implement the IEP within the district and is not required to maintain the same private school placement. The new language clarifies that the intent of 17a-16a is to preserve the private school placement as the "school of origin" which is why the provision for cost offset is being proposed.

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: State Department of Education
Agency Contact (name, title, phone): Sarah Hemingway
Date Contacted: September 28, 2012

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

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

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

State:
No state fiscal impact.

Federal:
No federal fiscal impact.

Additional notes on fiscal impact:

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

School of Origin Clarification

Section 1. Section 17a-16a of the general statutes is repealed and the following is substituted in lieu thereof:

(1) "Child" means (A) any school-aged child, (B) any child ages three to five, inclusive, who has been identified as eligible for special education pursuant to sections 10-76a to 10-76d, inclusive, or under the Individuals with Disabilities Education Act, 20 USC 1400 et seq. , as amended from time to time, or (C) any child twenty-seven months to five years of age, inclusive, who has been referred to a planning and placement team to determine eligibility for special education and related services pursuant to sections 10-76a to 10-76d, inclusive, or under said Individuals with Disabilities Education Act, who is placed in out-of-home care by the commissioner pursuant to an order of temporary custody or an order of commitment, in accordance with section 46b-129.

(2) "School of origin" means the school that the child is attending at the time the department places the child in out-of-home care or the school the child is attending at the time of any change of out-of-home care, by the commissioner.

(3) "Receiving school" means the school that a child is attending following a school placement decision by the department in cases in which remaining in the school of origin is determined not to be in the child's best interests.

(4) "School placement decision" means a decision made by the department regarding the school in which the child will attend while the child is in out-of-home care and does not refer to the provision of a free, appropriate public education to children eligible for special education.

(5) "Department" means the Department of Children and Families.

(6) "Commissioner" means the Commissioner of Children and Families.

(7) "Nexus school district" means the school district of a local or regional board of education under whose jurisdiction a child would otherwise be attending school.

(b) (1) Whenever a child is placed in out-of-home care by the department pursuant to an emergency order under subsection (e) of section 17a-101g or an order of temporary custody or an order of commitment under section 46b-129, and at any subsequent change in out-of-home care, any such child may, if it is in the best interests of the child, as determined pursuant to subdivision (3) of this subsection, continue to attend his or her school of origin. Such child shall continue to be a resident of the school district in which such school is located during such attendance for purposes of chapters 168 to 170, inclusive, 172 and 173. The board of education for the school of origin shall continue to provide free school privileges to the child and any services provided by such board shall be in accordance with the provisions of subdivision (2) of subsection (e) of section 10-76d and section 10-253. If the child continues to attend his or her school of origin following placement in out-of-home care by the department, the local or regional board of education of the school of origin shall not be eligible to receive an excess cost grant pursuant to subdivision (2) of subsection (e) of section 10-76d for the cost of such education, including, but not limited to, tuition and transportation costs. For the fiscal year ending June 30, 2013, and each fiscal year thereafter, an excess cost grant pursuant to subdivision (2) of subsection (e) of section 10-76d shall be available to the nexus school district when the nexus school district pays the child's tuition to the local or regional board of education of the school of origin. If the nexus school district placed the child in a private school or regional educational service center program prior to the child being removed from the home by the department and the child continues to attend such prior placement, the nexus school district, or, if the nexus school district cannot be identified, the town where the child resides, shall be eligible to receive the excess cost grant pursuant to section 10-76g. An excess cost grant pursuant to subdivision (2) of subsection (e) of section 10-76d shall be available to the nexus school district when the nexus school district pays the child's tuition to the local or regional board of education of the school of origin. If the nexus school district placed the child in a private school or regional educational service center program prior to the child being removed from the home by the department and the child continues to attend such prior placement, the nexus school

district, or, if the nexus school district cannot be identified, the town where the child resides, shall be eligible to receive the excess cost grant pursuant to section 10-76g.

(2) Every decision by the department to place a child into out-of-home care under the provisions of subsection (e) of section 17a-101g and section 46b-129, and any subsequent change in out-of-home care, shall take into account the appropriateness of the school setting and the proximity to the school of origin.

(3) (A) Whenever a child is placed in out-of-home care by the department pursuant to an emergency order under subsection (e) of section 17a-101g or an order of temporary custody or an order of commitment under section 46b-129, and at any subsequent change in out-of-home care, the department shall immediately determine whether it is in the best interests of the child to remain in the school of origin. There shall be a presumption that it is in the child's best interests to remain in the school of origin. The department shall provide written notice of its decision to the parties not later than three business days after the date on which the decision is made. Such notice shall identify the factors that form the basis of the department's decision. Any party may object to the department's decision not later than three business days after receipt of such notice. The child shall remain in the school of origin until the time for objection has passed and until any disagreement is resolved, except as provided in subparagraph (C) of this subdivision. The child shall be transported to the school of origin pursuant to subsection (c) of this section during any such disagreement except as provided in subparagraph (C) of this subdivision. Such disagreements shall be expeditiously resolved. The department shall bear the burden of proof that the school placement decision is in the child's best interests.

(B) The school placement decision may be revisited at any time during the child's out-of-home care, if circumstances change, in order to ensure that the school placement decision remains in the best interests of the child. Notice of any subsequent decision to change the child's school placement decision shall be provided in accordance with subparagraph (A) of this subdivision. Any school placement decision made pursuant to this section may be challenged through the dispute resolution process for treatment plans. The child shall remain in the school of origin until any such disagreement is resolved, except as provided in subparagraph (C) of this subdivision and shall be provided with transportation in accordance with subsection (c) of this section.

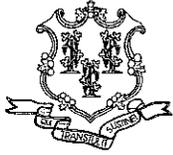
(C) If at any time the department determines that continued placement in the school of origin will jeopardize the child's immediate physical safety, the department may immediately remove the child from the school and shall notify the child's attorney, parents, guardian ad litem and surrogate parent, if any, by phone or by facsimile on the same business day. Any party may object to the decision to change the child's school placement not later than three business days after receipt of such notice. If any party objects to the change in school placement, the department shall hold an administrative hearing not later than three business days after the objection.

(c) (1) If it is determined that it is in a child's best interests to remain in his or her school of origin, the department and the board of education for such school of origin shall collaborate on a transportation plan for such child from the town in which the child is placed to such school of origin. The department shall be responsible for any additional or extraordinary cost of such transportation beyond that to which the child would otherwise have access. The department shall maximize federal reimbursements under Title IV-E of the Social Security Act, as amended, for costs of transporting Title IV-E eligible children. The department and the board of education for the school of origin shall consider cost-effective, reliable and safe transportation options.

(2) If it is not in the best interests of the child to attend the school of origin, the department shall work with the board of education for such school of origin and the receiving school to ensure immediate and appropriate enrollment and attendance of the child in the receiving school in accordance with the provisions of subsection (e) of section 10-76d and section 10-253. The educational records of the child shall be provided by the school of origin to the receiving school, in accordance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351. Upon notification by

the department of a decision to change a child's school placement and notwithstanding section 10-220h, the school of origin shall transmit to the receiving school, not later than one business day after receipt of such notification, all essential educational records for the child, including, but not limited to, the child's individualized education program and behavioral intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services. The school of origin shall transfer nonessential records to the receiving school in accordance with section 10-220h.

(3) Upon request of the local or regional board of education for a receiving school, the department shall provide the name, date of birth and school of origin for each child in the custody of the department who has been placed in foster care and is attending a receiving school located in the school district under the jurisdiction of such board.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2013 SESSION



Document Name: DCF 13-13 Subsidies for Non-Relative Permanent Guardians.doc
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal Subsidies for Non-Relative Permanent Guardians
Statutory Reference § 17a-126
Proposal Summary
 To provide subsidies to non-relative permanent guardians.
 Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This proposal removes a potential financial disincentive and provides an additional permanency goal for children in DCF care.

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

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

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

Municipal (please include any municipal mandate that can be found within legislation): No municipal fiscal impact.
State: Potential significant cost.
Federal: Potential IV-E revenue.
Additional notes on fiscal impact:

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

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Section 1. Section 17a-126 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section, (1) "relative caregiver" means a person who is caring for a child related to such person because the parent of the child has died or become otherwise unable to care for the child for reasons that make reunification with the parent and adoption not viable options within the foreseeable future, [and] (2) "commissioner" means the Commissioner of Children and Families; and (3) "permanent guardian" means .

(b) The commissioner shall establish a program of subsidized guardianship for the benefit of children in foster care who have been living with relative caregivers or permanent legal guardians, who are licensed foster care providers pursuant to section 17a-114, and who have been in foster care for not less than six consecutive months. A relative caregiver or permanent legal guardian may request a guardianship subsidy from the commissioner.

(c) If a relative caregiver who is receiving a guardianship subsidy for a related child is also caring for the child's sibling who is not related to the caregiver, the commissioner shall provide a guardianship subsidy to such relative caregiver in accordance with regulations adopted by the commissioner pursuant to subsection (e) of this section. For purposes of this subsection, "child's sibling" includes a stepbrother, stepsister, a half-brother or a half-sister.

(d) The commissioner shall provide the following subsidies under the subsidized guardianship program in accordance with this section and the regulations adopted pursuant to subsection (e) of this section: (1) A special-need subsidy, which shall be a lump sum payment for one-time expenses resulting from the assumption of care of the child and shall not exceed two thousand dollars; and (2) a medical subsidy comparable to the medical subsidy to children in the subsidized adoption program. The subsidized guardianship program shall also provide a monthly subsidy on behalf of the child payable to the relative caregiver or permanent legal guardian that is based on the circumstances of the relative caregiver or permanent legal guardian and the needs of the child and shall not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in licensed foster care.

(e) The commissioner shall adopt regulations, in accordance with chapter 54, implementing the subsidized guardianship program established under this section. Such regulations shall include all federal requirements necessary to maximize federal reimbursement available to the state, including, but not limited to, (1) eligibility for the program, (2) the maximum age at which a child is no longer eligible for a guardianship subsidy, including the maximum age, for purposes of claiming federal reimbursement under Title IV-E of the Social Security Act, at which a child is no longer eligible for a guardianship subsidy, and (3) a procedure for determining the types and amounts of the subsidies.

(f) At a minimum, the guardianship subsidy provided under this section shall continue until the child reaches the age of eighteen or the age of twenty-one if such child is in full-time attendance at a secondary school, technical school or college or is in a state accredited job training program or otherwise meets the criteria set forth in federal law. Annually, the subsidized guardian shall submit to the commissioner a sworn statement that the child is still living with and receiving support from the guardian. The parent of any child receiving assistance through the subsidized guardianship program shall remain liable for the support of the child as required by the general statutes.

(g) A guardianship subsidy shall not be included in the calculation of household income in determining eligibility for benefits of the relative caregiver or permanent legal guardian of the subsidized child or other persons living within the household of the relative caregiver or permanent legal guardian.

(h) Payments for guardianship subsidies shall be made from moneys available from any source to the commissioner for child welfare purposes. The commissioner shall develop and implement a plan that: (1) Maximizes use of the subsidized guardianship program to decrease the number of children in the legal custody of the commissioner and to reduce the number of children who would otherwise be placed into nonrelative foster care when there is a family member willing to provide care; (2) maximizes

federal reimbursement for the costs of the subsidized guardianship program, provided whatever federal maximization method is employed shall not result in the relative caregiver or permanent legal guardian of a child being subject to work requirements as a condition of receipt of benefits for the child or the benefits restricted in time or scope other than as specified in subsection (c) of this section; and (3) ensures necessary transfers of funds between agencies and interagency coordination in program implementation. The commissioner shall seek all federal waivers and reimbursement as are necessary and appropriate to implement this plan.

(i) In the case of the death, severe disability or serious illness of a relative caregiver or permanent legal guardian who is receiving a guardianship subsidy, the commissioner may transfer the guardianship subsidy to a new relative caregiver or permanent legal guardian who meets the Department of Children and Families foster care safety requirements and is appointed as legal guardian by a court of competent jurisdiction.

(j) Nothing in this section shall prohibit the commissioner from continuing to pay guardianship subsidies to those relative caregivers who entered into written subsidy agreements with the Department of Children and Families prior to October 5, 2009.