



2014 Legislative Proposals

- 1) Minor Revisions to DCF Statutes**
- 2) DCF Information Sharing**
- 3) Safe Harbor Protection for Child Victims of Human Trafficking**
- 4) Modification to School Investigation Statutes**
- 5) Restraint and Seclusion - Foster Homes**
- 6) Risk and Needs Assessments for Delinquent Youth**
- 7) DCF Parole**
- 8) Removal of Individuals from the Child Abuse and Neglect Registry**
- 9) Additional Mandated Reporters**



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2014 SESSION



Document Name: DCF 14-1 Minor Revisions to DCF Statutes <small>(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)</small>
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 Minor Revisions to DCF Statutes
Statutory Reference §§ 17a-62, 17a-63a, 17a-93, 17a-111b, 17a-114a
Proposal Summary To: delete references to "certified relatives" in §§ 17a-93, 17a-11b and 17a-114a; provide statutory authority for DCF to lien properties when providing funds for home modifications of foster parents; clarify that the no person shall be admitted to the Albert J. Solnit Center - South Campus that is age eighteen or over at the time of admission; and to repeal §§ 17a-62 and 17a-63a regarding obsolete reporting requirements concerning private provider measurable outcomes and data concerning runaway children.
<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?*

To make technical and minor changes to various DCF statutes.

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)

LANGUAGE

Minor Revisions to DCF Statutes

Section 1. Subdivision (13) of section 17a-93 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

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

Sec. 2. Subsection (c) of section 17a-111b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

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

Sec. 3. Section 17a-114a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

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

Sec. 4. (NEW) (*Effective October 1, 2014*). (a) The Commissioner of Children Families may, within available appropriations, provide funds to a foster family or prospective adoptive family as defined in subsections (m) and (n) of section 17a-93 of the general statutes who is or will be caring for a foster child with physical disabilities as defined in section 1-1f of the general statutes for the purpose of making modifications to the foster or prospective adoptive family's residence that are necessary to safely accommodate the foster child in such residence. The type of modifications and the amount of the funds to be provided shall be determined by the Commissioner or designee at the Commissioner's or designee's sole discretion. The state of Connecticut shall have a lien against the real property for which the funds are used in an amount equal to the total amount of the funds paid by the Commissioner.

(b) The foster or prospective adoptive family shall repay the full amount of the funds paid, minus ten percent for each year the foster child or adoptive child resides in the residence. The calculation of the ten percent reduction shall commence from the date of the final payment of the funds to the foster or prospective adoptive family.

Sec. 5. (*Effective October 1, 2014*). (NEW) The Albert J. Solnit Children's Center - South Campus shall be administered by the Department of Children and Families and shall exist for the care, study, education and treatment of emotionally disturbed and mentally ill children, who shall be, at the time of their admission or commitment, not older than seventeen years of age.

Sec. 6. Sections 17a-62 and 17a-63a of the general statutes are repealed. (*Effective October 1, 2014*)



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2014 SESSION



<p>Document Name: DCF 14-2 DCF Information Sharing (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)</p>
<p>State Agency: Department of Children and Families</p>
<p>Liaison: Josh Howroyd Phone: 860-550-6329 E-mail: Josh.Howroyd@ct.gov</p>
<p>Lead agency division requesting this proposal: Legal Division</p>
<p>Agency Analyst/Drafter of Proposal: Barbara Claire</p>
<p>Title of Proposal DCF Information Sharing</p>
<p>Statutory Reference §§ 17a-28, 17b-90</p>
<p>Proposal Summary This proposal revises § 17a-28 to provide for greater sharing of information between DCF and other agencies. Specifically, it amends the following provisions:</p> <ul style="list-style-type: none"> • (f) to permit the sharing of the name of a reporter of child abuse or neglect with law enforcement and prosecutors when they are investigating and/or prosecuting the failure to report by a mandated reporter or instances of false reporting; • (g)(7) to require the sharing of information with prosecutors when they are investigating and/or prosecuting the failure to report by a mandated reporter or instances of false reporting; • amends (g)(8) to require the sharing of information with law enforcement when they are investigating and/or prosecuting the failure to report by a mandated reporter or instances of false reporting; • (g)(11) to require the sharing of information with DPH when DCF places a licensee of DPH on the child abuse and neglect registry or when DCF possesses information regarding a regulatory violation of an individual licensed by DPH; • (g)(12) to require referrals to the Birth-to-Three system of substantiated victims and newborns impacted by substance abuse for assessment in the Birth-to-Three program; • (g)(23) to require the sharing of information with school superintendents or the head of a private school or institution providing care for children when DCF places on individuals employed by such organizations on the child abuse and neglect registry; • (g)(24) to clarify the sharing of information with DSS in situations promoting the health, safety and welfare of a child or youth "receiving services from either department;" • adds (g)(25) to require the sharing common case records with CSSD for the purpose of tracking recidivism of juvenile offenders; • (h)(11) to permit the sharing of information with law enforcement in situations whereby a DCF employee is being or has been threatened, harassed or assaulted by a client or co-worker; and • makes a technical correction to (h)(16) to include a missing " . <p>The proposal also amends subsection (b) of § 17b-90 to provide DCF access to DSS' parent locator service to assist DCF to locate missing parents in child protective services cases.</p>
<p><i>Please attach a copy of fully drafted bill (required for review)</i></p>

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

To permit greater collaboration between agencies.

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, Chief of Staff, 860-685-8614
Date Contacted: October 31, 2013

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: Chief State's Attorney
Agency Contact (name, title, phone): Wil Blanchette, Legislative Liaison, 860-214-9301
Date Contacted: October 31, 2013

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 Public Health
Agency Contact (name, title, phone): Liz Keyes, Legislative Liaison 860-509-7246
Date Contacted: October 31, 2013

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): Christine Cooney, Legislative Program Manager, 860-418-6066
Date Contacted: October 31, 2013

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 Department of Education
Agency Contact (name, title, phone): Sarah Hemingway, Legislative Liaison, 860-713-6493
Date Contacted: October 31, 2013

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 Social Services
Agency Contact (name, title, phone): Heather Rossi, Legislative Liaison, 860-424-5646
Date Contacted: October 31, 2013

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: Judicial Branch Agency Contact (name, title, phone): Deb Fuller & Stephen Ment, 860-757-2270 Date Contacted: October 31, 2013 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)

To promote information sharing and administrative efficiency among state agencies sharing common clients.

LANGUAGE

DCF Disclosure of and Access to Records

Section 17a-28 of the general statutes, as amended by section 2 of Public Act 13-40, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(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 [or investigating an allegation that the reporter made a false report](#); (3) a state's attorney for purposes of investigating or prosecuting abuse or neglect of a child or youth [or investigating or prosecuting an allegation that the reporter made a false report](#); (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) identifying an individual who reported abuse or neglect of the person, including any tape recording of an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

(2) An employee of the department for any purpose reasonably related to the performance of such employee's duties;

(3) A guardian ad litem or attorney appointed to represent a child or youth in litigation affecting the best interests of the child or youth;

(4) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an employee of the department;

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

(6) The Chief Public Defender or the Chief Public Defender's designee for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide legal and guardian ad litem services to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;

(7) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting an allegation related to child abuse or neglect, [or investigating or prosecuting an allegation that an individual who reported child abuse or neglect made a false report, or investigating or prosecuting a mandated reporter who failed to report suspected child abuse or neglect in accordance with section 17a-101a](#), provided such prosecuting authority shall have access to records of a child charged with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release;

(8) A state or federal law enforcement officer for purposes of investigating an allegation related to child abuse or neglect, [or investigating or prosecuting an allegation that an individual who reported child abuse or neglect made a false report, or investigating a mandated reporter who failed to report suspected child abuse or neglect in accordance with section 17a-101a](#);

(9) Any foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;

(10) The Governor, when requested in writing in the course of the Governor's official functions, the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly having cognizance of matters relating to human services, the joint standing committee of the

General Assembly having cognizance of matters relating to the judiciary or the select committee of the General Assembly having cognizance of matters relating to children, when requested in writing in the course of said committee's official functions, and upon a majority vote of said committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;

(11) The Department of Public Health for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining the suitability of such person for licensure; ~~or~~ (C) an investigation conducted pursuant to section 19a-80f; or (D) when the Department places an individual possessing a license issued by the Department of Public Health on the child abuse and neglect registry pursuant to section 17a-101k of a person or when the Department possesses information regarding a Department of Public Health regulatory violation of a person possessing a license issued by the Department of Public Health;

(12) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's voluntary services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' voluntary services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;

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

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

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

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

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

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

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

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

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

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

(23) The superintendent of a public school district or the executive director or other head of a public or private institution for children providing care for children or a private school (A) pursuant to sections 17a-101b, 17a-101c and 17a-101i; or (B) when the Department places an individual employed by such organizations on the child abuse and neglect registry pursuant to section 17a-101k of a person; ~~and~~

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

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

(26) The Birth-to-Three system's referral intake office to provide referrals of substantiated victims of child abuse or neglect and newborns impacted by withdrawal symptoms resulting from prenatal drug exposure, to determine eligibility, facilitate enrollment and plan for the provision of services.

(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) 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;

(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;

(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;

(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;

(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;

(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;

(11) A law enforcement officer or state's attorney if there is reasonable cause to believe that: (A) 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; or (B) an employee of the Department is being threatened, harassed or has been assaulted by a client or co-worker;

(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;

(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;

(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;

(15) Any individual, when the information concerns 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;

(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 to determine if such records may be disclosed pursuant to this section if (A) the court has ordered that such records be provided to the court; or (B) a party to the proceeding has issued a subpoena for such records; and

(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.

Subsection (b) of section 17b-90 of the general statutes, as amended by section 103 of Public Act 13-234, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(b) No person shall, except for purposes directly connected with the administration of programs of the Department of Social Services and in accordance with the regulations of the commissioner, solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of, any list of the names of, or any information concerning, persons applying for or receiving assistance from the Department of Social Services or persons participating in a program administered by said department, directly or indirectly derived from the records, papers, files or communications of the state or its subdivisions or agencies, or acquired in the course of the performance of official duties. The Commissioner of Social Services shall disclose (1) to any authorized representative of the Labor Commissioner such information directly related to unemployment compensation, administered pursuant to chapter 567 or information necessary for implementation of sections 17b-688b, 17b-688c and 17b-688h and section 122 of public act 97-2 of the June 18 special session, (2) to any authorized representative of the Commissioner of Mental Health and Addiction Services any information necessary for the implementation and operation of the basic needs supplement program, (3) to any authorized representative of the Commissioner of Administrative Services or the Commissioner of Emergency Services and Public Protection such information as the Commissioner of Social Services determines is directly related to and necessary for the Department of Administrative Services or the Department of Emergency Services and Public Protection for purposes of performing their functions of collecting social services recoveries and overpayments or amounts due as support in social services cases, investigating social services fraud or locating absent parents of public assistance recipients, (4) to any authorized representative of the Commissioner of Children and Families necessary information concerning a child or the immediate family of a child receiving services from the Department of Social Services, including safety net services, [\(A\) if the Commissioner of Children and Families or the Commissioner of Social Services has determined that imminent danger to such child's health, safety or welfare exists to target the services of the family services programs administered by the Department of Children and Families,](#) [or \(B\) from the federal Parent Locator Service established pursuant to 88 Stat. 2353 \(1975\), 42 USC 653 for the identification of a parent or putative parent of a child,](#) (5) to a town official or other contractor or authorized representative of the Labor Commissioner such information concerning an applicant for or a recipient of assistance under state-administered general assistance deemed necessary by the Commissioner of Social Services and the Labor Commissioner to carry out their respective

responsibilities to serve such persons under the programs administered by the Labor Department that are designed to serve applicants for or recipients of state-administered general assistance, (6) to any authorized representative of the Commissioner of Mental Health and Addiction Services for the purposes of the behavioral health managed care program established by section 17a-453, (7) to any authorized representative of the Commissioner of Public Health to carry out his or her respective responsibilities under programs that regulate child day care services or youth camps, (8) to a health insurance provider, in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, information concerning a child and the custodial parent of such child that is necessary to enroll such child in a health insurance plan available through such provider when the noncustodial parent of such child is under court order to provide health insurance coverage but is unable to provide such information, provided the Commissioner of Social Services determines, after providing prior notice of the disclosure to such custodial parent and an opportunity for such parent to object, that such disclosure is in the best interests of the child, (9) to any authorized representative of the Department of Correction, in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, information concerning noncustodial parents that is necessary to identify inmates or parolees with IV-D support cases who may benefit from Department of Correction educational, training, skill building, work or rehabilitation programming that will significantly increase an inmate's or parolee's ability to fulfill such inmate's support obligation, (10) to any authorized representative of the Judicial Branch, in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, information concerning noncustodial parents that is necessary to: (A) identify noncustodial parents with IV-D support cases who may benefit from educational, training, skill building, work or rehabilitation programming that will significantly increase such parent's ability to fulfill such parent's support obligation, (B) assist in the administration of the Title IV-D child support program, or (C) assist in the identification of cases involving family violence, (11) to any authorized representative of the State Treasurer, in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, information that is necessary to identify child support obligors who owe overdue child support prior to the Treasurer's payment of such obligors' claim for any property unclaimed or presumed abandoned under part III of chapter 32, or (12) to any authorized representative of the Commissioner of Housing for the purpose of verifying whether an applicant for the renters rebate program established by section 12-170d, as amended by this act, is a recipient of cash assistance from the Department of Social Services and the amount of such assistance. No such representative shall disclose any information obtained pursuant to this section, except as specified in this section. Any applicant for assistance provided through said department shall be notified that, if and when such applicant receives benefits, the department will be providing law enforcement officials with the address of such applicant upon the request of any such official pursuant to section 17b-16a.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2014 SESSION



Document Name: DCF 14-3 Safe Harbor Protection for Child Victims of Human Trafficking <small>(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)</small>
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: Matthew Larock
Title of Proposal Safe Harbor Protection for Child Victims of Human Trafficking
Statutory Reference §§ 17a-106a, 46b-120 and a creation of a new statutory section
Proposal Summary To provide DCF with the legal authority to seek legal custody of child victims of human trafficking.
<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?*

To protect vulnerable victims of sexual exploitation and human trafficking.

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

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

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

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

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

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LANGUAGE

Safe Harbor Protection for Child Victims of Human Trafficking

Section 1. (NEW) (*Effective October 1, 2014*). (a) Notwithstanding the provisions of any general statute, regulation or requirement regarding services to victims of human trafficking, the Commissioner of Children and Families, shall: (1) provide for the child welfare services needs of minor children who are victims of trafficking as defined by Section 53-192a including, but not limited to, services for minor child victims of trafficking residing in the state at the time they are taken into custody by law enforcement or are identified minor child victims of trafficking by the department; and (2) provide appropriate services to a child reasonably believed to be a victim of trafficking in order to safeguard the child's welfare.

(b) The services that shall be provided under this section shall be available to all minor child victims of trafficking, whether they are accessed voluntarily or through a court proceeding under this section 46b-129.

(c) The Commissioner of Children and Families may, within available appropriations, provide training to law enforcement officials likely to encounter minor children who are victims of trafficking in the course of their law enforcement duties. The training shall include, but not be limited to, awareness and compliance with the provisions of this section, identification of, access to, and the provision of services for sexually-exploited children and any other services the department deems necessary.

Sec. 2. Subsection (a) of section 17a-106a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) The Commissioner of Children and Families, as department head of the lead agency, and the appropriate state's attorney may establish multidisciplinary teams for the purpose of reviewing particular cases or particular types of cases or to coordinate the prevention, intervention and treatment in each judicial district to review selected cases of child abuse or neglect or cases involving a minor child victim of trafficking. The purpose of such multidisciplinary teams is to advance and coordinate the prompt investigation of suspected cases of child abuse or neglect, to reduce the trauma of any child victim and to ensure the protection and treatment of the child. The head of the local law enforcement agency or his designee may request the assistance of the Division of State Police within the Department of Emergency Services and Public Protection for such purposes.

Sec. 3. Subdivision (8) of section 46b-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(8) A child or youth may be found "uncared for": (A) who is homeless; [ef] (B) whose home cannot provide the specialized care that the physical, emotional or mental condition of the child or youth requires; or (C) who has been 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;



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2014 SESSION



Document Name: DCF 14-4 Modifications to School Investigation Statutes <small>(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)</small>
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 Modifications to School Investigation Statutes
Statutory Reference §§ 17a-101i
Proposal Summary This proposal makes clarifying changes to the statute concerning DCF investigations involving allegations of child abuse or neglect involving school employees. It also allows DCF to share the outcome of investigations with school officials.
<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?*

Public Act 11-93 made a number of significant changes to the educational and DCF statutes regarding the response to allegations of child abuse or neglect involving school employees. This proposal makes some minor and technical corrections to § 17a-101i and addresses an omission in the current statute to permit DCF to share additional information regarding the outcome of investigations with school officials.

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, Legislative Liaison, 860-713-6493 Date Contacted: October 31, 2013 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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LANGUAGE

Abuse or Neglect Perpetrated by a School Employee

Section 17a-101i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) Notwithstanding any provision of the general statutes, within five days after an investigation has been completed [~~and the Commissioner of Children and Families, based upon the results of the~~

~~investigation, (1) has reasonable cause to believe] of a report~~ 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 (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 of Children and Families shall, ~~[not later than five working days after such finding,]~~ notify the employing superintendent and the Commissioner of Education of ~~[such finding]~~ its findings and shall provide records, whether or not created by the department, concerning such investigation to the superintendent and the Commissioner of Education. ~~[The]~~ If such school employee has been found to have abused or neglected a child and has been recommended for placement on the Department of Children and Families central registry, the 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. 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 of a report that a 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 has been completed, ~~[if]~~ the Commissioner shall notify the person in charge of such institution, school or facility or the person's designee of the results of the investigation. 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, 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, and 17a-103. 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.

(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 - 2014 SESSION



Document Name: DCF 14-5 Restraint and Seclusion - Foster Homes
 (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: Dr. Liz D'Amico

Title of Proposal Restraint and Seclusion - Foster Homes

Statutory Reference §§ 46a-150, 46a-152, 53a-18

Proposal Summary
 To prohibit the use of restraint and seclusion in foster homes.

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 specific statutory prohibition regarding the use of restraint and seclusion in foster homes.

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

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

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

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

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

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LANGUAGE

Restraint and Seclusion - Foster Homes

Section 1. Subdivision (3) of section 46a-150 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(3) "Person at risk" means (A) a child requiring special education described in subparagraph (A) of subdivision (5) of section 10-76a, who is receiving special education by a local or regional board of education, or a child being evaluated for eligibility for special education pursuant to section 10-76d and awaiting a determination, or (B) a person receiving care, education or supervision in an institution or facility or foster home (i) operated by, licensed or authorized to operate by or operating pursuant to a

contract with the Departments of Public Health, Developmental Services, Children and Families, Mental Health and Addiction Services or a regional education service center established under section 10-66a, or (ii) operating under contract with a local or regional board of education pursuant to subsection (d) of section 10-76d. The term does not include a person in the custody of the Commissioner of Correction, or a resident or patient of a nursing home subject to federal regulations concerning restraint of residents or patients.

Sec. 2. Section 46a-152 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) No provider or assistant may use involuntary physical restraint on a person at risk except (1) as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others, provided the restraint is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative, (2) as necessary and appropriate, as determined on an individual basis by the person's treatment team and consistent with sections 17a-540 to 17a-550, inclusive, for the transportation of a person under the jurisdiction of the Whiting Forensic Division of the Department of Mental Health and Addiction Services.

(b) No provider or assistant may involuntarily place a person at risk in seclusion except (1) as an emergency intervention to prevent immediate or imminent injury to the person or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative, or (2) as specifically provided for in an individualized education program developed pursuant to section 10-76d. Each local or regional board of education, institution or facility providing special education for a child shall notify the parent or guardian of each incident in which such child is placed in physical restraint or seclusion.

(c) No provider or assistant may use a psychopharmacologic agent on a person at risk without that person's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the person or to others, or (2) as an integral part of the person's established medical or behavioral support or educational plan, as developed consistent with section 17a-543 or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.

(d) Any use of physical restraint or seclusion on a person at risk shall be documented in the person's medical or educational record. The documentation shall include (1) in the case of emergency use, the nature of the emergency and what other steps, including attempts at verbal deescalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise, and (2) a detailed description of the nature of the restraint or seclusion, its duration and its effect on the person's established medical or behavioral support or educational plan.

(e) Any person at risk who is physically restrained shall be continually monitored by a provider or assistant. Any person at risk who is involuntarily placed in seclusion shall be frequently monitored by a provider or assistant. Each person so restrained or in seclusion shall be regularly evaluated by a provider or assistant for indications of physical distress. The provider or assistant conducting the evaluation shall enter each evaluation in the person's medical or educational record. For purposes of this subsection, "monitor" means (1) direct observation, or (2) observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

(f) Nothing in this section shall be construed as limiting any rights a person may have under sections 17a-540 to 17a-550, inclusive, section 17a-566 or section 54-56d.

(g) Nothing in this section shall be construed as limiting the justified use of physical force by a local, state or federal law enforcement official or an employee of the Board of Pardons and Paroles or the Department of Correction responsible for the supervision of persons released on parole while in the performance of such official's or employee's duties.

(h) (1) Nothing in this section shall be construed as prohibiting the use of mechanical physical restraint in transporting any person (A) who is receiving services from the Department of Mental Health and Addiction Services pursuant to sections 17a-513 to 17a-517, inclusive, 17a-566 to 17a-567, inclusive, 17a-582 to 17a-603, inclusive, or 54-56d, or (B) who is committed to the department by a court of competent jurisdiction and has a pending criminal charge for which bail or a bond has not been posted, from a department facility to another location and, if applicable, back to such facility. Any such use of mechanical physical restraint shall be determined on an individualized basis by the head of the facility, or by a designee of the head of the facility, to be necessary and appropriate to protect the public safety.

(2) Any use of mechanical physical restraint under this subsection shall be documented in the medical record of the person who is transported. Such documentation shall include, but not be limited to, (A) the reason for the use of such restraint, including the risk of flight, the risk to public safety and the person's clinical condition, and (B) a detailed description of the nature of such restraint and its duration. If the use of any such restraint results in serious physical injury or death to such person, the head of the facility shall report such injury or death to the Commissioner of Mental Health and Addiction Services. The commissioner, upon receiving any such report, shall inform the director of the Office of Protection and Advocacy for Persons with Disabilities of such injury or death.

(i) The use of restraint or seclusion by any foster parent licensed by the Department of Children and Families or any child placing agency the state is prohibited.

Sec. 3. Section 53a-18 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

(1) A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person, except a person entrusted with the care and supervision of a minor for school purposes as described in subdivision (6) of this section, may use reasonable physical force upon such minor or incompetent person when and to the extent that he reasonably believes such to be necessary to maintain discipline or to promote the welfare of such minor or incompetent person.

(2) An authorized official of a correctional institution or facility may, in order to maintain order and discipline, use such physical force as is reasonable and authorized by the rules and regulations of the Department of Correction.

(3) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under his direction, may use reasonable physical force when and to the extent that he reasonably believes such to be necessary to maintain order, but he may use deadly physical force only when he reasonably believes such to be necessary to prevent death or serious physical injury.

(4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use reasonable physical force upon such person to the extent that he reasonably believes such to be necessary to thwart such result.

(5) A duly licensed physician or psychologist, or a person acting under his direction, may use reasonable physical force for the purpose of administering a recognized form of treatment which he reasonably believes to be adapted to promoting the physical or mental health of the patient, provided the treatment (A) is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian or other person entrusted with his care

and supervision, or (B) is administered in an emergency when the physician or psychologist reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(6) A teacher or other person entrusted with the care and supervision of a minor for school purposes may use reasonable physical force upon such minor when and to the extent he reasonably believes such to be necessary to (A) protect himself or others from immediate physical injury, (B) obtain possession of a dangerous instrument or controlled substance, as defined in subdivision (9) of section 21a-240, upon or within the control of such minor, (C) protect property from physical damage or (D) restrain such minor or remove such minor to another area, to maintain order.

(b) The use of restraint or seclusion by any foster parent licensed by the Department of Children and Families or any child placing agency the state is prohibited.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2014 SESSION



Document Name: DCF 14-6 Risk and Needs Assessment for Delinquent Youth
 (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 Risk and Needs Assessment for Delinquent Youth
Statutory Reference § 46b-140(j)
Proposal Summary
 To: (1) clarify statutory language regarding risk/needs assessments for juvenile offenders to include its applicability to girls in the juvenile justice system; (2) to permit the DCF Commissioner to determine specific placements for mentally ill delinquent children committed to DCF; and (3) to clarify that female juvenile offenders may be placed in a program under the administrative supervision of CJTS at the Solnit Center - South Campus.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

The current statute requiring a risk/needs assessment for delinquent youth only applies to male juvenile offenders and to statutorily recognize the girls program operating under the administrative supervision of CJTS at the Solnit Center - South Campus. This proposal also addresses the need for the DCF Commissioner to manage placements of children committed to her custody as delinquent.

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, 860-757-2270

Date Contacted: November 1, 2013

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)

LANGUAGE

Risk and Needs Assessment for Delinquent Youth

Section 1. Subsection (b) of section 46b-121 of the general statutes, as amended by section 1 of Public Act 13-40, is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(b) (1) In juvenile matters, the Superior Court shall have authority to make and enforce such orders directed to parents, including any person who acknowledges before the court paternity of a child born out of wedlock, guardians, custodians or other adult persons owing some legal duty to a child or youth therein, as the court deems necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child or youth subject to the court's jurisdiction or otherwise committed to or in the custody of the Commissioner of Children and Families. The Superior Court may order a local or regional board of education to provide to the court educational records of a child or youth for the purpose of determining the need for services or placement of the child or youth. In proceedings concerning a child charged with a delinquent act or with being from a family with service needs, records produced subject to such an order shall be maintained under seal by the court and shall be released only after a hearing or with the consent of the child. Educational records obtained pursuant to this section shall be used only for dispositional purposes. In addition, with respect to proceedings concerning delinquent children, the Superior Court shall have authority to make and enforce such orders as the court deems necessary [pursuant to section 46b-140](#) or appropriate to punish the child, deter the child from the commission of further delinquent acts, assure that the safety of any other person will not be endangered and provide restitution to any victim. The Superior Court shall also have authority to grant and enforce temporary and permanent injunctive relief in all proceedings concerning juvenile matters.

(2) If any order for the payment of money is issued by the Superior Court, including any order assessing costs issued under section 46b-134 or 46b-136, the collection of such money shall be made by the court, except orders for support of children committed to any state agency or department, which orders shall be made payable to and collected by the Department of Administrative Services. If the Superior Court after due diligence is unable to collect such moneys within six months, the court shall refer such case to the Department of Administrative Services for collection as a delinquent account. In juvenile matters, the Superior Court shall have authority to make and enforce orders directed to persons liable hereunder on petition of the Department of Administrative Services made to the court in the same manner as is provided in section 17b-745, in accordance with the provisions of section 17b-81 or 17b-223, subsection (b) of section 17b-179 or section 17a-90, 46b-129 or 46b-130, and all of the provisions of section 17b-745 shall be applicable to such proceedings. Any judge hearing a juvenile matter may make any other order in connection therewith that a judge of the Superior Court is authorized to grant and such order shall have the same force and effect as any other order of the Superior Court. No commitment to the Department of Children and Families may be ordered or continued for a delinquent child who has attained the age of twenty. Notwithstanding the terms of any order in effect on October 1, 2011, any commitment to the Department of Children and Families in a delinquency proceeding pursuant to this chapter shall terminate not later than the date the child attains the age of twenty.

(3) In the enforcement of the court's orders, in connection with any juvenile matter, the court may issue process for the arrest of any person, compel attendance of witnesses and punish for contempt by a fine not exceeding one hundred dollars or imprisonment not exceeding six months.

Section 1. Subsections (g), (j) and (k) of section 46b-140 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(g) Any child or youth coming within the jurisdiction of the court, who is found to be mentally ill, may be committed by said court to the Commissioner of Children and Families and, if the court convicts a child as delinquent and finds such child to be mentally deficient, the court may commit such child to ~~[an institution for mentally deficient children or youth or delinquents]~~ [the Commissioner of Children and Families](#). No such commitment may be ordered or continued for any child who has attained the age of twenty. Whenever it is found that a child convicted as delinquent or adjudged to be a member of a family with service needs would benefit from a work-study program or employment with or without continued school attendance, the court may, as a condition of probation or supervision, authorize such child to be employed for part or full-time at some useful occupation that would be favorable to such child's welfare, and the probation officer shall supervise such employment. For the purposes of this

section, the limitations of subsection (a) of section 31-23 on the employment of minors under the age of sixteen years shall not apply for the duration of such probation or supervision.

(j) Except as otherwise provided in this section, the court may order that a child be (1) committed to the Department of Children and Families and, after consultation with said department, the court may order that the child be placed directly in a residential facility within this state and under contract with said department, or (2) committed to the Commissioner of Children and Families for placement by the commissioner, in said commissioner's discretion, (A) with respect to the juvenile offenders determined by the Department of Children and Families to be the highest risk, in the Connecticut Juvenile Training School, ~~[if the juvenile offender is a male,]~~ or in another state facility, presumptively for a minimum period of twelve months, or (B) in a private residential or day treatment facility within or outside this state, or (C) on parole. No such commitment may be ordered or continued for any child who has attained the age of twenty. The commissioner shall use a risk and needs assessment classification system to ensure that ~~[male]~~ children who are in the highest risk level will be placed in the Connecticut Juvenile Training School or the Pueblo Unit on the campus of the Albert J. Solnit Center - South Campus.

(k) On or after May 21, 2004, no female child committed to the Department of Children and Families shall be placed in the Connecticut Juvenile Training School, however female juvenile offenders may be placed at the Pueblo Unit on the campus of the Albert J. Solnit Center - South Campus in a program under the administrative supervision of the Connecticut Juvenile Training School. ~~[Any female child placed in the Connecticut Juvenile Training School before May 21, 2004, shall be transferred to another appropriate facility not later than ninety days after May 21, 2004.]~~



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2014 SESSION



Document Name: DCF 14-7 DCF Parole <small>(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)</small>
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: Office of Juvenile Services
Agency Analyst/Drafter of Proposal: Kristina Stevens
Title of Proposal DCF Parole
Statutory Reference §§ 46b-121h, 46b-121i
Proposal Summary This proposal updates current statutory language outlining the care and custodial management of children committed to the Department of Children and Families as delinquent to better define the role that the Department of Children and Families has in the Juvenile Justice System in Connecticut.
<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?*

The Raise the Age legislation has increased the average age of a committed delinquent. Raise the Age coupled with robust criminal diversion efforts is introducing a population to DCF of committed delinquents at higher risk to recidivate by virtue of their longer involvement in the juvenile justice system. Essentially, they have had more contact with the police and courts and subsequently with juvenile justice programming, leaving them less amenable to treatment and intervention and more difficult to engage. The overall purpose of these proposed legislative changes is to provide better care to the children and young adults who are committed to the Department of Children and Families as delinquent which will result in better outcomes, while taking into account public safety.

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, 860-757-2270

Date Contacted: October 31, 2013

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)

LANGUAGE

DCF Parole

Section 1. Section 46b-121h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

It is the intent of the General Assembly that the Juvenile Justice Systems provide individualized supervision, care, accountability and treatment in a manner consistent with public safety to those

juveniles who violate the law. The Juvenile Justice System shall also promote prevention efforts through the support of programs and services designed to meet the needs of juveniles charged with the commission of a delinquent act. The operation of the Juvenile Justice System is implemented by the mandate of two branches of state government: the Judicial Branch through its operation of the juvenile courts and Court Support Services Division; and, the Executive Branch through its operation of the Department of Children and Families which is responsible for the operation of the Connecticut Juvenile Training School and juvenile parole services. The goals of the Juvenile Justice System shall be to:

- (1) Hold juveniles accountable for their unlawful behavior;
- (2) Provide secure and therapeutic confinement to those juveniles who present a danger to the community;
- (3) Adequately protect the community and juveniles;
- (4) Provide programs and services that are community-based and are provided in close proximity to the juvenile's community;
- (5) Retain and support juveniles within their homes whenever possible and appropriate;
- (6) Base probation and juvenile justice treatment planning upon risk assessment/classification and individual case management plans;
- (7) Include the juvenile's family in the case management plan;
- (8) Provide supervision and service coordination where appropriate and implement and monitor the case management plan in order to discourage re-offending;
- (9) Provide follow-up and nonresidential post-release services to juveniles who are returned to their families or communities;
- (10) Promote the development and implementation of community-based programs including, but not limited to, mental health services, trauma focused treatment and interventions based on adolescent neuroscience research designed to prevent unlawful behavior and to effectively minimize the depth and duration of the juvenile's involvement in the juvenile justice system; **[and]**
- (11) Create and maintain programs for juvenile offenders that are gender specific in that they comprehensively address the unique needs of a targeted gender group; and
- (12) The Juvenile Courts, the Court Support Services Division and the Department of Children and Families shall have the authority to share records of children and youth involved in the Juvenile Justice System pursuant to subdivision (11) of subsection (g) of section 17a-28, subsection (d) of section 46b-124 (d) and subsection (l) of section 46b-140 for purposes of case planning and delivery of services.

Sec. 2. Section 46b-121i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) The Judicial Department shall:

- (1) Coordinate programs and services of the juvenile justice system with other state and municipal agencies, boards and commissions;
- (2) Develop and use intake and assessment procedures for the evaluation of juveniles;
- (3) Provide case management for juveniles;
- (4) For the Judicial Department to provide **[Provide]** pretrial diversion and postconviction programs and for the Department of Children and Families to provide services and programming that address the mental health needs inclusive of trauma informed practices and adolescent neuroscience upon commitment to DCF as a delinquent;
- (5) Coordinate community-based trauma informed services for juveniles and their families which promote appropriate reintegration of the juvenile with his or her family, school and community; and
- (6) Provide other programs and services necessary to the juvenile justice system.

(b) In developing its programs, the Judicial Department and the Department of Children and Families shall:

- (1) Develop risk and assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system and ongoing assessment, as needed, if the juvenile is committed to the Department of Children and Families as delinquent;
- (2) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. A program level is based on the needs of the juvenile, his potential to be dangerous and his risk of offending further;
- (3) The Judicial Branch and the Department of children and Families shall develop [~~Develop~~] a purchase-of-care system, which will facilitate the development of a state-wide community-based continuum of care, with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing Title IV-E funds of the federal Social Security Act, as amended, new Medicaid funds and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2014 SESSION



Document Name: DCF 14-8 Removal of Individuals from the Child Abuse and Neglect Registry
 (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 Removal of Individuals from the 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?*

To establish a due process appeal for older DCF cases that resulted in placement on the Child Abuse and Neglect Registry.

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?*

In 2013, HB 5516 passed the House of Representatives but died on the Senate Calendar. In 2012, 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:

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

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 DCF's child abuse and neglect 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.

LANGUAGE

Removal of Individuals from the Child Abuse and Neglect Registry

Section 1. Section 17a-101k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(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 ~~(h)~~ (i) 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, unless such person is required to register as a sexual offender with the Commissioner of Emergency Services and Public

Protection. 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 and a provision under which the applicant shall indicate, under penalty of false statement, whether the applicant is required to register as a sexual offender with the Commissioner of Emergency Services and Public Protection. Such good cause for removing the applicant's name from the registry shall include, but need not be limited to:

(A) The rehabilitation of the applicant, as demonstrated by: (i) The applicant's personal conduct, (ii) the absence of a criminal conviction for any conduct related to a family member of the applicant or a child during the five-year period prior to the date of the application, (iii) the absence of a criminal conviction for violent conduct, as determined by the commissioner, related to any person other than a family member of the applicant or a child during the five-year period prior to the date of the application, (iv) the absence of a conviction under section 53-247 during the five-year period prior to the date of the application, and (v) the letters in support of the application that are required under subparagraph (D) of this subdivision;

(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, such as the applicant's need to obtain or retain employment, licensure or engage in activities involving direct contact with children; and

(D) At least two letters in support of the application, each from a person with knowledge of the applicant's successful rehabilitation, such as a licensed physician or mental health professional.

(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 (A) good cause, and (B) the applicant is not required to register as a sexual offender with the Commissioner of Emergency Services and Public Protection. 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) Nothing in this subsection shall prevent a person from filing an application under this subsection, or prevent the commissioner from approving an application filed under this subsection, if such person has at any time been required to register as a sexual offender with the Commissioner of Emergency Services and Public Protection, but is no longer required to register as a sexual offender on the date of application.

(5) Upon the request of the Commissioner of Children and Families, the Commissioner of Emergency Services and Public Protection shall provide such information to the Commissioner of Children and Families as the Commissioner of Children and Families requires to verify whether an applicant is required to register as a sexual offender with the Commissioner of Emergency Services and Public Protection.

(6) Any applicant whose application is denied after a final decision, as defined in section 4-166, may file a new application in accordance with subdivisions (1), (2) and (4) 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 and such person is not required to register as a sexual offender with the Commissioner of Emergency Services and Public Protection.

(+) (j) Not later than July 1, 2006, 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 - 2014 SESSION



Document Name: DCF 14-9 Additional Mandated Reporters <small>(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)</small>
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 Additional Mandated Reporters
Statutory Reference §§ 17a-101(b)
Proposal Summary The bill adds the following individuals to the list of people who must report suspected child abuse and neglect: (1) youth camp directors and assistant directors; (2) any adult who is a paid coach or director of intramural or interscholastic school athletics; (3) any adult who is a paid coach or director of youth athletics; (4) any adult who is a paid coach or director of a private sports organization or team; and (5) any adult who is a paid administrator, faculty, staff, athletic director, athletic coach, or athletic trainer who works for a constituent unit of the state system of higher education or a private higher education institution.
<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?*

This proposal would add several professions to the list of those required to report suspected child abuse and neglect. These professionals should be required to report suspected child abuse and neglect in the same manner as other professionals that have frequent contact with 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?*

While this a new proposal from DCF, the language is identical to § 1 of HB 6400 from the 2013 legislative session. The bill, which contained other provisions related to youth camp licensure, was favorably reported by the Children's and Appropriations Committees but died on the House Calendar.

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: University of Connecticut
Agency Contact (name, title, phone): Gail Bysiewicz-Garber, Legislative Liaison, 860-486-5519
Date Contacted: October 31, 2013

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: Board of Regents for Higher Education
Agency Contact (name, title, phone): Kyle Thomas, Legislative Liaison, 860-723-0017
Date Contacted: October 31, 2013

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)

LANGUAGE

Coaches and Youth Camp Directors as Mandated Reporters

Section 1. Subsection (b) of section 17a-101 of the general statutes, as amended by section 7 of Public Act 13-214, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(b) The following persons shall be mandated reporters: (1) Any physician or surgeon licensed under the provisions of chapter 370, (2) any resident physician or intern in any hospital in this state, whether or not so licensed, (3) any registered nurse, (4) any licensed practical nurse, (5) any medical examiner, (6) any dentist, (7) any dental hygienist, ~~(8)~~ (8) any psychologist, (9) a school employee, as defined in section 53a-65, (10) any paid coach or director of intramural or interscholastic athletics at a school who is eighteen years of age or older, (11) any paid coach or director of youth athletics who is eighteen years of age or older, (12) any paid coach or director of a private sports organization or team who is eighteen years of age or older, (13) any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer employed by a constituent unit of the state system of higher education or private institution of higher education who is eighteen years of age or older, excluding student employees (14) any social worker, (15) any police officer, (16) any juvenile or adult probation officer, (17) any juvenile or adult parole officer, (18) any member of the clergy, (19) any pharmacist, (20) any physical therapist, (21) any optometrist, (22) any chiropractor, (23) any podiatrist, (24) any mental health professional, ~~(25)~~ (25) any physician assistant, (26) any person who is a licensed or certified emergency medical services provider, (27) any person who is a licensed or certified alcohol and drug counselor, (28) any person who is a licensed marital and family therapist, (29) any person who is a sexual assault counselor or a domestic violence counselor as defined in section 52-146k, (30) any person who is a licensed professional counselor, (31) any person who is a licensed foster parent, (32) any person paid to care for a child in any public or private facility, child day care center, group day care home or family day care home licensed by the state, (33) any employee of the Department of Children and Families, (34) any employee of the Department of Public Health who is responsible for the licensing of child day care centers, group day care homes, family day care homes or youth camps, (35) any youth camp director or assistant director, (36) the Child Advocate and any employee of the Office of the Child Advocate and (37) any family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department.