

Department of Children and Families



Legislative Proposals 2012



2012 Legislative Proposals

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STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-1A**
 (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 Albert J. Solnit Children's Psychiatric Center
Statutory Reference § 17a-32
Proposal Summary
 Rename Riverview Hospital and Connecticut Children's Place the Albert J. Solnit Children's Psychiatric Center (North and South Campuses).
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This proposal would rename Riverview Hospital in Middletown and Connecticut Children's Place in East Windsor, the Albert J. Solnit Children's Psychiatric Center (North and South Campuses). Dr. Albert J. Solnit, the former Commissioner of the Department of Mental Health and Addiction Services, was also the long-time Director of the Yale Child Study Center and was a recognized international expert in child psychiatry.

Earlier this year, the Department consolidated the operations of the two facilities under a single management structure. For additional information regarding the consolidation plan, please see the report - "*The Future of Riverview Hospital for Children and Youth: Ten Steps Forward*"
http://www.ct.gov/dcf/lib/dcf/latestnews/rvh_final_report_webmed.pdf

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: 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 impact.
State Minimal cost, to be absorbed by DCF, e.g. signs, stationary.
Federal No federal impact.
Additional notes on fiscal impact

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

Albert J. Solnit Children's Psychiatric Center

Section 17a-32 of the General statutes is repealed and the following is substituted in lieu thereof:

- (a) The name of the Department of Children and Families facility at Connecticut Valley Hospital [~~shall be Riverview Hospital for Children and Youth~~] in the city of Middletown shall be the Albert J. Solnit Children's Psychiatric Center - South Campus.
- (b) The name of the Department of Children and Families facility in the city of Middletown shall be the Connecticut Juvenile Training School.
- (c) The name of the Department of Children and Families facility in the town of East Windsor shall be the [~~Connecticut Children's Place~~] Albert J. Solnit Children's Psychiatric Center - North Campus.

(d) ~~The name of the Department of Children and Families facility in the town of Hamden shall be High Meadows.~~

(e) The name of the Department of Children and Families facility in the town of Hartland shall be the Wilderness School.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-2**
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal Finalization of Adoptions by the Superior Court for Juvenile Matters
Statutory Reference New
Proposal Summary
 This proposal would permit the finalization of adoptions in the Superior Court for Juvenile Matters.
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?*

In an effort to decrease the length of time between termination of parental rights (TPR) and adoption, this proposal will permit adoptions to occur at the Superior Court for Juvenile Matters that issued the TPR, rather than Probate Court.

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 17, 2011

Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

Agency Name: Probate Court Administration Agency Contact (name, title, phone): Vin Russo, 860-231-2442, ext. 32 Date Contacted: October 6, 2011
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 impact.
State Potential savings to DCF. Expediting the finalization of adoptions will decrease costs to DCF. Decrease revenue for the Probate Court Administration Fund.
Federal No federal impact.
Additional notes on fiscal impact

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

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Finalization of Adoptions by the Superior Court for Juvenile Matters

(NEW) (a) In any case where the termination of parental rights regarding the child has occurred through the action of the Superior Court, a petition for adoption may be filed following the expiration of any appeal or appeal period, in the court that granted the termination of parental rights.

(b) All social studies, psychological reports and court documents previously filed in the termination for parental rights case shall be available to the court, subject to the rules of evidence, for review and

consideration in acting upon the adoption of such child or children. The court shall act as much as possible to protect the confidentiality of the biological parents unless such information has been previously disclosed.

(c) In addition, the Department of Children and Families shall prepare and submit with the petition a new social study which includes current information on the child's present welfare, medical condition, educational history and special needs, if any. The report shall contain information concerning the proposed adoptive family. All reports filed with or subsequent to the adoption petition shall be available to the pre-adoptive family.

(d) Upon receipt of the petition and social study the court shall set a time and date for a hearing and shall give reasonable notice to the Department of Children and Families, the pre-adoptive parents, the child, if over twelve years of age, and to any such other parties as the court may require. At the hearing the court may grant or deny the petition. If granted the court shall enter a decree approving the adoption if it is satisfied that the adoption is in the best interests of the child. The court may continue the matter for further investigation, orders of notice or other action to be taken prior to acting on the petition.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-3**
 (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 Tuition Waiver for Foster Children
Statutory Reference §§ 10a-77(d), 10a-99(d), 10a-105(e)
Proposal Summary
 To provide a tuition waiver for DCF foster children at community colleges, the state university system and the University of Connecticut.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This proposal would provide free in-state tuition for children for whom DCF has acted as legal guardian or statutory parent for at least one year immediately prior to enrollment. This would provide an important incentive for the children in our state’s foster care system to pursue higher educational opportunities. Currently, several states offer tuition waivers for former foster youth attending public 2-year and 4-year institutions, including Kentucky, Maine, Maryland, Massachusetts, Oklahoma, Oregon, Texas, Virginia and West Virginia.

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: University of Connecticut
Agency Contact (name, title, phone): Gail Bysiewicz-Garber, 860-486-5519
Date Contacted: October 17, 2011

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: Connecticut State University
Agency Contact (name, title, phone): Jill Ferraiolo, 860-493-0017
Date Contacted: October 17, 2011

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

Agency Name: Community Colleges
Agency Contact (name, title, phone): Meghan Collins-Fanning, 860-244-7631
Date Contacted: October 17, 2011

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 impact.

State
 DCF savings, cost shift to UConn, CSU and Community Colleges. DCF is currently paying approximately \$800,000 per year for in-state tuition.

Federal
 No federal impact.

Additional notes on fiscal impact

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

Tuition Waiver for Foster Children

Section 1. Subsection (d) of section 10a-77 of the General statutes is repealed and the following is substituted in lieu thereof:

(d) Said board of trustees shall waive the payment of tuition at any of the regional community-technical colleges (1) for any dependent child of a person whom the armed forces of the United States has declared to be missing in action or to have been a prisoner of war while serving in such armed forces after January 1, 1960, which child has been accepted for admission to such institution and is a resident of Connecticut at the time such child is accepted for admission to such institution, (2) subject to the provisions of subsection (e) of this section, for any veteran who performed service in time of war, as defined in subsection (a) of section 27-103, except that for purposes of this subsection, "service in time of war" shall not include time spent in attendance at a military service academy, who has been accepted for admission to such institution and is domiciled in this state at the time such veteran is accepted for admission to such institution, (3) for any resident of Connecticut sixty-two years of age or older, provided, at the end of the regular registration period, there are enrolled in the course a sufficient number of students other than those persons eligible for waivers pursuant to this subdivision to offer the course in which such person intends to enroll and there is space available in such course after accommodating all such students, (4) for any student attending the Connecticut State Police Academy who is enrolled in a law enforcement program at said academy offered in coordination with a regional community-technical college which accredits courses taken in such program, (5) for any active member of the Connecticut Army or Air National Guard who (A) has been certified by the Adjutant General or such Adjutant General's designee as a member in good standing of the guard, and (B) is enrolled or accepted for admission to such institution on a full-time or part-time basis in an undergraduate degree-granting program, (6) for any dependent child of a (A) police officer, as defined in section 7-294a, or supernumerary or auxiliary police officer, (B) firefighter, as defined in section 7-323j, or member of a volunteer fire company, (C) municipal employee, or (D) state employee, as defined in section 5-154, killed in the line of duty, (7) for any resident of the state who is a dependent child or surviving spouse of a specified terrorist victim who was a resident of this state, (8) for any dependent child of a resident of the state who was killed in a multivehicle crash at or near the intersection of Routes 44 and 10 and Nod Road in Avon on July 29, 2005, ~~and~~ (9) for any resident of the state who is a dependent child or surviving spouse of a person who was killed in action while performing active military duty with the armed forces of the United States on or after September 11, 2001, and who was a resident of this state, and (10) for any child for whom the Department of Children and Families has acted as a legal guardian or statutory parent for at least one year immediately prior to the admission date and who has been accepted for admission to such institution and is a resident of Connecticut at the time of admission. If any person who receives a tuition waiver in accordance with the provisions of this subsection also receives educational reimbursement from an employer, such waiver shall be reduced by the amount of such educational reimbursement. Veterans described in subdivision (2) of this subsection and members of the National Guard described in subdivision (5) of this subsection shall be given the same status as students not receiving tuition waivers in registering for courses at regional community-technical colleges. Notwithstanding the provisions of section 10a-30, as used in this subsection, "domiciled in this state" includes domicile for less than one year.

Sec. 2. Subsection (d) of section 10a-99 of the General statutes is repealed and the following is substituted in lieu thereof:

(d) Said board shall waive the payment of tuition fees at the Connecticut State University System (1) for any dependent child of a person whom the armed forces of the United States has declared to be missing in action or to have been a prisoner of war while serving in such armed forces after January 1, 1960, which child has been accepted for admission to such institution and is a resident of Connecticut at the time such child is accepted for admission to such institution, (2) subject to the provisions of subsection (e) of this section, for any veteran who performed service in time of war, as defined in subsection (a) of section 27-103, except that for purposes of this subsection, "service in time of war" shall not include time spent in attendance at a military service academy, who has been accepted for admission to such institution and is domiciled in this state at the time such veteran is accepted for admission to such institution, (3) for any resident of Connecticut sixty-two years of age or older who has been accepted for admission to such institution, provided (A) such person is enrolled in a degree-granting program, or (B) at the end of the regular registration period, there are enrolled in the course a sufficient number of students other than those persons eligible for waivers pursuant to this subdivision to offer the course in which such person intends to enroll and there is space available in such course after accommodating all such students, (4) for any student attending the Connecticut Police Academy who is enrolled in a law enforcement program at said academy offered in coordination with the university which accredits courses taken in such program, (5) for any active member of the Connecticut Army or Air National Guard who (A) has been certified by the Adjutant General or such Adjutant General's designee as a member in good standing of the guard, and (B) is enrolled or accepted for admission to such institution on a full-time or part-time basis in an undergraduate or graduate degree-granting program, (6) for any dependent child of a (A) police officer, as defined in section 7-294a, or supernumerary or auxiliary police officer, (B) firefighter, as defined in section 7-323j, or member of a volunteer fire company, (C) municipal employee, or (D) state employee, as defined in section 5-154, killed in the line of duty, (7) for any resident of this state who is a dependent child or surviving spouse of a specified terrorist victim who was a resident of the state, (8) for any dependent child of a resident of the state who was killed in a multivehicle crash at or near the intersection of Routes 44 and 10 and Nod Road in Avon on July 29, 2005, ~~and~~ (9) for any resident of the state who is a dependent child or surviving spouse of a person who was killed in action while performing active military duty with the armed forces of the United States on or after September 11, 2001, and who was a resident of this state, and (10) for any child for whom the Department of Children and Families has acted as a legal guardian or statutory parent for at least one year immediately prior to the admission date and who has been accepted for admission to such institution and is a resident of Connecticut at the time of admission. If any person who receives a tuition waiver in accordance with the provisions of this subsection also receives educational reimbursement from an employer, such waiver shall be reduced by the amount of such educational reimbursement. Veterans described in subdivision (2) of this subsection and members of the National Guard described in subdivision (5) of this subsection shall be given the same status as students not receiving tuition waivers in registering for courses at Connecticut state universities. Notwithstanding the provisions of section 10a-30, as used in this subsection, "domiciled in this state" includes domicile for less than one year.

Sec. 3. Subsection (e) of section 10a-105 of the General statutes is repealed and the following is substituted in lieu thereof:

(e) Said board of trustees shall waive the payment of tuition fees at The University of Connecticut (1) for any dependent child of a person whom the armed forces of the United States has declared to be missing in action or to have been a prisoner of war while serving in such armed forces after January 1, 1960, which child has been accepted for admission to The University of Connecticut and is a resident of Connecticut at the time such child is accepted for admission to said institution, (2) subject to the provisions of subsection (f) of this section, for any veteran who performed service in time of war, as defined in subsection (a) of section 27-103, except that for purposes of this subsection, "service in time of war" shall not include time spent in attendance at a military service academy, who has been accepted

for admission to said institution and is domiciled in this state at the time such veteran is accepted for admission to said institution, (3) for any resident of Connecticut sixty-two years of age or older who has been accepted for admission to said institution, provided (A) such person is enrolled in a degree-granting program, or (B) at the end of the regular registration period, there are enrolled in the course a sufficient number of students other than those persons eligible for waivers pursuant to this subdivision to offer the course in which such person intends to enroll and there is space available in such course after accommodating all such students, (4) for any active member of the Connecticut Army or Air National Guard who (A) has been certified by the Adjutant General or such Adjutant General's designee as a member in good standing of the guard, and (B) is enrolled or accepted for admission to said institution on a full-time or part-time basis in an undergraduate or graduate degree-granting program, (5) for any dependent child of a (A) police officer, as defined in section 7-294a, or supernumerary or auxiliary police officer, (B) firefighter, as defined in section 7-323j, or member of a volunteer fire company, (C) municipal employee, or (D) state employee, as defined in section 5-154, killed in the line of duty, (6) for any resident of the state who is the dependent child or surviving spouse of a specified terrorist victim who was a resident of the state, (7) for any dependent child of a resident of the state who was killed in a multivehicle crash at or near the intersection of Routes 44 and 10 and Nod Road in Avon on July 29, 2005, [and] (8) for any resident of the state who is a dependent child or surviving spouse of a person who was killed in action while performing active military duty with the armed forces of the United States on or after September 11, 2001, and who was a resident of this state, and (9) for any child for whom the Department of Children and Families has acted as a legal guardian or statutory parent for at least one year immediately prior to the admission date and who has been accepted for admission to such institution and is a resident of Connecticut at the time of admission. If any person who receives a tuition waiver in accordance with the provisions of this subsection also receives educational reimbursement from an employer, such waiver shall be reduced by the amount of such educational reimbursement. Veterans described in subdivision (2) of this subsection and members of the National Guard described in subdivision (4) of this subsection shall be given the same status as students not receiving tuition waivers in registering for courses at The University of Connecticut. Notwithstanding the provisions of section 10a-30, as used in this subsection, "domiciled in this state" includes domicile for less than one year.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-4**
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal DCF Voluntary Services
Statutory Reference § 17a-11
Proposal Summary
 To establish a process to assess a parental contribution for voluntary services provided by the Department of Children and Families.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)
Agency Name: Department of Administrative Services
Agency Contact (name, title, phone): Terrence Tulloch-Reid, 860-713-5085
Date Contacted: October 17, 2011
 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 impact.

State
Potential significant savings. DCF paid \$16,000,000 in voluntary services for the fiscal year ending June 30, 2011. For example, if a means test with a threshold of \$30,000 were instituted, it would result in \$8,200,000 in savings for DCF.

Federal
No federal impact.

Additional notes on fiscal impact

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

DCF Voluntary Services

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

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

(b) The parents of any child or youth receiving assistance through the voluntary services program may be liable for the support of the child or youth in accordance with section 4-66 and section 4a-12 of the Connecticut General Statutes. The admission application shall include a signed acknowledgement of financial responsibility on such form as required by the Department of Administrative Services Upon acceptance of a child or youth for voluntary services, and periodically thereafter, the parents of said

child or youth shall be assessed an amount of money they shall be obligated to contribute to the support of the child or youth pursuant to section 4a-12 of the Connecticut General Statutes.

(c) A child or youth voluntarily admitted to the department and placed in out-of-home care shall be deemed to be within the care of the commissioner until such admission is terminated. The commissioner shall terminate the admission of any child or youth voluntarily admitted to the department within ten days after receipt of a written request for termination from a parent or guardian of any child under fourteen years of age or from a child if such child is fourteen years of age or older, or youth, unless prior to the expiration of that time the commissioner has sought and received from the Superior Court an order of temporary custody as provided by law. The commissioner may terminate the admission of any child or youth voluntarily admitted to the department after giving reasonable notice in writing to the parent or guardian of any child under fourteen years of age and to a child fourteen years of age or older, and to any youth. Any child or youth admitted voluntarily to the department may be placed in, or transferred to, any resource, facility or institution within the department or available to the commissioner except the Connecticut Juvenile Training School, provided the commissioner shall give written notice to such child or youth and to the parent or guardian of the child of the commissioner's intention to make a transfer at least ten days prior to any actual transfer, unless written notice is waived by those entitled to receive it, or unless an emergency commitment of such child or youth is made pursuant to section 17a-502. A case service plan shall be required for all children and youths receiving services voluntarily from the department who are not in an out-of-home placement. A permanency plan shall be required for all children and youths voluntarily admitted to the department and placed by the department in out-of-home care.

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

~~(e)~~ (e) (1) Ten months after ~~[admitting]~~ a child or youth who has been admitted to the voluntary services program and placed in out-of-home care ~~[on a voluntary basis]~~ and annually thereafter if the child or youth remains in ~~[the custody of the commissioner and remains placed in a foster home licensed pursuant to section 17a-114 or a facility licensed pursuant to section 17a-145 or 17a-154,]~~ out-of-home placement, the commissioner shall file a motion for review of a permanency plan. A hearing on such motion shall be held not later than thirty days after the filing of such motion. The court shall

provide notice to the child or youth and such child's or youth's parent or guardian of the time and place of the hearing on such motion not less than ten days prior to the date of such hearing.

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

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

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

~~[(e)]~~ (f) The commissioner shall adopt regulations in accordance with chapter 54 ~~[describing the documentation required for voluntary admission and for informal administrative case review, upon request, of any denial of an application for voluntary admission]~~ setting forth the standards for admission and termination from the voluntary services program and other requirements of the program.

~~[(f)]~~ (g) Any person aggrieved by a decision of the commissioner ~~[denying]~~ regarding voluntary services, including the denial of or termination of voluntary services, may appeal such decision through an administrative hearing held pursuant to chapter 54.

~~[(g)]~~ (h) Notwithstanding any provision of sections 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive, any person already ~~[under the care and supervision of the Commissioner of Children and Families]~~ admitted to the voluntary services program who has passed such person's eighteenth birthday but has not yet reached such person's twenty-first birthday may be permitted to remain voluntarily under the supervision of the commissioner, provided the commissioner, in the commissioner's discretion, determines that such person would benefit from further care and support from the Department of Children and Families and provided that such person is in full time attendance in a secondary school, a technical school, a college or a state-accredited job training program. Any person

remaining ~~[voluntarily under the supervision of the commissioner]~~ in the voluntary services program pursuant to this subsection shall be entitled to a written plan for care and treatment, and review of such plan, in accordance with section 17a-15. Nothing in this section shall require the commissioner to pay post-secondary education expenses for a youth admitted to the voluntary services program.

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



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-5**
 (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: Fiscal Services
Agency Analyst/Drafter of Proposal: Cindy Butterfield

Title of Proposal Single Cost Accounting
Statutory Reference § 17a-17
Proposal Summary
 To repeal the single cost accounting system that provides a formula-based payment system for certain DCF-licensed residential treatment providers.
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 single cost accounting system was developed in the mid-1980's. Over the past 25 years DCF has significantly reduced the number of children placed in large, congregate care facilities and this method of reimbursement has not been adapted over the years to the detriment of both DCF and the private provider community.

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?*

Major stakeholders - Connecticut Association of Nonprofits (CAN), Connecticut Community Providers Association (CCPA), and Children's League of Connecticut (CLOC), the organizations representing the residential providers.

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)

Agency Name: Department of Education Agency Contact (name, title, phone): Jessica Andrews-Walsh, 860-713-6582 Date Contacted: October 17, 2011 Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

Agency Name: Nonprofit Liaison Agency Contact (name, title, phone): Deb Heinrich, 860-418-6235 Date Contacted: October 17, 2011 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 impact.
State The Department anticipates that implementation of this statutory change will be implemented to be cost neutral.
Federal No federal impact.
Additional notes on fiscal impact

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

This represents a necessary shift in fiscal policy regarding payment to large residential treatment facilities licensed by DCF.

Single Cost Accounting

Section 17a-17 of the general statutes, as amended by section 2 of public act 11-25 is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Children and Families may, after consultation with the Commissioner of Administrative Services, establish ~~[by regulation]~~ a payment system~~[, which shall be adopted in accordance with chapter 54,]~~ for the direct payment of the reasonable expense of goods or services determined by said commissioner to be necessary for the care and maintenance of any child in the commissioner's custody, or under the commissioner's guardianship, whether or not the child has income or estate. Ninety per cent of a clean claim for payments shall be made no later than thirty days from receipt of the request for payment and ninety-nine per cent shall be made within ninety days of such receipt. Upon request of the Commissioner of Children and Families, the Comptroller shall draw an order on the Treasurer, from time to time, for such part of the appropriation for care of such children as may be needed in order to enable the commissioner to make such payments. The Department of Administrative Services may bill to and collect from the person in charge of the estate of any child in the custody of the Commissioner of Children and Families or under said commissioner's guardianship, or the payee of such child's income, the total amount expended for care of such child or such portion thereof as any such estate or payee is able to reimburse, provided the department shall not collect from such estate or payee any reimbursement for the cost of care or other expenditures made on behalf of such child from (1) the proceeds of any cause of action received by such child; (2) any lottery proceeds due to such child; (3) any inheritance due to such child; (4) any payment due to such child from a trust other than a trust created pursuant to 42 USC 1396p, as amended from time to time; or (5) the decedent estate of such child. For the purposes of this section "clean claim" means a claim which can be processed without obtaining additional substantiation from the applicant for payment or other person entitled to receive payment. A claim submitted by an applicant who is under investigation for fraud or abuse shall not be considered a clean claim.

~~(b) [The Commissioner of Children and Families and the Commissioner of Education shall jointly develop a single cost accounting system, on forms developed jointly by the Department of Children and Families and the Department of Education, which may be the basis for the payment of reasonable expenses for room and board and education by purchase of service agreement to private residential treatment centers that provide on campus educational services and are licensed pursuant to section 17a-145. The Commissioner of Children and Families, after consultation with the Commissioner of Education, shall adopt regulations in accordance with the provisions of chapter 54 to administer the system, which may provide for the combining of procedures within the Department of Children and Families and the Department of Education for administering the system, including the holding of joint hearings and reviews. Annually, on or before a date established by the Commissioner of Children and Families, each residential treatment center shall submit to the Department of Children and Families, on forms provided by said department and the Department of Education, the audited costs of its approved programs for the preceding year as certified by a certified public accounting firm. On and after July 1, 1983, no additional services shall be included in the calculation of such reasonable expenses unless such services are approved by the Commissioner of Children and Families or the Commissioner of Education.] The Commissioner of Education, in consultation with the Commissioner of Children and Families, shall establish a payment system for private residential treatment centers licensed pursuant to section 17a-145 that provide on campus educational services.~~

~~[(c) During the two-year period commencing July 1, 1985, the Commissioner of Children and Families and the Commissioner of Education shall implement the cost accounting system developed pursuant to subsection (b) of this section. On and after July 1, 1987, said system shall be the basis for the payment of reasonable expenses for room and board and education, by purchase of service agreement, to private residential treatment centers, provided said system shall not be applicable to any treatment center which does not submit the audited costs of its approved programs for the preceding year in accordance with the provisions of said subsection (b).]~~

~~(d) Any cost of living adjustment provided in section 4 of public act 98-250* shall be applicable only to the room and board rate and shall not be applicable to the education rate.~~

~~(e)]~~ (c) The Commissioner of Children and Families may establish a performance-based payment system for child care facilities that serve children in the custody of the commissioner and are licensed pursuant to section 17a-145. Any payments made pursuant to this subsection shall be reinvested in the child care facility to provide program enhancements and salary increases for direct care staff. Such payments shall not be considered income to the child care facility for purposes of establishing payments under the single cost accounting system established pursuant to subsection (b) of this section.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-6**
 (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 After-School Programs
Statutory Reference 19a-77
Proposal Summary
 To exempt after-school programs under contracts with the Department of Children and Families from the Department of Public Health child day care services licensing requirements .
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This proposal would exempts programs administered under contract with DCF to provide specialized child care services to children who are in the care and custody of the Commissioner of Children and Families from the DPH child day care licensing. These programs are required by DCF contracts to meet DCF credentialing requirements.

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

If this is a resubmission, please share:

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

PROPOSAL IMPACT

Agencies Affected (please list for each affected agency)
Agency Name: Department of Public Health

Agency Contact (name, title, phone): Jill Kentfield, Legislative Liaison, 860-509-7284 Date Contacted: October 17, 2011
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 impact.
State No anticipated state impact.
Federal No federal impact.
Additional notes on fiscal impact

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

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After-School Programs

Subsection (b) of section 19a-77 of the general statutes, as amended by Public Act 11-193 and section 14 of public act 11-242 is repealed and the following is substituted in lieu thereof:

- (b) For licensing requirement purposes, child day care services shall not include such services which are:
- (1) (A) Administered by a public school system, or (B) administered by a municipal agency or department and located in a public school building;
 - (2) Administered by a private school which is in compliance with section 10-188 and is approved by the State Board of Education or is accredited by an accrediting agency recognized by the State Board of Education;
 - (3) Classes in music, dance, drama and art that are no longer than two hours in length; classes that teach a single skill that are no longer than two hours in length; library programs that are no longer than two hours in length; scouting; programs that offer exclusively sports activities; rehearsals; academic tutoring programs; or programs exclusively for children thirteen years of age or older;
 - (4) Informal arrangements among neighbors and formal or informal arrangements among relatives in their own homes, provided the relative is limited to any of the following degrees of kinship by blood or marriage to the child being cared for or to the child's parent: Child, grandchild, sibling, niece, nephew, aunt, uncle or child of one's aunt or uncle;

- (5) Drop-in supplementary child care operations for educational or recreational purposes and the child receives such care infrequently where the parents are on the premises;
- (6) Drop-in supplementary child care operations in retail establishments where the parents remain in the same store as the child for retail shopping, provided the drop-in supplementary child-care operation does not charge a fee and does not refer to itself as a child day care center;
- (7) Drop-in programs administered by a nationally chartered boys' and girls' club;
- (8) Religious educational activities administered by a religious institution exclusively for children whose parents or legal guardians are members of such religious institution;
- (9) Administered by Solar Youth, Inc. , a New Haven-based nonprofit youth development and environmental education organization, provided Solar Youth, Inc. informs the parents and legal guardians of any children enrolled in its programs that such programs are not licensed by the Department of Public Health to provide child day care services;
- (10) Programs administered by organizations under contract with the Department of Social Services pursuant to section 17b-851a that promote the reduction of teenage pregnancy through the provision of services to persons who are ten to nineteen years of age, inclusive; [øø]
- (11) Administered by the Cardinal Shehan Center, a Bridgeport-based nonprofit organization that is exclusively for school age children, provided the Cardinal Shehan Center informs the parents and legal guardians of any children enrolled in its programs that such programs are not licensed by the Department of Public Health to provide child day care services or
- (12) Administered under contract with the Department of Children and Families to provide specialized child care services to children who are in the care and custody of the Commissioner of Children and Families.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-7**
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal Acknowledgements of Paternity

Statutory Reference § 19a-42a

Proposal Summary

This proposal adds the Department of Children and Families to the list of agencies that may have access to certified copies of acknowledgments of paternity.

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?*

DCF frequently needs access to paternity information in many legal proceedings concerning children committed to the Department.

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 Public Health
Agency Contact (name, title, phone): Jill Kentfield, Legislative Liaison, 860-509-7284
Date Contacted: October 17, 2011

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 impact.
State Minimal state impact.
Federal No federal impact.
Additional notes on fiscal impact

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

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Acknowledgements of Paternity

Section 19a-42a of the general statutes, as amended by section 4 of public act 11-219 is repealed and the following is substituted in lieu thereof:

(a) All (1) voluntary acknowledgments of paternity and rescissions of such acknowledgments executed in accordance with subsection (a) of section 46b-172, and (2) adjudications of paternity issued by a court or family support magistrate under section 46b-171, section 46b-172a or any other provision of the general statutes shall be filed in the paternity registry maintained by the Department of Public Health. All information in such registry shall be made available to the IV-D agency, as defined in subdivision (12) of subsection (b) of section 46b-231, for comparison with information in the state case registry established under subsection (l) of section 17b-179. The IV-D agency may disclose information in the paternity registry to an agency under cooperative agreement with the IV-D agency for child support enforcement purposes.

(b) Except for the IV-D agency, as provided in subsection (a) of this section, the department shall restrict access to and issuance of certified copies of acknowledgments of paternity to the following parties: (1) Parents named on the acknowledgment of paternity; (2) the person whose birth is acknowledged, if such person is over eighteen years of age; (3) an authorized representative of the Department of Social Services; (4) an attorney representing such person or a parent named on the acknowledgment; ~~(5) an authorized representative of the Department of Children and Families,~~ or agents of a state or federal agency, as approved by the department.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-8A**
 (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: Fiscal Services
Agency Analyst/Drafter of Proposal: Cindy Butterfield

Title of Proposal DCF Middletown Land Conveyance
Statutory Reference Subsection (a) of § 30 of Public Act 99-26, as amended by § 19 of Public Act 05-279 and § 3 of September Special Session Public Act 09-4
Proposal Summary
 To repeal a property conveyance concerning property owned by DCF at the former Long Lane School in Middletown.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This conveyance was originally enacted in 1999 as part of the legislation concerning the construction of the Connecticut Juvenile Training School. While most of the former Long Lane School property was sold/transferred to Wesleyan University, these properties were to be conveyed to the City of Middletown. At the request of the City, this conveyance has been amended twice (in 2005 and 2009), but now the City is not interested in finalizing the transaction. DCF requests that this property conveyance be repealed so that the property can be disposed of in accordance with surplus state property requirements.

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

If this is a resubmission, please share:

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

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 impact.
State Delays in finalizing this land conveyance have cost DCF in excess of \$100,000 over the past decade in local property taxes, insurance and maintenance. In addition, lost rental income has resulted in a lost income to the CJTS donation fund.
Federal No federal impact.
Additional notes on fiscal impact

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

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DCF Middletown Land Conveyance

Section 1. Section 30 of public act 99-26, as amended by section 19 of public act 05-279 and section 3 of September special session public act 09-4 is repealed.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-9**

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

State Agency: Department of Children and Families

Liaison: Josh Howroyd

Phone: 860-550-6329

E-mail: Josh.Howroyd@ct.gov

Lead agency division requesting this proposal: Legal Division

Agency Analyst/Drafter of Proposal: Barbara Claire

Title of Proposal Revising Various Statutes Concerning the Department of Children and Families

Statutory Reference §§ 17a-4, 17a-4a, 17a-28, 52-259a, plus one new section

Proposal Summary

Section 1 amends section 17a-4 of the General Statutes to expand the membership of the State Advisory Council on Children and Families to include representation from each of the Regional Advisory Councils. Changes the term of office for members from two to three years.

Section 2 amends section 17a-4a of the General Statutes to revise the appointing authority for sixteen of the members of the Children's Behavioral Health Advisory Committee from the Chairperson of the State Advisory Council on Children and Families to the Commissioner of Children and Families.

Section 3 amends section 17a-28 of the General Statutes to make technical and minor changes to section 17a-28 of the General Statutes, the DCF confidentiality and access to records statute.

Section 4 establishes a procedure for individuals whose names have been on the registry for at least five years to show good cause for removal. Under the proposal, good cause includes: 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) at least two supporting letters from competent adults. DCF must develop the application and include space for the applicant to specify the basis for his or her good clause claim. The applicant is entitled to a contested case hearing if DCF denies the request. Those whose applications are denied can reapply every two years, indicating on each subsequent application good cause that has arisen since the last.

Section 5 amends section 52-259a of the General Statutes to waive the fee for certified copies of criminal records for DCF employees acting in the performance of their duties. The proposal would exempt DCF from having to pay copy fees to the courts. Currently the statute exempts the Division of Criminal Justice, the Division of Public Defender Services, any employee of the Judicial Department, the Attorney General, the Office of Consumer Counsel, the Department of Revenue Services, the Commission on Human Rights and Opportunities, the Freedom of Information Commission, the Board of Labor Relations, the Office of Protection and Advocacy for Persons with Disabilities, the Office of the Victim Advocate and the Department of Social Services.

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

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This proposal makes technical and minor modifications 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: Judicial Branch

Agency Contact (name, title, phone): Deb Fuller/Stephen Ment, 860-757-2270

Date Contacted: October 17, 2011

Note: Judicial Branch impact § 5 only.

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 impact.

State

Sections 1-4, no anticipated state impact. Section 5, DCF - cost savings. Judicial Branch - revenue loss.

Federal

No federal impact.

Additional notes on fiscal impact

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

Revising Various Statutes Concerning the Department of Children and Families

Section 1. Section 17a-4 of the general statutes as amended by Section 1 of Public Act 11-120 is repealed and the following is substituted in lieu thereof:

(a) There shall be a State Advisory Council on Children and Families which shall consist of ~~nineteen~~ twenty-five members, the chairperson of each regional advisory council and nineteen appointed by the Governor, including at least five persons who are child care professionals, two persons eighteen to twenty-five years of age, inclusive, served by the Department of Children and Families, one child psychiatrist licensed to practice medicine in this state and at least one attorney who has expertise in legal issues related to children and youth. The balance of the advisory council shall be representative of young persons, parents and others interested in the delivery of services to children and youths, including child protection, behavioral health, juvenile justice and prevention services. No less than fifty per cent of the council's members shall be parents, foster parents or family members of children who have received, or are receiving, behavioral health services, child welfare services or juvenile services and no more than half the members of the council shall be persons who receive income from a private practice or any public or private agency that delivers mental health, substance abuse, child abuse prevention and treatment, child welfare services or juvenile services. Members of the council shall serve without compensation, except for necessary expenses incurred in the performance of their duties. The Department of Children and Families shall provide the council with funding to facilitate the participation of those members representing families and youth, as well as for other administrative support services. Members shall serve on the council for terms of ~~two~~ three years each and no member shall serve for more than two consecutive terms. The commissioner shall be an ex-officio member of the council without vote and shall attend its meetings. Any member who fails to attend three consecutive meetings or fifty per cent of all meetings during any calendar year shall be deemed to have resigned. The council shall elect a chairperson and vice-chairperson to act in the chairperson's absence.

(b) The council shall meet quarterly, and more often upon the call of the chair or a majority of the members. The council's meetings shall be held at locations that facilitate participation by members of the public, and its agenda and minutes shall be posted on the department's web site. A majority of the members in office, but not less than six members, shall constitute a quorum. The council shall have complete access to all records of the institutions and facilities of the department in furtherance of its duties, while at all times protecting the right of privacy of all individuals involved, as provided in section 17a-28.

(c) The duties of the council shall be to: (1) Recommend to the commissioner programs, legislation or other matters which will improve services for children and youths, including behavioral health services; (2) annually review and advise the commissioner regarding the proposed budget; (3) interpret to the community at large the policies, duties and programs of the department; (4) issue any reports it deems necessary to the Governor and the Commissioner of Children and Families; (5) assist in the development of and review and comment on the strategic plan developed by the department pursuant to subsection (b) of section 17a-3; (6) receive on a quarterly basis from the commissioner a status report on the department's progress in carrying out the strategic plan; (7) independently monitor the department's

progress in achieving its goals as expressed in the strategic plan; and (8) offer assistance and provide an outside perspective to the department so that it may be able to achieve the goals expressed in the strategic plan.

Sec. 2. Section 17a-4a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) There is established a Children's Behavioral Health Advisory Committee ~~[to the State Advisory Council on Children and Families]~~ which shall promote and enhance the provision of behavioral health services for all children in this state.

(b) The Children's Behavioral Health Advisory Committee shall be composed of the following ex-officio voting members: (1) The Commissioner of Children and Families or the commissioner's designee; (2) the Commissioner of Social Services or the commissioner's designee; (3) the Executive Director of the Children's Health Council or said director's designee; (4) the Chief Court Administrator or said administrator's designee; (5) the Commissioner of Education or the commissioner's designee; (6) the Commissioner of Mental Health and Addiction Services or the commissioner's designee; (7) the Commissioner of Developmental Services or the commissioner's designee; (8) the executive director of the Office of Protection and Advocacy for Persons with Disabilities or the director's designee; and the following public members: (A) Two members appointed by the Governor, one of whom shall be a parent of a child who receives behavioral health services and one of whom shall be a provider of behavioral health services; (B) six members, one of whom shall be appointed by the president pro tempore of the Senate, one of whom shall be appointed by the speaker of the House of Representatives, one of whom shall be appointed by the majority leader of the Senate, one of whom shall be appointed by the majority leader of the House of Representatives, one of whom shall be appointed by the minority leader of the Senate and one of whom shall be appointed by the minority leader of the House of Representatives, and all of whom shall be knowledgeable on issues relative to children in need of behavioral health services and family supports; and (C) sixteen members appointed by the ~~[chairperson of the State Advisory Council on]~~ Commissioner of Children and Families. The membership of the advisory committee shall fairly and adequately represent parents of children who have a serious emotional disturbance. At least fifty-one per cent of the members of the advisory committee shall be persons who are parents or relatives of a child who has or had a serious emotional disturbance or persons who had a serious emotional disturbance as children and no more than half the members of the committee shall be persons who receive income from a private practice or any public or private agency that delivers behavioral health services.

(c) All appointments to the advisory committee shall be made no later than sixty days after July 1, 2000. Any vacancy shall be filled by the appointing authority. Members shall serve two-year terms and no public member shall serve for more than two consecutive terms.

(d) The advisory committee shall elect two cochairpersons from among its members, one of whom shall be the parent of a child with a serious emotional disturbance. The advisory committee shall meet at least bimonthly. Members of the advisory committee shall serve without compensation, except for necessary expenses incurred in the performance of their duties.

(e) Not later than October first of each year, the advisory committee shall submit a status report on local systems of care and practice standards for state-funded behavioral health programs to the Commissioner of Children and Families and the State Advisory Council on Children and Families.

(f) Not later than October first of each odd-numbered year, the advisory committee shall submit recommendations concerning the provision of behavioral health services for all children in the state to

the Commissioner of Children and Families and the State Advisory Council on Children and Families. The recommendations shall address, but shall not be limited to, the following: (1) The target population for children with behavioral health needs, and assessment and benefit options for children with such needs; (2) the appropriateness and quality of care for children with behavioral health needs; (3) the coordination of behavioral health services provided under the HUSKY Plan with services provided by other publicly-funded programs; (4) performance standards for preventive services, family supports and emergency service training programs; (5) assessments of community-based and residential care programs; (6) outcome measurements by reviewing provider practice; and (7) a medication protocol and standards for the monitoring of medication and after-care programs.

Sec. 3. Section 17a-28 of the general statutes, as amended by sections 13 and 19 of public act 11-51, section 2 of public act 11-93 and section 1 of public act 11-167 is repealed and the following is substituted in lieu thereof: (*Note: final statutory language to be reviewed upon publication of recodified statute by LCO*)

(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, as amended by this act;
- (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 17a-101k, as amended by this act. 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 ~~[pursuant to]~~ (1) pursuant to section 19a-80 or 19a-80f, provided such disclosure is otherwise permitted pursuant to subsections (b) and (c) of this section, ~~[or]~~ (2) pursuant to the order of a court of competent jurisdiction, or (3) as otherwise provided by law.

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

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

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

(1) The person named in the record or such person's authorized representative, provided such disclosure shall be limited to information (A) contained in the record about such person or about such person's biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) information identifying an individual who reported abuse or neglect of the person, including any tape recording or an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

(2) An employee of the department for any purpose reasonably related to the business of the department;

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

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

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

(6) The Chief Public Defender or the Chief Public Defender's designee, for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide

legal and guardian ad litem services to the subjects of such records and 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 ~~[of]~~ related to child abuse or neglect, provided such prosecuting authority shall have access to records of a delinquency defendant, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release;
- (8) A state or federal law enforcement officer for purposes of investigating an allegation ~~[of]~~ related to child abuse or neglect;
- (9) Any foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;
- (10) The Governor, when requested in writing in the course of the Governor's official functions, the Legislative Program Review and Investigations Committee, the joint standing committees of the General Assembly having cognizance of matters relating to human services and the judiciary and the select committee of the General Assembly having cognizance of matters relating to children, when requested in writing in the course of said committees' official functions, and upon a majority vote of said committees, provided no names or other identifying information is disclosed unless it is essential to the gubernatorial or legislative purpose;
- (11) The Department of Public Health for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining the suitability of such person for licensure; or (C) an investigation conducted pursuant to section 19a-80f;
- (12) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's voluntary services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' voluntary services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;
- (13) A state agency that licenses or certifies a person to educate or care for children or youth;
- (14) A judge or employee of a probate court who requires access to such records in order to perform such judge's or employee's official duties;
- (15) A judge of the Superior Court for purposes of determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs, or a judge of the Superior Court in a criminal prosecution for purposes of in-camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;
- (16) A judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding;
- (17) The Auditors of Public Accounts, or their representative, provided no information identifying the subject of the record is disclosed unless such information is essential to an audit conducted pursuant to section 2-90;
- (18) A local or regional board of education, provided the records are limited to (A) educational records created or obtained by the state or Connecticut Unified School District #2, established pursuant to section 17a-37, ~~[or (B) inclusion 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, as~~

~~amended by this act, and 17a-101k concerning nondisclosure of findings of responsibility for abuse and neglect] and (B) 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 of the general statutes;~~

(19) 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 obtained in an investigation conducted pursuant to section 17a-101g and information contained in the abuse and neglect registry pursuant to section 17a-101k, as amended by this act]~~ inclusion 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, as amended by this act, and 17a-101k concerning nondisclosure of findings of responsibility for abuse and neglect; [and]

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

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

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

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

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

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

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

(5) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the Department of Social Services for providing child care; (B) promoting the health, safety and welfare of the child or youth;

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

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

(8) An individual or organization engaged in the business of medical, psychological or psychiatric diagnosis and treatment and who is treating an individual who has perpetrated abuse or neglect, as determined in an investigation conducted pursuant to section 17a-101g, or who is unwilling or unable to protect a child or youth from abuse or neglect, as determined in an investigation conducted pursuant to section 17a-101g, when the commissioner, or the commissioner's designee, determines that the disclosure is necessary to accomplish the objectives of diagnosis or treatment;

(9) 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 abuse or neglect, for the purpose of such investigation, prevention or providing services to such families;

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

(11) 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 service; and (C) a general description of the service, including evidence that a service or treatment plan exists and has been carried out and evidence to substantiate the necessity for admission and length of stay in an institution or facility;

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

(13) 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 of information is limited to: (A) The general nature of the allegations contained in the reports; (B) the identity of the child or youth alleged to have been abused or neglected; and (C) information necessary to effectively conduct the investigation;

(14) Any individual, when information concerning an incident of 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 minor victim or other family members is not disclosed, regardless of whether such individually identifiable information is otherwise available, and (ii) the name or other individually identifiable information of the person suspected to be responsible for the abuse or neglect is not disclosed unless such person has been arrested for a crime due to such abuse or neglect; (C) confirmation or denial of the accuracy of information that has been made public; and (D) notwithstanding the provisions of section 46b-124, in general terms, the legal status of the case;

(15) Any individual for the purpose of locating a missing parent, child or youth, provided such disclosure is limited to information that assists in locating such missing parent, child or youth;

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

(17) ~~[A court of competent jurisdiction whenever an employee of the department is subpoenaed and ordered to testify about such records]~~ A party to a custody proceeding under section 17a-112 or 46b-129, in the Superior Court where such records concern a child who is the subject of the proceeding or the parent of such child;

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

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

Sec. 4. (NEW) (a) Any individual whose name has been placed on the state child abuse and neglect registry established pursuant to section 17a-101k of the general statutes may file an application with the Department of Children and Families, on such form as the department prescribes, for removal of such individual's name from the registry. The department shall include in such form a provision that allows the applicant to indicate good cause for removing the applicant's name from the registry. Such good cause may include, but need not be limited to: (1) Rehabilitation of the applicant; (2) the applicant's acceptance of personal responsibility for actions or omissions that resulted in the applicant's name being placed on the registry; (3) a bona fide need for removal of the applicant's name from the registry; and (4) at least two letters in support of the application, each from a competent adult.

(b) Such application may be filed no earlier than five years after the date of the final decision, as defined in section 4-166 of the general statutes, that resulted in the placement of the applicant's name on the registry.

(c) The Commissioner of Children and Families may grant such application upon finding good cause. If the commissioner denies an application filed in accordance with subsections (a) and (b) of this section, the applicant shall be entitled to a hearing in accordance with chapter 54 of the general statutes.

(d) Any applicant whose application is denied after a final decision, as defined in section 4-166 of the general statutes, may reapply in accordance with subsections (a) and (b) of this section, without limitation, not less than two years after the date of such final decision. Such application shall indicate good cause that has occurred since the date of the final decision.

Sec. 5. Section 52-259a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any member of the Division of Criminal Justice or the Division of Public Defender Services, any employee of the Judicial Department, acting in the performance of such employee's duties, the Attorney General, an assistant attorney general, the Consumer Counsel, any attorney employed by the Office of Consumer Counsel within the Department of Public Utility Control, the Department of Revenue Services, the Commission on Human Rights and Opportunities, the Freedom of Information Commission, the Board of Labor Relations, the Office of Protection and Advocacy for Persons with Disabilities, the Office of the Victim Advocate, the Department of Children and Families or the Department of Social Services, or any attorney appointed by the court to assist any of them or to act for any of them in a special case or cases, while acting in such attorney's official capacity or in the capacity for which such attorney was appointed, shall not be required to pay the fees specified in sections 52-258, 52-259, and 52-259c, subsection (a) of section 52-356a, subsection (a) of section 52-361a, section 52-367a, subsection (b) of section 52-367b and subsection (n) of section 46b-231.

(b) (1) The Immigration and Naturalization Service shall not be required to pay any fees specified in section 52-259 for any certified copy of any criminal record.

(2) The Office of the Federal Public Defender shall not be required to pay any fees specified in section 52-259 for any certified copy of any criminal record.

(3) An employee of the United States Probation Office, acting in the performance of such employee's duties, shall not be required to pay any fee specified in section 52-259 for any certified copy of any criminal record.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-10**
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal Child Interview in Abuse and Neglect Cases
Statutory Reference § 17a-101h
Proposal Summary
 This proposal would permit DCF to interview a child in a child protective investigation without parental consent in circumstances when obtaining such consent shall place the child at risk of harm.
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, DCF can interview a child without parental consent when investigating abuse allegations, but not allegations of neglect. This proposal seeks to modify the occasions under which such interviews may take place to documented situations that would place the child at risk of harm.

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?

Other attempts to amend this statute: 1997 - HB 6326; 2000 - SB 342; 2010 - SB 152; and 2011 -HB 6227. Previous legislation sought to simply add "or neglect" to the current statute.

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 impact.
State No anticipated state impact.
Federal No federal impact.
Additional notes on fiscal impact

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

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Child Interview in Abuse and Neglect Cases

Section 17a-101h of the General statutes, as amended by section 17 of public act 11-93 is repealed and the following is substituted in lieu thereof:

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



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
AGENCY LEGISLATIVE PROPOSAL - 2012 SESSION



Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **DCF 2012-11**
 (If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

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

Title of Proposal Reporting of Child Abuse and Neglect
Statutory Reference §§ 17a-101, 17a-101a, 17a-101e
Proposal Summary
 This proposal amends various statutes concerning the reporting of child abuse and neglect.
 Sections 1 and 2 reorganizes the statutes regarding the failure to report suspected child abuse or neglect by a mandated reporter under CGS 17a-101 and 17a-101a. Section 3 clarifies jurisdiction under CGS 17a-101e regarding the false reporting of child abuse and neglect.
Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

This proposal makes technical and minor changes to statutes concerning the reporting of child abuse and neglect.

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: Chief State's Attorney

Agency Contact (name, title, phone): Wil Blanchette, Jr., Legislative Liaison, 860-214-9301 Date Contacted: October 17, 2011
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 anticipated municipal impact.
State No anticipated state impact.
Federal No federal impact.
Additional notes on fiscal impact

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

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Reporting of Child Abuse and Neglect

Section 1. Section 17a-101 of the General statutes, as amended by section 3 of public act 11-93 is repealed and the following is substituted in lieu thereof:

(a) The public policy of this state is: To protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes to require the reporting of suspected child abuse or neglect, investigation of such reports by a social agency, and provision of services, where needed, to such child and family.

(b) The following persons shall be mandated reporters: Any physician or surgeon licensed under the provisions of chapter 370, any resident physician or intern in any hospital in this state, whether or not so licensed, any registered nurse, licensed practical nurse, medical examiner, dentist, dental hygienist, psychologist, a school employee, as defined in section 53a-65, social worker, police officer, juvenile or adult probation officer, juvenile or adult parole officer, member of the clergy, pharmacist, physical therapist, optometrist, chiropractor, podiatrist, mental health professional or physician assistant, any person who is a licensed or certified emergency medical services provider, any person who is a licensed or certified alcohol and drug counselor, any person who is a licensed marital and family therapist, any

person who is a sexual assault counselor or a battered women's counselor as defined in section 52-146k, any person who is a licensed professional counselor, any person who is a licensed foster parent, 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, any employee of the Department of Children and Families, 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, the Child Advocate and any employee of the Office of the Child Advocate and any family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department.

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

~~[(d) Any mandated reporter, as defined in subsection (b) of this section, who fails to report to the Commissioner of Children and Families pursuant to section 17a-101a, shall be required to participate in an educational and training program established by the commissioner. The program may be provided by one or more private organizations approved by the commissioner, provided the entire costs of the program shall be paid from fees charged to the participants, the amount of which shall be subject to the approval of the commissioner.]~~

(e) On or before October 1, 2011, the Department of Children and Families, in consultation with the Department of Education, shall develop a model mandated reporting policy for use by local and regional boards of education. Such policy shall state applicable state law regarding mandated reporting and any relevant information that may assist school districts in the performance of mandated reporting. Such policy shall include, but not be limited to, the following information: (1) Those persons employed by the local or regional board of education who are required pursuant to this section to be mandated reporters, (2) the type of information that is to be reported, (3) the time frame for both written and verbal mandated reports, (4) a statement that the school district may conduct its own investigation into an allegation of abuse or neglect by a school employee, provided such investigation does not impede an investigation by the Department of Children and Families, and (5) a statement that retaliation against mandated reporters is prohibited. Such policy shall be updated and revised as necessary.

Sec. 2. Section 17a-101a of the General statutes, as amended by section 8 of public act 11-93 is repealed and the following is substituted in lieu thereof:

(a) Any mandated reporter, as defined in section 17a-101, who in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years (1) has been abused or neglected, as defined in section 46b-120, (2) has had nonaccidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child, or (3) is placed at imminent risk of serious harm, shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive.

(b) Any person required to report under the provisions of this section who fails to make such report or fails to make such report within the time period prescribed in sections 17a-101b to 17a-101d, inclusive, and section 17a-103 shall be fined not less than five hundred dollars nor more than two thousand five hundred dollars and shall be required to participate in an educational and training program pursuant to ~~subsection (d) of section 17a-101~~ this section. The program may be provided by one or more private

organizations approved by the commissioner, provided the entire costs of the program shall be paid from fees charged to the participants, the amount of which shall be subject to the approval of the commissioner.

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

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

(a) No employer shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a report pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103, testifies or is about to testify in any proceeding involving child abuse or neglect. The Attorney General shall investigate and may bring an action in Superior Court against an employer who violates this subsection. The court may assess a civil penalty of not more than two thousand five hundred dollars and may order such other equitable relief as the court deems appropriate.

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

(c) Any person who is alleged to have knowingly makes a false report of child abuse or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103, shall be referred to the Chief State's Attorney for a criminal investigation. If convicted, such person shall be fined not more than two thousand dollars or imprisoned not more than one year or both.