

Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

CHILDREN AND YOUTH



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NOTICE TO READERS

This report provides brief highlights of public and special acts affecting children enacted during the 2008 regular and special legislative sessions.

In most cases we excluded education acts relating to school funding or making relatively minor changes. Please see the comprehensive Acts Affecting Education for all education changes enacted this session.

Not all the provisions of the acts included in this report are summarized here; readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's office, or the General Assembly's website (<http://www.cga.ct.gov>). Complete summaries of the acts passed in 2008 will be available shortly when OLR's *Public Act Summary Book* is published; most are now available on OLR's website (<http://cga.ct.gov/olr/OLRPASums.asp>).

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CIVIC ENGAGEMENT

Allowing 17-Year-Olds to Vote in Primaries

An ongoing national debate surrounds the fairness of excluding teens who will be old enough to vote in the next general election from voting in the primaries that select the candidates. This resolution proposes a constitutional amendment allowing 17-year-olds who will turn 18 on or before a state or municipal election to vote in its primary. Under the resolution, they must apply and satisfy all other voter eligibility criteria.

HJ 21 will be placed on the 2008 general election ballot. If a majority of those voting approve, it will become part of the state constitution.

CRIME AND COURTS

Teen Drivers

The legislature got tougher on teen drivers in the 2008 session, passing laws that, among other things, further limit who can ride with them, lower the curfew from midnight to 11 p.m., impose stiffer license suspension penalties, and bar drivers under age 18 from using confidential youthful offender procedures when charged with the most serious motor vehicle offenses. And courts must notify the Department of Motor Vehicles, so

that the department can issue a license suspension, when a youthful offender is found to have committed other specified driving offenses.

The act also requires parents of new drivers to complete two hours of instruction on the dangers of teen driving and the laws governing drivers under age 18.

The new post-licensure restrictions apply to teens licensed on or after August 1, 2008.

PA 08-32, as amended by PA 08-150, effective August 1, 2008

Tobacco Possession

Although it is illegal for minors to buy tobacco, until now it was not illegal for them to possess it. This act subjects youngsters under age 18 to fines for possessing tobacco in any form in areas that are used or held out for use by the public, including privately-owned or -operated areas. The fine for a first offense is \$50; fines for repeat offenses are \$100.

PA 08-184, effective October 1, 2008

Truancy and Crime Reduction

A portion of a \$5,232,000 appropriation to the Judicial Branch to enhance court operations and probation supervision of sex offenders may be used for truancy prevention

and to create a juvenile justice urban cities pilot program.

PA 08-51, effective July 1, 2008

Children in Families With Service Needs

This act makes a number of changes in the laws governing families with service needs (FWSN) children. These are children under age 16 (or, beginning January 1, 2010, under age 18) who have run away without good cause, are truant or beyond control of their parents or school authorities, or have engaged in certain forms of sexual or immoral conduct. The law authorizes juvenile court judges to place FWSN children under the supervision of a juvenile probation officer or commit them to the Department of Children and Families (DCF) and to issue orders setting conditions they must meet. The act:

1. makes information obtained about potential FWSN children receiving diversionary services confidential;
2. specifies that judges can modify or enlarge a FWSN child's conditions of supervision, conforming law to existing practice;
3. requires motions alleging that a FWSN child (a) has violated a court order or (b) is in imminent risk and needs to be placed in a staff-secure facility to be

served on parties in the same manner as authorized for serving FWSN petitions;

4. sets clear and convincing evidence as the standard judges must use to determine whether a FWSN child has (a) violated a court order or (b) should be committed to DCF after release from a staff-secure facility; and
5. consistent with federal law, requires DCF to develop permanency plans for FWSN children committed to its care, with yearly court reviews.

The act also extends the sunset law applicable to the FWSN Advisory Board from July 1, 2008 to July 1, 2010.

PA 08-86, effective October 1, 2008, except the sunset date for the FWSN Advisory Board is effective on passage

Runaways

Until January 1, 2010, this act permits judges to order 16- and 17-year old runaways who they adjudicate as being "youth in crisis" to submit to the control of their parents, guardians, foster parents, or other custodians for a period the court specifies. The court must find that the youth meets the legal criteria under the youth in crisis law (i.e., that the reason for running away was not justified).

The order cannot override any other law or extend beyond the youth's 18th birthday. As with other court orders directed at youth in crisis, violations are not delinquent acts and cannot subject the youth to detention or imprisonment.

Last year, the legislature repealed the youth in crisis law, effective January 1, 2010. Beginning on that date, runaways and other status offending youngsters in this age group will be covered under the FWSN law.

PA 08-41, effective October 1, 2008

Taking Testimony in Family Violence Cases

Last summer's murder of Jennifer Magnano, who was killed by her estranged husband when she returned to Connecticut for a child custody hearing, was the impetus for passage of "Jen's Law." This new law authorizes the court, in any court proceeding in a family relations matter, to order that the testimony of a party or child who is a subject of the proceeding be taken outside the physical presence of any other party if (1) a protective order, restraining order, or standing criminal restraining order has been issued on behalf of the party or child and (2) the other party is subject to the protective order or restraining order.

The court may allow parties to use alternative means to obtain sworn testimony, including videoconferencing. The testimony may be taken in a room other than the courtroom or at another location outside the courthouse or the state. The act specifies that it does not limit any party's right to cross-examine a witness whose testimony is taken outside of the courtroom

PA 08-67, effective July 1, 2008

EDUCATION

Bullying

Continuing concern about the negative effects of school bullying prompted the legislature to expand the term's definition and require school boards to implement the bullying policies the law already requires them to adopt. The act also requires (1) people in teacher preparation programs to be encouraged to complete a school bullying and suicide prevention component and (2) teachers to receive in-service training in bullying prevention. Boards of education that implement an evidence-based model approach to bullying do not have to provide the training.

The act requires each board of education to submit its bullying policy to the State Department of Education by February 1, 2009. The boards must ensure that the policy is included in the school

district's publication of the rules, procedures, and standards of conduct for schools and in all student handbooks by July 1, 2009.

SDE must (1) review and analyze the bullying policies it receives; (2) examine the relationship between bullying, school climate, and student outcomes; (3) document school districts' requests for technical assistance and training; (4) collect information on the prevention and intervention strategies schools use to reduce the incidence of bullying and improve compliance with reporting mandates; and (5) develop model policies for grades K-12. It must submit a status report to legislative committees by February 1, 2010 along with recommendations for additional activities or funding.

PA 08-160, effective July 1, 2008, except the in-service training, teacher preparation training, and SDE policy review provisions are effective July 1, 2009

School Discipline

Studies show that students who have been suspended from school are at higher risk for other poor school outcomes, including dropping out. This act extends to July 1, 2009 the implementation date of a 2007 law that (1) generally prohibits out-of-school suspensions and (2) extends, from five to 10 days, the maximum length of in-school

suspensions. The act provides that in-school suspensions may be served in any school building under a school board's jurisdiction. It also requires the education commissioner, by October 1, 2008, to issue guidelines to help boards determine whether a student should receive an in-school or out-of-school suspension.

PA 08-160, effective July 1, 2008, except the guidelines provision is effective on passage

Educational Opportunities for Military Children

The average military student changes schools more than twice during high school and most will have attended schools in six to nine different districts between kindergarten and graduation. This act (1) commits Connecticut to the terms of the Interstate Compact on Educational Opportunity for Military Children and (2) creates an Interstate Commission on Educational Opportunity for Military Children to administer and enforce the compact. The compact's stated purpose is to remove barriers to educational success imposed on such children because of their parents' frequent moves and deployments.

The compact provides a legal mechanism, and creates uniform standards for school districts to facilitate placement, enrollment, graduation, data collection, and

other decisions involving military children who move from state to state.

The compact takes effect when 10 states have enacted it. Connecticut and seven other states have enacted it as of June 16, 2008.

PA 08-57, effective on passage

Teaching Children with Autism

Many children with autism have unusual ways of learning, paying attention, and reacting to sensations. The legislature passed two identical acts this session that require the education, higher education, and developmental disabilities commissioners, and Southern Connecticut State University's president, or their designees, to develop recommendations for incorporating ways of teaching children with autism or other developmental disabilities into:

1. teacher preparation programs;
2. requirements for beginning teacher certification;
3. inservice training for active teachers; and
4. training programs for school paraprofessionals, related service professionals, early childhood certificate holders, school administrators, and parents.

The commissioners and president must define autism and developmental disabilities for purposes of the recommendations. A report must be filed with legislative committees by February 1, 2009.

PA 08-169 and SA 08-5, effective on passage

Teaching Visually Impaired Students

This act authorizes up to 5% of the Board of Education and Services to the Blind's (BESB) Educational Aid for the Blind and Visually Handicapped account appropriation to be used to employ special assistants to the blind, such as drivers for BESB teachers with visual impairments, and other support staff needed to ensure services are delivered efficiently. By law, BESB provides teachers of the visually impaired and other resources when school districts request them.

PA 08-133, effective July 1, 2008

Implementing the Sheff Agreement

The legislature responded to the latest *Sheff v. O'Neill* school desegregation agreement by authorizing public and private colleges and universities and nonprofit corporations to establish and operate interdistrict, "Sheff" magnet schools. New laws permit these entities to receive state school

construction grants; funds for capital start-up costs; and operating, academic support, summer school, and transportation grants.

The new laws also require the education commissioner to consider whether a Sheff magnet school is meeting the desegregation standards before approving its annual operating grant. The commissioner may not approve a grant for any Sheff magnet that does not meet the standard by its second year of operation unless he determines that, to comply with the agreement, it is appropriate to continue the grant.

Other implementing provisions address Hartford preschool children and academic support for Hartford students in the Open Choice program and grants to magnet schools operated by regional education service centers.

PAs 08-169 and -170, effective July 1, 2008

Saving for Children's College Education

This act expands the purposes of the Individual Development Account (IDA) program that the Labor Department administers. The IDA program encourages low-income or disabled people to save for: (1) education and job training expenses, (2) a home or car, (3) starting a business, or (5)

security deposits. The act also allows them to use IDAs to save for their children's education or job training expenses.

It encourages saving by matching the money that individuals deposit in the account. The maximum match ratio is \$2 for every \$1 a participant deposits, up to \$1,000 per calendar year and \$3,000 for the program's duration. Someone is eligible for the program if he or she has (1) adjusted gross income of no more than 80% of the area median or (2) no earned income solely because of a qualified disability.

PA 08-23, effective October 1, 2008

Tuition Waivers for Children of Deceased Military Personnel

This act requires UConn, the Connecticut State University system, and the regional community-technical colleges to waive tuition for any state resident who is a dependent child of a state resident killed in action while performing active military duty in the U.S. Armed Forces on or after September 11, 2001.

PA 08-71, effective July 1, 2008

Graduate School Tuition Waivers for the National Guard

By law, UConn and the Connecticut State University system must waive tuition in undergraduate programs for

qualified Connecticut National Guard members. This act expands the waiver to include graduate programs.

PA 08-57, effective July 1, 2008

Campus Security

Continuing concern about campus violence and increases in student suicide rates prompted legislative activity in the 2008 session. This act requires state higher education constituent units and private colleges and universities to submit a plan to the Department of Higher Education, by January 1, 2009, that identifies procedures to heighten, through effective educational strategies, faculty and staff awareness of students and other individuals who may pose a risk to themselves or others. The procedures must be designed to educate faculty and staff on how to recognize and respond to such individuals.

PA 08-157, effective July 1, 2008

EMPLOYMENT

15-Year-Old Workers

This act reinstates a law, which expired on September 30, 2007, that permits 15-year-olds to work as baggers, cashiers, or stock clerks in retail businesses under certain conditions. It permits them to work (1) only during school vacations, except in retail food stores where they

can work on any Saturday; (2) for up to eight hours a day or 40 hours a week; and (3) between 7 a.m. and 7 p.m., except that from July 1 to the first Monday in September, they may work until 9 p.m.

The act retroactively makes lawful the employment of 15 year-olds in retail after the prior law expired if the employer had met the applicable workday and hour restrictions.

PA 08-108, effective on passage

Increasing The Minimum Wage

Many kids lucky enough to get jobs find themselves earning the minimum wage. This act raises it from \$7.65 to \$8.00 per hour beginning January 1, 2009, and to \$8.25 beginning January 1, 2010.

The governor vetoed the bill on May 27th and the legislature voted to overrule it on June 23, 2008.

PA 08-92, effective October 1, 2008

HEALTH AND SAFETY

Limiting Lead and Asbestos in Children's Products

In the wake of national reports about tainted toys, the legislature established limits for lead in children's products. With some exceptions, a new law makes children's products that fail to comply with these limits banned hazardous substances

under the State Child Protection Act. It also prohibits the sale of toys or other articles marketed for children under age 16 that contain asbestos.

The act requires retailers and other businesses selling a banned hazardous substance to complete a certificate that accounts for its disposal. It requires the Department of Consumer Protection (DCP) to post on its website a list of banned toys and other articles intended for use by children and compile a list of toxic substances that potentially should not exist in children's products and safer alternatives to them. DCP may adopt regulations requiring certain consumer products to have warning labels if they bear lead-containing paint.

The act increases related criminal and civil penalties and makes it an unfair trade practice for: (1) a store to fail to post notices when DCP designates an article as a banned hazardous substance and (2) an establishment where hazardous substances are manufactured to refuse to allow a DCP inspector or investigator to inspect or obtain samples.

PA 08-106, as amended by PA 08-122, effective October 1, 2008, except the provisions concerning the disposition certificate and interstate clearinghouse are effective on passage

Boating Safety

This act prohibits boat and jet ski owners from allowing youth under age 16 to use them unless the youngster (1) has a safe boating certificate or personal watercraft operation license or (2) is under the direct supervision of an adult who has been licensed or certified for at least two years. Violators are subject to fines between \$60 and \$250.

PA 08-26, effective October 1, 2008

Mumps and Chicken Pox Vaccinations Before College Enrollment

Beginning August 1, 2010, this act requires students to provide proof of mumps and chicken pox vaccinations in order to enroll full-time in higher education programs in Connecticut. Alternatively, they can submit (1) a doctor's certificate stating that vaccination is medically contraindicated, (2) a statement that vaccination is against their religious beliefs, or (3) documentation showing that they (a) have had a confirmed case of the disease, (b) were subject to a K-12 vaccination requirement within the past 10 years, or (c) are enrolled in a program (such as distance learning) that will not bring them into physical contact with other students.

PA 08-184, effective October 1, 2008

Increasing Meningococcal Meningitis Awareness

The Centers for Disease Control and Prevention (CDC) reports a nearly 60% increase in meningococcal meningitis cases among adolescents and young adults in the last decade. Beginning September 1, 2008, this act requires the Department of Public Health, in collaboration with the SDE, to give school boards information about this disease. The information, which must be periodically updated, must include (1) its causes, symptoms, and how it spreads and (2) the CDC's vaccination recommendations.

The law already requires most Connecticut college students to be vaccinated before they can live on-campus.

PA 08-184, effective July 1, 2008

Cremating Stillborns

This act prohibits the Office of the Chief Medical Examiner from charging fees or costs associated with cremating a stillborn fetus. Ordinarily, a deceased person's estate must pay \$40 to obtain a cremation certificate.

PA 08-184, effective October 1, 2008

HEALTH INSURANCE

Coverage for Autism

This act requires health plans, other than those that are self-insured, to cover physical, speech, and occupational therapy services provided to treat autism spectrum disorders if they cover these services for other diseases and conditions.

PA 08-132, effective January 1, 2009

Coverage For Residential Treatment

This act requires group health insurers to cover residential mental health treatment for children and adolescents without requiring that the patient have been hospitalized for at least three days prior to admission. It requires that benefits be paid when a physician, psychiatrist, psychologist, or clinical social worker determines that he or she cannot appropriately, safely, or effectively be treated in other settings.

PA 08-125, effective January 1, 2009

Medicaid Coverage For Pregnant Women

This act replaces the existing expedited Medicaid-eligibility process for pregnant women with a presumptive eligibility process. Presumptive eligibility allows states to grant immediate health care coverage to these women

without a full Medicaid-eligibility determination. The act requires the Department of Social Services (DSS) commissioner to designate medical providers who can make the presumptive eligibility determinations.

PA 08-68, effective January 1, 2008

Young Adults' Eligibility for Health Coverage under Parents' Policies

This act revises the criteria for determining when children lose coverage under private health insurance policies that the legislature enacted in 2007 (PA 07-185 and PA 07-2, JSS). Different criteria apply for individual and group policies.

For individual policies, the 2007 law requires, effective January 1, 2009, a child's health insurance coverage to continue at least until the child marries or turns age 26, whichever occurs first, as long as the child is a Connecticut resident or is living out-of-state (1) as a full-time student at an accredited school of higher education or (2) with a custodial parent pursuant to a child custody determination.

The act specifies that coverage for youngsters living out-of-state but not attending school ends at age 19, eliminating a potentially longer coverage period for older children living with a custodial parent. It also allows insurers to end coverage when a child becomes eligible for insurance under his or her employer's plan.

For group policies, the 2007 law requires (1) coverage for unmarried children living in Connecticut until age 26 and (2) continuation coverage for Connecticut residents and those living out-of-state with custodial parents or while attending college. The act requires insurers to offer benefits and continuation coverage to unmarried children under age 26 regardless of where they live.

PA 08-147, effective January 1, 2009

SOCIAL SERVICES

Using Food Stamps Federal Matching Funds to Reduce Poverty

This act requires DSS to administer a food stamp employment and training program authorized under the federal Food Stamp Act of 1977, which the department currently administers on a voluntary basis. It must follow federal rules and seek to maximize receipt of federal matching funds.

It directs that the matching funds be spent on strategies to reduce poverty. The strategies must be based on best practices and aimed at reducing poverty or the risk of poverty for people and families who (1) live in census tracts with high poverty rates; (2) have incomes at or below 200% of the federal poverty level (\$35,200 for a three-person household in 2008); and (3) are

either adolescent parents, older adolescents and young adults, or low-income working families.

PA 08-161, effective October 1, 2008

Grants for Relative Caregivers

For years bills have been introduced that increase financial assistance for grandparents and other relatives who take care of kids who are not involved with DCF. This act makes those with Superior Court guardianship appointments who are not receiving financial assistance from DCF eligible for grants under the probate-court-administered Kinship Fund and Grandparents and Relatives Respite Fund. Previously, eligibility for these grants was restricted to grandparents and other relatives with probate court appointments.

Kinship grants range from \$50 - \$250 per child, with a family maximum of \$1,000. Respite grants are available for up to \$2,000 per family per year to pay for court-approved housing, transportation, and child care expenses.

PA 08-97, effective July 1, 2008

Extended Eligibility for Child Care Subsidies

This act extends eligibility periods for parents receiving child care subsidies under the Care 4 Kids program. It requires the DSS commissioner to allow

parents to remain in the program during temporary interruptions in (1) employment or (2) participation in approved education, training, or other job preparation activities. Under prior program rules, parents became ineligible as soon as they stopped working or participating in an approved activity.

PA 08-100, effective July 1, 2008

YOUTH POLICY

Youth Policy Council

This act creates the 19-member Youth Policy Council. Members are legislators, agency and Judicial Branch officials, and a representative of the Connecticut Youth Services Association. The council's overall mission is to support positive development in youths ages 12 to 21 and promote recommendations for keeping youth in high school, on track for higher education, and well prepared to enter the workforce.

Within available appropriations, the council may gather and share information, develop service delivery guidelines, make policy recommendations, and work with others to develop community-based strategic plans. It dissolves after it submits a legislative report or on January 1, 2010, whichever is later.

SA 08-3, effective on passage

New Commissions With Child-Related Functions

The General Assembly created two new Legislative Branch commissions with responsibilities likely to affect children. Among other things, the Commission on Health Equity will work on reducing racial and ethnic disparities in infant mortality and pediatric asthma rates in Connecticut. And the Asian Pacific American Affairs Commission, one of whose members must have expertise in children and youth development, is charged with supporting state efforts to develop effective foreign language and cultural programs for educational purposes. PAs 08-166 and -171, effective on passage for the Health Equity Commission and July 1, 2009 for the Asian Pacific American Affairs Commission

SP:ts