

# Department of Children and Families Preliminary Legislative Summary

*The following is a compilation of legislation of interest to the Department of Children and Families that passed during the 2011 Regular Session of the General Assembly. These summaries are based largely upon the bill analysis prepared by the General Assembly's Office of Legislative Research.*

## DCF LEGISLATIVE PROPOSALS

### **PUBLIC ACT 11-\*\* - H.B. No. 6227 - AN ACT CONCERNING A REGIONAL STRUCTURE FOR THE DEPARTMENT OF CHILDREN AND FAMILIES AND MISCELLANEOUS CHANGES TO THE GENERAL STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES**

#### **DCF LEGISLATIVE PROPOSAL**

This act requires the Department of Children and Families (DCF) Commissioner to appoint up to two program directors and up to six regional directors in the unclassified service. Under current law, she must appoint directors as necessary, in the classified service, and with duties she determines. The act replaces the department's structure of area directors, offices, and advisory councils in current law with regional directors, offices, and advisory councils.

Other provisions of the act conforms state law to federal requirements for foster care programs, and making the state eligible for federal reimbursement of subsidized guardianship assistance funds.

Finally, the act repeals:

- (1) DCF's annual reporting requirement regarding the Kinship Navigator Program, which helps relative caregivers find services and become foster parents and is not changed by the act;
- (2) the CJTS Public Safety Committee and transfers its responsibility to review safety and security issues affecting the host municipality (Middletown) to the CJTS Advisory Group; and
- (3) DCF's annual report on the status of the children committed to its custody as of January 1, and the central registry on children for whom a permanency plan has been formulated and a monitoring system on implementation.

EFFECTIVE DATE: July 1, 2011

### **PUBLIC ACT 11-\*\* - S.B. No. 1199 - AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' DIFFERENTIAL RESPONSE, AND POVERTY EXEMPTION**

#### **DCF LEGISLATIVE PROPOSAL**

This act allows the DCF Commissioner or a designee, when the department receives reports of alleged child abuse or neglect, to refer to community providers for family assessments and services, rather than investigate, those cases that it classifies as presenting a lower risk. It permits the DCF Commissioner to establish such a differential response system for the type of referral the act authorizes. Under the act, when warranted, cases that are referred to family assessments can be referred for standard child protection services and vice versa.

The act prohibits a child or youth from being found to be neglected solely because his or her parents are impoverished. Second, it eliminates children or youth who have been abused from the definition of “neglect.”

The act also changes the definition of “abuse” of children and youth by providing that a child or youth can be found to be abused if he or she is found to have statutorily specified adverse conditions. Under current law, a child or youth who presents with these conditions is deemed to have been abused.

The act also removes the definition of “dependent” children in the law governing petitions for commitment to DCF.

Finally, the act requires DCF, in its annual report on children and youth in its custody, to include specific information about children and youth who have unauthorized absences from DCF's care.

EFFECTIVE DATE: July 1, 2011; and July 1, 2012, for the duplicate definition section, the date that conforms to 2009 changes to laws affecting juveniles.

**PUBLIC ACT 11-\*\*- S.B. No. 1043 - AN ACT CONCERNING ACCESS TO RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES**

**DCF LEGISLATIVE PROPOSAL**

This act expands the list of parties to whom the Department of Children and Families must disclose its otherwise confidential records without the consent of the person named in the record. It also expands the list of parties to whom DCF may, at its discretion, disclose records without consent. It makes some of the disclosures that are mandatory under current law discretionary and others that are currently discretionary, mandatory.

***New Mandatory Disclosures***

Under the act, DCF must disclose records without consent from the subject of the record (as opposed to current law, which requires consent from the person named in the record) to the following parties, who are not entitled to disclosure under current law:

- (1) foster or prospective adoptive parents, but only records relating to social, medical, psychological, or educational needs of children currently placed with them or being considered for placement, and so long as no information that identifies biological parents is disclosed without the biological parents' consent;
- (2) employees of the Department of Mental Health and Addiction Services, for the purpose of treatment planning for young adults who have transitioned from DCF care;
- (3) Superior Court judges in criminal prosecutions, for purposes of an *in camera* review if (a) the court has ordered that it be given the record or (b) a party to the proceeding has subpoenaed the record;
- (4) probate court judges as required to perform their official duties; and
- (5) the Department of Developmental Services (DDS), for determining eligibility, facilitating enrollment, and planning services for a DDS client who is not participating in its voluntary services program; and
- (6) the child advocate or a designee, for any purpose.

***New Discretionary Disclosures***

The act permits DCF to disclose records without consent from the record's subject to the following parties who do not currently have access to these records and eliminates the requirement that DCF first find disclosure is in the subject's best interest:

- (1) DCF employees or former employees, or their authorized representatives, for purposes of participating in any court, administrative, or disciplinary hearing, as long as DCF discloses only records it determines are relevant to the proceeding;

(2) providers of professional services for children, youth (16- to 18-year-olds), and parents, provided disclosure is limited to information they need to provide services;

(3) DCF contractors, to identify and assess potential foster and adoptive parents, as long no information identifying a child's or youth's biological parent is disclosed without that parent's consent;

(4) law enforcement officers and prosecutors if there is reasonable cause to believe a child or youth is being, or is at risk of being, abused or neglected as a result of criminal activity;

(5) anyone interviewed in a child abuse or neglect investigation who is not otherwise entitled to disclosure, as long as the information disclosed is limited to (a) the general nature of the allegations, (b) the identity of the alleged victim, and (c) information needed to effectively conduct the investigation;

(6) individuals who are looking for a missing parent, child, or youth, provided the disclosure is limited to information that helps in the search;

(7) a court of competent jurisdiction when a DCF employee is subpoenaed and ordered to testify about the records; and

(8) non-DCF employees who arrange, perform, or help perform functions on DCF's behalf, such as data processing, aggregation, or analysis; utilization review; quality assurance; and practice management.

DCF can disclose to these people only information it gathers in an abuse or neglect investigation or from the abuse registry.

### ***Cases Made Public***

Currently, DCF can disclose information about an incident of abuse or neglect that the public is likely to find out about. Disclosure is limited to:

(1) whether the department received a report of abuse or neglect; and

(2) in general terms, any action DCF took, provided (a) the names or other individually identifying information about the minor victim or other family member is not disclosed and (b) the name and other individually identifying information about the suspect is not disclosed unless he or she has been arrested for the crime.

Under the act, the same criteria are applicable, but in addition, (1) information about the victim and family cannot be disclosed even if it has been made otherwise available, (2) the agency must confirm or deny the accuracy of information that has been made public, and (3) it must describe, in general terms, the legal status of the case.

The act broadens DCF's ability to refuse to disclose such records, and it prohibits disclosure of records that are (1) privileged (e.g., doctor-patient or attorney-client communication) or (2) confidential under federal law or regulation unless authorized by law or court order.

The act also makes conforming minor and technical changes.

EFFECTIVE DATE: October 1, 2011

### **PUBLIC ACT 11-\*\*- H.B. No. 6638 - AN ACT CONCERNING JUVENILE JUSTICE INCORPORATES A DCF LEGISLATIVE PROPOSAL**

This act makes a number of modifications to statutes governing the Department of Children and Families, any of which are designed to end DCF's responsibility for children when they reach age 20.

The act also:

(1) gives uniform definitions to "child," "youth," and "delinquent child" in DCF statutes, thus expanding the laws regarding a child to cover 16- and 17-year-olds;

(2) removes crimes related to failure to appear and violations of the conditions of release from the definition of "delinquent child," "delinquent act," and related provisions;

- (3) excludes delinquent acts from the definition of "family violence crimes" and related provisions;
- (4) adds as serious juvenile offenses (SJOs) 1<sup>st</sup> and 2<sup>nd</sup> degree strangulation and home invasion, and, after July 1, 2012, criminally negligent cruelty to a person, intentional child cruelty, and manslaughter with a motor vehicle, thereby increasing penalties for these offenses;
- (5) removes 2<sup>nd</sup> degree manslaughter with a firearm, 2<sup>nd</sup> degree hindering prosecution, 2<sup>nd</sup> degree manslaughter with a motor vehicle, and misconduct with a motor vehicle from the enumerated SJOs, thus either requiring them to be prosecuted on an adult docket or, in the case of hindering prosecution, as a less serious delinquent act;
- (6) beginning July 1, 2012, permits 17-year-olds alleged to have committed an offense which is pending on the youthful offender, regular criminal, or any motor vehicle docket on or after that date to have their cases transferred to juvenile court, when that is in their and the public's best interest;
- (7) modifies the standards governing the admissibility of confessions made by 16- and 17-year-olds;
- (8) eliminates the current requirement that DCF plan to keep juveniles sent to the Connecticut Juvenile Training School (CJTS) for at least one year;
- (9) requires police to notify the superintendent of the school district an arrested student is attending, as an alternative to the district where he or she lives;
- (10) requires schools to maintain confidentiality about matters that involve students age 16 and 17, as well as younger students;
- (11) mandates that records of cases in which a child has been convicted as delinquent for evading responsibility with a motor vehicle involving death or serious injury be reported to the Department of Motor Vehicles for use in determining whether administrative sanctions against the child's driver's license are warranted;
- (12) allows courts to specifically authorize by subsequent court order that confidential records the court has released to a (a) person with a legitimate interest in the information or (b) crime victim may be released further;
- (13) streamlines the process for CJTS and community detention facilities to get educational records; and
- (14) requires police departments to handle reports of missing 15- to 17-year-olds in the same manner as they handle reports involving missing children and vulnerable adults.

EFFECTIVE DATE: October 1, 2011, except the provisions involving 17-year-olds in delinquency proceedings are effective July 1, 2012.

**PUBLIC ACT 11-\*\* - H.B. No. 6352 - AN ACT CONCERNING THE MEMBERSHIP OF THE ADVISORY COUNCIL ON CHILDREN AND FAMILIES AND MODIFICATIONS TO STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES**

**DCF LEGISLATIVE PROPOSAL**

This act adds two members to the State Advisory Council on Children and Families and adds foster parents to its membership. The act deletes the Department of Children and Families' duty to prepare a plan on (1) delinquent children to be placed in the Connecticut Juvenile Training School and (2) an approach to juvenile rehabilitation. It also deletes the requirement that DCF adopt regulations concerning discharge planning for, and ongoing DCF involvement with, high-risk newborns. Instead of regulations, the act substitutes a coordination of DCF's efforts with birthing hospitals to disseminate information on the care of high-risk newborns.

EFFECTIVE DATE: July 1, 2011, except for the provision on SAC membership, which is effective October 1, 2011.

**PUBLIC ACT 11-\*\* - S.B. No. 980 - AN ACT CONCERNING PLACEMENT OF CHILDREN WITH SPECIAL STUDY FOSTER PARENTS**

**DCF LEGISLATIVE PROPOSAL**

This act eliminates the minimum age requirement with which the Department of Children and Families (DCF) must comply to temporarily place a child with a special study foster parent. Currently, only children 10 years old or older can be placed in such care. A special study foster parent is at least 21 years old and not licensed by DCF to provide foster care.

EFFECTIVE DATE: July 1, 2011

**PUBLIC ACT 11-\*\*- H.B. No. 6325 - AN ACT CONCERNING JUVENILE REENTRY AND EDUCATION  
INCORPORATES A DCF LEGISLATIVE PROPOSAL**

This act:

- (1) expands a student's right to re-enroll in his or her old school district after being sent to a juvenile detention center, the Connecticut Juvenile Training School, or another residential placement for committing an offense for which he or she could be expelled from school;
- (2) requires school districts to immediately enroll or re-enroll a student transferring from either of the unified school districts (USDs) run by the departments of Correction and Children and Families (USD #1 and USD #2, respectively);
- (3) requires a school district to re-enroll such a student in his or her former school, if the student went to school in the district before attending in a USD and the former school has appropriate grades for the student;
- (4) establishes a deadline for a new school district or charter school to notify a transfer student's previous district or charter school of a student's enrollment, and extends to USD #2 the currently required deadline for a new school district or charter school to notify USD #1 of a student's transfer; and
- (5) requires school districts and charter schools to give students credit for instruction received in USD #2 within 30 days after receiving the student's records, as they must already do for instruction received in USD #1.

EFFECTIVE DATE: July 1, 2011

<b>BUDGET AND BONDING</b>
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**PUBLIC ACT 11-6 - S.B. No. 1239 - AN ACT CONCERNING THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2013.**

This act appropriates funds for state agencies and programs for FY 12 and FY 13. The total appropriation for DCF is \$856,113,096 in FY 12, and is \$869,825,943 in FY 13 (*adjusted to \$881,317,641 in FY 12, and \$894,932,436 in FY 13 by H.B. No. 6652*).

Other provisions of interest to DCF include:

- § 11(a) - requires the Office of Policy and Management (OPM) to recommend reductions of \$12 million in expenditures for Personal Services (PS) for FY 12 & FY 13.
- § 11(b) - requires OPM to recommend reductions of \$9.4 million in expenditures for Other Expenses for FY 12 & FY 13.
- § 12 - includes various provisions regarding a \$1 billion achievement of the Labor-Management Savings in FY 12 and FY 13.
- § 13(a) - permits OPM to transfer from agencies' PS to the Reserve for Salary Adjustment (RSA) account to reflect accurate impact of collective bargaining costs.
- § 13(b) - permits OPM to transfer from RSA to any agency for the purpose of salary related costs including accrual payments.

- § 14(a) - carries forward the FY 11 unexpended funds related to collective bargaining agreements and related costs into FY 12 and FY 13.
- § 14(b) - carries forward the FY 12 unexpended funds related to collective bargaining agreements and related costs into FY 13.
- § 15 - carries forward the unexpended balance of funds for the Criminal Justice Information System into FY 12 and FY 13. **Impact:** *Estimated amount carried forward is \$60,000.*
- § 16 - specifies that agencies' filled positions can't exceed the number included in the OFA Budget Book (except upon FAC approval).
- § 28 - suspends the rate adjustments for DCF-funded private residential treatment centers in FY 12 and FY 13. **Impact.** *By suspending Single Cost Accounting System (SCAS) regulations in FY 12 and FY 13, scheduled rate adjustments that would otherwise be provided to private residential treatment facilities July 1st would not occur, resulting in a savings of \$3,926,418 in FY 12 and an additional \$3,397,762 (for a cumulative total of \$7,324,144) in FY 13. These savings are included in the Budget.*
- § 50 - diverts a total of \$2.3 million in FY 12 and \$1 million in FY 13 for various programs. These include: \$500,000 in FY 12 for Male Youth Leadership Pilot; \$1.0 million in FY 12 and FY 13 to the Kinship and Respite Fund within the Children's Trust Fund; \$800,000 in FY 12 to the Children's Trust Fund to support operations of the agency; \$35,000 in FY 12 and FY 13 to support Children in Placement, Inc. expansion in Danbury. **Impact:** *Funds totaling \$3.3 million are diverted from the Probate Court Administration Fund (PCAF) to various programs over the biennium. The PCAF has an FY 11 estimated balance of \$8 million.*
- § 52 - carries forward the unexpended balance of funds under the Department of Correction's Children of Incarcerated Parents account from FY 11 into FY 12. **Impact:** *Estimated amount carried forward is \$110,000.*

EFFECTIVE DATE: Most provisions effective July 1, 2011 (*Signed by Gov. Malloy 5/4/2011*)

**PUBLIC ACT 11-\*\* - S.B. No. 1242 - AN ACT AUTHORIZING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS AUTHORIZING SPECIAL TAX OBLIGATION BONDS OF THE STATE FOR TRANSPORTATION PURPOSES AND AUTHORIZING STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS.**

This act authorizes up to \$421.15 million in state general obligation bonding for FY 12 and up to \$341.44 million for FY 13 for state facilities, infrastructure, and programs; development and rehabilitation for housing projects and supportive housing; and grants to nonprofit organizations, municipalities, and other eligible entities. The bonds are subject to standard issuance procedures and have a maximum term of 20 years. The act includes a standard provision requiring private entities receiving bond-funded grants for facilities to repay a portion of the grant if a facility ceases to be used for the grant's purpose within 10 years of the entity receiving it.

EFFECTIVE DATE: FY 12 authorizations are effective July 1, 2011, FY 13 authorizations are effective July 1, 2012, and provisions relating to Norwich and Canaan bonds are effective on passage.

The act includes the following DCF authorizations:

- § 2(n) - alterations, renovations and improvements to DCF buildings and grounds, not exceeding \$1,751,000 (FY 12).
- § 13 (i) - grants-in-aid for construction, alteration, repairs and improvements to residential facilities, group homes, shelters and permanent family residences, not exceeding \$5,000,000 (FY 12).
- § 21 (m) - alterations, renovations and improvements to DCF buildings and grounds, not exceeding \$1,285,000 (FY 13).

- § 31 (h) - grants-in-aid for construction, alteration, repairs and improvements to residential facilities, group homes, shelters and permanent family residences, not exceeding \$5,000,000 (FY 13).

**PUBLIC ACT 11- \*\* - H.B. No. 6650 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING THE JUDICIAL BRANCH, CHILD PROTECTION, CRIMINAL JUSTICE, WEIGH STATIONS AND CERTAIN STATE AGENCY CONSOLIDATIONS.**

This act makes several changes related to the Judicial Branch, corrections, and other criminal justice matters, including many changes to implement the budget. These changes concern several areas, including the Commission on Child Protection and other children's matters, public defenders, intensive probation, risk reduction credits, house arrest, education in juvenile detention facilities, the open court pilot program, the foreclosure mediation program, gun possession by minors, the Juvenile Jurisdiction Policy and Operations Coordinating Council, reporting on unified community corrections, and the Probate Court Administration Fund. Specific sections of interest to DCF include:

- §§ 1-20 And 216 — Changes Related to Children's Matters and Public Defenders
- §§ 28-29 — Responsibility for Educating Students In Juvenile Detention Facilities
- §§ 30 and 217 — Open Court Pilot Program Repeal
- § 33 — Gun Possession by a Minor
- § 34 — Juvenile Jurisdiction Policy and Operations Coordinating Council
- § 35 — Report on Unified Community Corrections
- §§ 73-75 — Affirmative Action and Discrimination

The act dissolves the Department of Public Works (DPW) and establishes a Department of Construction Services (DCS) as its successor for purposes of construction and construction management. It makes the DCS Commissioner, rather than the DPW Commissioner, responsible for constructing and developing state-owned buildings and real estate. It generally shifts all other DPW duties to the Department of Administrative Services (DAS), while some are transferred to the Office of Policy and Management (OPM). Under the act, the DAS Commissioner is responsible for acquiring, selling, and leasing state-owned property to house state offices and equipment as well as security for such property.

The act also (1) transfers, from DPS to DCS, responsibility for enforcing the Fire Safety Code and the State Building Code and (2) divides, between the State Department of Education (SDE) and DCS, responsibility for reviewing and approving school construction grant applications. With these changes, the act transfers to DCS the corresponding personnel, powers, duties, obligations, and other government functions of each transferring agency or division, whichever applies.

In addition, the act (1) dissolves the Department of Information Technology (DOIT), and makes DAS its successor and (2) makes changes to affirmative action plan filing requirements and discrimination investigations. It also requires reports on the mergers by January 2, 2012; repeals obsolete language; and makes minor, technical, and conforming changes.

The act also repeals numerous statutory provisions including section 17a-27c concerning the Connecticut Juvenile Training School construction project (§ 216).

**PUBLIC ACT 11-48 - H.B. No. 6651 - AN ACT IMPLEMENTING PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT.**

This act makes changes to various unrelated topics including (1) budget implementation and education provisions, (2) use of ignition interlocks by drunk driving offenders, (3) creating the Office of Government Accountability, (4) merging certain economic development agencies, (5) higher education

reorganization, (6) modifying state election laws, and (7) changes to the state budget process and specifically requiring the budget and financial statements to conform to generally accepted accounting principles.

Section 305 of the act repeals a provision of § 164 of Public Act 11-44, that generally would have prohibited the Department of Children and Families Commissioner from placing any child under age 6, or any sibling group including a child under that age, in a child caring facility (group home).

EFFECTIVE DATE: July 1, 2011

**PUBLIC ACT 11-\*\*- H.B. No. 6652 - AN ACT IMPLEMENTING THE REVENUE ITEMS IN THE BUDGET AND MAKING BUDGET ADJUSTMENTS, DEFICIENCY APPROPRIATIONS, CERTAIN REVISIONS TO BILLS OF THE CURRENT SESSION AND MISCELLANEOUS CHANGES TO THE GENERAL STATUTES.**

This act makes various unrelated changes. Sections 67 - 69 reflect budget adjustments made to PA 11-6 (the biennial budget). The changes include:

<b>General Fund (GF) Appropriation Adjustments to PA 11-6</b>		
<b>Summary of Changes</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>
<b><i>Adjustments to Appropriations</i></b>		
Create a Differential Response System within the Department of Children and Families	4,000,000	4,000,000
<b><i>Transfers</i></b>		
Undo the transfer of DCF's parole unit and associated services from DCF to JUD	(21,204,545)	(21,106,493)

Sections 133 - 125 of the act amends the Department of Mental Health and Addiction Services (DMHAS) supportive housing initiative by eliminating references to its "Pilot" and "Next Steps" phases, and instead uses the term "permanent" to reflect the program's ongoing status. It also (1) adds two state entities to those already collaborating with DMHAS on the supportive housing initiative and (2) establishes a process for development of scattered site housing. Finally, the act makes technical and conforming changes.

Section 167 repeals Section 74 of Public Act 11-6 which is no longer needed due to the parole transfer from DCF to Judicial not occurring in Section 67 of the act.

<b>OTHER ACTS OF INTEREST</b>
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**PUBLIC ACT 11-\*\*- H.B. No. 5431 - AN ACT CONCERNING THE RESPONSE OF SCHOOL DISTRICTS AND THE DEPARTMENTS OF EDUCATION AND CHILDREN AND FAMILIES TO REPORTS OF CHILD ABUSE AND NEGLECT**

This act expands the law governing the reporting and investigation of suspected child abuse and neglect, with particular focus on a school employee who is the alleged perpetrator and the local or regional school district's response.

The act expands the state's "mandated reporter" law, which generally requires specified professionals to report to the Department of Children and Families (DCF) or local law enforcement when they suspect that children have been abused or neglected, adding requirements to cases in which the abuse or



neglect involves a school employee, and ensuring that the various entities involved in the investigations of these reports communicate with each other.

It requires DCF, in consultation with the State Department of Education (SDE), to craft a model mandated reporter policy for school boards to use for training school personnel. It also requires the DCF Commissioner to (1) offer a refresher reporter training program; (2) within available funding, provide training to all new school employees; and (3) develop a policy for investigating reporters who either fail to report or report late. It requires school boards to take certain steps to ensure that school districts offer reporter training.

The act also establishes additional steps to be followed when the alleged perpetrator of the abuse or neglect is a school employee, including notification of certain school personnel and SDE. It adds to the responsibilities school boards have when assisting DCF with investigations as well as perform their own, and requires DCF to do random quality assurance reviews of reports involving school employees.

The act makes several changes in the use of, and reporting to, the child abuse registry that DCF must maintain. It (1) requires school boards to require applicants for any position in the public schools to submit to a check of the registry, with applicants for positions requiring state certification being subject to the requirement starting on July 1, 2011 and applicants for other positions having to submit to checks starting July 1, 2012; (2) requires DCF to develop a plan to implement this requirement and submit it to the legislative committees of cognizance; (3) requires teachers, when first applying or renewing their state teaching certification, to submit to registry checks; and (4) allows certain information in the registry to be disclosed.

The act also eliminates “criminal attempt” (CGS § 53a-49) from the list of crimes the conviction of which requires the State Board of Education (SBE) to deny or revoke a teaching certificate or other educator credential (§§ 18 & 19). (In practice, a person is always convicted of another crime in addition to criminal attempt, so it is unnecessary to list such a conviction as separate grounds for denying or revoking an educator credential. )

In addition, the act requires DCF, when asked by school boards that have foster children from other towns attending school under the boards' jurisdiction, to provide the foster child's name, birth date, and school of origin.

Finally, the act makes technical changes.

EFFECTIVE DATE: July 1, 2011, except the provisions concerning the criminal attempt language and the DCF plan for implementing the requirement for school position applicants to submit to the child abuse registry are effective upon passage, and the provision requiring DCF to provide school boards information about foster children is effective October 1, 2011.

**PUBLIC ACT 11-\*\*- S.B. No. 1044 - AN ACT REQUIRING THE DEPARTMENT OF CHILDREN AND FAMILIES TO CONDUCT ABUSE OR NEGLECT INVESTIGATIONS OF YOUTHS ARRESTED FOR PROSTITUTION**

This act requires law enforcement officers who arrest a 16- or 17-year-old on prostitution charges to immediately report alleged child abuse or neglect to the Department of Children and Families.

EFFECTIVE DATE: October 1, 2011

**PUBLIC ACT 11-\*\*- H.B. No. 6226 - AN ACT CONCERNING CROSS-REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY**

This act requires state, regional, and municipal animal control officers (ACOs) and Department of Children and Families employees to report to the Department of Agriculture Commissioner when they reasonably suspect that an animal is being treated cruelly, harmed, or neglected. The Agriculture Commissioner must forward the information he receives from the ACOs to the DCF Commissioner in a monthly report. The DCF Commissioner must then determine whether any address in an animal cruelty report corresponds to an address where there is an open investigation of a child.

The DCF Commissioner must develop and implement training for her department's employees on (1) how to identify cruelty or harm to or neglect of animals and (2) their relationship to child welfare case practices. She must also train ACOs concerning identifying and reporting child abuse and neglect. All training must be accomplished within available appropriations.

EFFECTIVE DATE: October 1, 2011

**PUBLIC ACT 11-\*\* - H.B. No. 6634 - AN ACT CONCERNING CHILD WELFARE AND DETENTION IN THE JUVENILE JUSTICE SYSTEM**

This act prohibits police officers from placing children they arrest, but who have not yet appeared before a judge, in a juvenile detention center without a court order. It also:

- (1) allows detention center intake supervisors to admit only a child who is (a) the subject of an order to detain, (b) ordered by a court to be held in detention, or (c) transferred to the center to await a court appearance;
- (2) eliminates a provision specifying the classes of offender and pretrial detainees that can be admitted to an overcrowded juvenile detention center; and
- (3) requires judicial and executive entities to report to the legislature and governor every two years on progress made in addressing disproportionate minority contact (DMC).

Under the act, DMC means that a disproportionate number of juvenile members of minority groups come into contact with the juvenile justice system.

EFFECTIVE DATE: October 1, 2011, except the multi-agency DMC reporting requirement is effective upon passage.

**PUBLIC ACT 11-\*\* - H.B. No. 6636 - AN ACT CONCERNING CHILDREN CONVICTED AS DELINQUENT WHO ARE COMMITTED TO THE CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES**

This act allows some detained juvenile delinquents to qualify for leaves and releases earlier than they would otherwise. Under existing Department of Children and Families regulations, delinquent children cannot be granted leaves or releases unless they have satisfactorily completed a 60-day evaluation of fitness and security risk.

The act allows the DCF Commissioner to waive this requirement when a delinquent who transferred from one facility to another satisfactorily completed the evaluation at the facility from which he or she transferred.

The act also eliminates a requirement that DCF prepare a plan to establish a mandatory one-year term at the Connecticut Juvenile Training School and develop a comprehensive approach to juvenile rehabilitation.

EFFECTIVE DATE: October 1, 2011

**PUBLIC ACT 11-\*\*- H.B. No. 6282 - AN ACT REQUIRING AN ANNUAL RESULTS-BASED ACCOUNTABILITY REPORT CARD EVALUATING STATE POLICIES AND PROGRAMS IMPACTING CHILDREN.**

This act requires the Children's Committee to (1) maintain an annual report card evaluating the progress of state policies and programs impacting children; (2) develop, with a working group, progress indicators and measures related to issues affecting children; and (3) consult with the Appropriations Committee's results-based accountability (RBA) subcommittee to identify child welfare system programs that must prepare their own annual report cards. The act specifies (1) the progress indicators that must be included in the Children's Committee's report card along with relevant data and (2) the report card's distribution requirements. It identifies the participants in the working group, the issues for which indicators and measures must be developed, and the subsequent review process the committee must conduct.

EFFECTIVE DATE: July 1, 2011

**PUBLIC ACT 11-\*\*- H.B. No. 6336 - AN ACT CONCERNING KINSHIP CARE**

This act gives the Department of Children and Families Commissioner authority to waive any standard for separate bedrooms and room-sharing arrangements when placing a child in foster care with an unlicensed relative. Under current law and the act, the Commissioner is barred from waiving any standard or procedure related to safety. Any such placement must otherwise be in the child's best interest.

It also requires DCF to (1) report to the Superior Court, rather than simply make a determination on the appropriateness of a placement, when the court has identified a relative who might serve as a child's foster parent or temporary custodian and (2) convene a working group to determine how to maximize kinship care for children in the department's care and custody.

EFFECTIVE DATE: October 1, 2011; except for the working group provision, which is effective upon passage.

**PUBLIC ACT 11-\*\*- H.B. No. 6312 - AN ACT CONCERNING THE RIGHTS OF A PARENT OR GUARDIAN IN AN INVESTIGATION BY THE DEPARTMENT OF CHILDREN AND FAMILIES**

This act requires the Department of Children and Families, when making an initial, in-person investigation of a complaint of child abuse or neglect, to give the child's parent or guardian written notice of his or her rights, as well as the implications of his or her failure to communicate with the department.

The DCF representative must (1) ask the parent or guardian to sign and date the notice as evidence of having received it and (2) immediately provide a copy of the signed notice to the parent or guardian. If the parent or guardian refuses to sign, the representative must (1) indicate on the notice that he or she was asked to sign and date it, but refused to do so and (2) sign it as witness to that fact.

EFFECTIVE DATE: October 1, 2011

**PUBLIC ACT 11-\*\*- H.B. No. 6438 -AN ACT CONCERNING PROBATE COURT OPERATIONS.**

The act makes several changes to the probate law. Sections of interest to DCF include:

- § 1 - eliminates the requirement that the probate court administrator, within available resources, establish a regional children's probate court in the New Haven area and allows him to create seven, rather than six, such courts in regions he designates;
- §§ 8 - 9 - makes changes to confidentiality requirements for several children's probate matters;
- §§ 11 - 14 - makes changes and clarifications regarding how much time parties have to appeal probate matters .

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2011 for the provisions on children's probate courts, worker's compensation, and the priority of claims; October 1, 2011 for those on hand-held scanner and data processing fees, record confidentiality, and appeal periods; and upon passage for a technical change.

**PUBLIC ACT 11-\*\*- S.B. No. 1103 - AN ACT CONCERNING EARLY CHILDHOOD EDUCATION**

This act changes the membership of the Early Childhood Education Cabinet to add the Commissioner of Children and Families (or designee) and expands the membership from 17 to 18. The act also eliminates the Office of Early Childhood Planning.

EFFECTIVE DATE: July 1, 2011

**PUBLIC ACT 11-\*\*- S.B. No. 982 - AN ACT CONCERNING A PILOT TRUANCY CLINIC IN WATERBURY**

This act gives statutory authorization for the probate court administrator to establish a pilot truancy clinic in Waterbury, within available appropriations. The Waterbury Regional Children's Probate Court administrative judge must administer the clinic. The purpose of the clinic is to identify and resolve the systemic causes of school absenteeism using nonpunitive procedures.

The act requires the truancy clinic to establish participation protocols and programs and relationships with schools and other individuals and organizations in the community to provide support services to clinic participants.

The probate court administrator must establish implementation policies and procedures and measure effectiveness. The clinic administrator must report to the probate court administrator, by September 1, 2012 and annually after that, on the clinic's effectiveness. By January 1, 2015, the probate court administrator must report on the clinic's effectiveness to the Judiciary and Education committees.

The act also authorizes probate magistrates or attorney probate referees to conduct truancy clinics that the administrative judge refers to them (see BACKGROUND).

EFFECTIVE DATE: Upon passage

**PUBLIC ACT 11-\*\*- S.B. No. 1014 - AN ACT CONCERNING THE PENALTY FOR CERTAIN NONVIOLENT DRUG OFFENSES.**

This act reduces the penalty for possessing less than one-half ounce of marijuana from a crime that carries a possible prison term to (1) a \$ 150 fine for a first offense and (2) a \$200 to \$500 fine for a subsequent offense. Under the act, violators must follow the procedures the law prescribes for infractions. For example, they can pay the fine by mail without making a court appearance. But the act provides a lower burden of proof than is generally required for infractions or other violations that follow infraction procedures.

The act provides that a violation or infraction under the act is a delinquent act when committed by someone 16-years-old or younger, or 17-years-old starting July 1, 2012. Proceedings related to delinquent acts are generally brought in juvenile court.

The act also requires a 60-day suspension of the driver's license of anyone under age 21 who is convicted of a violation or infraction under the act.

EFFECTIVE DATE: July 1, 2011, except the provisions relating to delinquent acts by 17-year olds are effective July 1, 2012.

**PUBLIC ACT 11-\*\*- H.B. No. 5816 - AN ACT ESTABLISHING A WORKING GROUP ON YOUTH VIOLENCE**

This act directs the Commissioner of Children and Families, in consultation with the Commissioners of Public Safety, Education and Social Services and the Chief Court Administrator, to convene a working group to study and make recommendations on ways to reduce youth violence. The working group shall include, but not be limited to, representatives of local law enforcement agencies, providers of services to youths exposed to violence, local boards of education and organizations with expertise in juvenile delinquency or youth violence matters.

The working group shall report its findings by January 1, 2012 to the Select Committee on Children and the Public Safety, Education, Human Services and Judiciary Committees of the General Assembly.

EFFECTIVE DATE: Upon passage

**PUBLIC ACT 11-\*\*- H.B. No. 6453 - AN ACT CONCERNING GRANDPARENTS' VISITATION RIGHTS.**

This act establishes an 18-member task force to study issues related to visitation rights for grandparents and submit a report on its findings and recommendations to the Aging Committee by February 1, 2012. The task force consists of the chairpersons of the Aging, Children, and Judiciary committees, or their designees; a representative of the family law division of the Judicial Branch; the Commissioner of Children and Families, or her designee; and the 10 appointed members.

Existing law allows grandparents and other third parties to petition for the right to visit a minor; and the court may grant the request, subject to conditions and limitations it deems equitable.

EFFECTIVE DATE: Upon passage

**PUBLIC ACT 11-\*\*- H.B. No. 6581 - AN ACT MAKING REVISIONS TO MOTOR VEHICLE STATUTES**

This act makes a number of changes to motor vehicle laws, including a provision in § 28 of the act regarding the state child abuse and neglect registry. Under current law, the Commissioner must check state and national criminal history records and the state child abuse and neglect registry when people seek a license, or to renew a license, to operate a driving school. She must consider these in determining whether to issue or renew a license. The act eliminates the need to run these checks, or make such a determination, when people seek to renew a license. It makes operating a driver's school without a license a class B misdemeanor, punishable by a fine of up to \$1,000 and up to six months in prison.

EFFECTIVE DATE: July 1, 2011

**PUBLIC ACT 11-\*\* - H.B. No. 6612 - AN ACT CONCERNING RECOMMENDATIONS FROM THE COMMISSION ON NONPROFIT HEALTH AND HUMAN SERVICES RELATING TO PURCHASE OF SERVICE CONTRACTS**

This act requires every state agency that enters into a personal service agreement (PSA) or purchase of service (POS) agreement with a public health or human services provider to take certain additional steps when doing so. They must do so within available resources and regardless of any contrary requirements in the law governing POS agreements and the State Contracting Standards Board.

A PSA is a written agreement defining the services or end product to be delivered by a contractor to a state agency. (A PSA is not limited to health and human services.) A POS is a contract between a state agency and a private provider organization or municipality for the purchase of ongoing direct health and human services for agency clients.

The act also requires the Office of Policy and Management (OPM) secretary to annually aggregate cost methodologies and data that state agencies will presumably collect.

EFFECTIVE DATE: July 1, 2011