

# Department of Children and Families



## Legislative Summary 2010

# Department of Children and Families

## 2010 Legislative Summary

### Contents

#### ACT

#### PAGE

#### DCF LEGISLATIVE PROPOSALS

<b>PUBLIC ACT 10-160</b> - SB 31 AN ACT IMPLEMENTING THE BUDGET RECOMMENDATIONS OF THE GOVERNOR CONCERNING THE EDUCATIONAL PLACEMENT OF CHILDREN IN THE CARE AND CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES.	1
<b>PUBLIC ACT 10-161</b> - SB 218 AN ACT CONCERNING SAFE HAVEN CASES AND THE TERMINATION OF RENTAL AGREEMENTS BY VICTIMS OF FAMILY VIOLENCE.	3
<b>PUBLIC ACT 10-170</b> - HB 5244 AN ACT CONCERNING THE ISSUANCE OF EMERGENCY CERTIFICATES BY CERTAIN STAFF OF THE EMERGENCY MOBILE PSYCHIATRIC SERVICES PROGRAM.	4

#### BUDGET

<b>PUBLIC ACT 10-3</b> - HB 5545 AN ACT CONCERNING DEFICIT MITIGATION FOR THE FISCAL YEAR ENDING JUNE 30, 2010	5
<b>PUBLIC ACT 10-179</b> - SB 494 AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2011	5

#### BEHAVIORAL HEALTH

<b>PUBLIC ACT 10-119</b> - SB 402 AN ACT CONCERNING THE BEHAVIORAL HEALTH PARTNERSHIP.	12
--	----

#### CREDIT PROTECTION FOR FOSTER CHILDREN

<b>PUBLIC ACT 10-157</b> - HB 5196 AN ACT CONCERNING CREDIT PROTECTION FOR YOUTH IN FOSTER CARE.	13
--	----

#### DOMESTIC VIOLENCE

<b>PUBLIC ACT 10-91</b> - HB 5315 AN ACT CONCERNING EDUCATION AND THE REDUCTION OF DOMESTIC VIOLENCE.	14
<b>PUBLIC ACT 10-137</b> - HB 5246 AN ACT CONCERNING THE PROTECTION OF, AND SERVICES FOR, VICTIMS OF DOMESTIC VIOLENCE.	14
<b>PUBLIC ACT 10-144</b> - HB 5497 AN ACT CONCERNING THE RECOMMENDATIONS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES' TASK FORCE ON DOMESTIC VIOLENCE.	14

## **OTHER ACTS OF INTEREST**

<b>PUBLIC ACT 10-38 - HB 5286 AN ACT CONCERNING LICENSURE OF MASTER AND CLINICAL SOCIAL WORKERS</b>	<b>16</b>
<b>PUBLIC ACT 10-43 - HB 5539 AN ACT CONCERNING JUDICIAL BRANCH POWERS AND PROCEDURES.</b>	<b>16</b>
<b>PUBLIC ACT 10-93 - HB 5448 AN ACT CONCERNING THE ADMINISTRATION OF THE DEPARTMENT OF DEVELOPMENTAL SERVICES.</b>	<b>17</b>
<b>PUBLIC ACT 10-112 - HB 5030 AN ACT CONCERNING THE FORFEITURE OF MONEY AND PROPERTY RELATED TO CHILD SEXUAL EXPLOITATION AND HUMAN TRAFFICKING AND THE POSSESSION OF CHILD PORNOGRAPHY.</b>	<b>17</b>
<b>PUBLIC ACT 10-115 - SB 153 AN ACT PROVIDING A SAFE HARBOR FOR EXPLOITED CHILDREN.</b>	<b>17</b>
<b>PUBLIC ACT 10-133 - HB 5360 AN ACT CONCERNING CHILDREN IN THE RECESSION.</b>	<b>18</b>
<b>PUBLIC ACT 10-142 HB 5207 AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES</b>	<b>19</b>
<b>PUBLIC ACT 10-165 - HB 5197 AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE POSTPONEMENT OF PROGRAM TERMINATION DATES IN THE SUNSET LAW.</b>	<b>19</b>
<b>PUBLIC ACT 10-175 - HB 5425 AN ACT CONCERNING SPECIAL EDUCATION.</b>	<b>19</b>
<b>SPECIAL ACT 10-5 - SB 316 AN ACT ESTABLISHING A COMMISSION ON NONPROFIT HEALTH AND HUMAN SERVICES</b>	<b>20</b>

## **JUNE SPECIAL SESSION**

<b>JUNE SPECIAL SESSION PUBLIC ACT 10-1 - SB 501 AN ACT CONCERNING THE REAL ESTATE CONVEYANCE TAX, THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND, ADJUSTMENTS TO CERTAIN PROGRAMS IMPLEMENTED THROUGH THE DEPARTMENT OF SOCIAL SERVICES, A REPORT ON TAX CREDITS, JUVENILE JUSTICE, ABSENTEE VOTING BY MEMBERS OF THE MILITARY, REVISIONS TO VARIOUS TASK FORCES, COMMISSIONS AND COUNCILS, AND AMENDMENTS AND MINOR AND TECHNICAL CHANGES TO CERTAIN SPECIAL AND PUBLIC ACTS OF THE 2010 REGULAR SESSION</b>	<b>21</b>
<b>JUNE SPECIAL SESSION PUBLIC ACT 10-2 - SB 502 AN ACT MAKING ADJUSTMENTS TO THE BUDGET AND TO CERTAIN PUBLIC ACTS, AND ESTABLISHING THE HOMEOWNER'S EQUITY RECOVERY OPPORTUNITY LOAN PROGRAM</b>	<b>23</b>

# Department of Children and Families

## Legislative Summary

*The following is a compilation of legislation of interest to the Department of Children and Families passed during the 2010 Regular Session and the June Special Session of the General Assembly. These summaries are based largely from the bill analysis prepared by the General Assembly's Office of Legislative Research.*

### **DCF LEGISLATIVE PROPOSALS**

#### **PUBLIC ACT 10-160 - SB 31 AN ACT IMPLEMENTING THE BUDGET RECOMMENDATIONS OF THE GOVERNOR CONCERNING THE EDUCATIONAL PLACEMENT OF CHILDREN IN THE CARE AND CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**

This act creates a presumption that it is in the best interest of a child the Department of Children and Families places in out-of-home care under an emergency, temporary custody, or commitment order to continue to attend the school he or she attended before the placement. The act applies to (1) all school-age children, (2) three- to five-year olds determined eligible for special education, and (3) children age 27 months through age five referred for special education determination. It provides mechanisms for parents to challenge DCF decisions. And it makes DCF responsible for some costs of transporting a child from a placement to school and makes a school ineligible to receive state special education excess cost grants for a child placed in another community who continues to attend his or her original school.

**EFFECTIVE DATE:** July 1, 2010 (*Signed by Governor 6/8/10*)

#### **SCHOOL PLACEMENT FOR CHILDREN PLACED OUT OF HOME**

##### ***Determining School Placement***

The act requires DCF, when it places a child in out-of-home care, such as a relative's or foster parent's home, or changes such a placement, to determine immediately whether it is in the child's best interest to remain in the school he or she had been attending (the "school of origin"). DCF must notify all parties (i.e., the child or child's attorney and the parents or their attorney) of its decision and the reasons for it, in writing, within three business days after making the decision.

Any party can object to the decision within three business days of receiving this notice. The act requires disagreements to be resolved "expeditiously" and requires DCF to prove that its decision is in the child's best interest. The child must be transported to the school of origin until the three days have passed or the disagreement is resolved.

The act permits the school placement decision to be revisited at any time while the child is in out-of-home care, if circumstances change, to ensure the placement remains in his or her best interest. It does not specify who initiates such a review or how. Notice of a decision in such a review must be given as described above. A party may challenge such a decision by using the

dispute resolution process for a DCF treatment plan. DCF policy permits a parent or child aggrieved by a treatment plan provision to ask for an administrative hearing and, if still aggrieved after the hearing decision, to appeal to Superior Court.

If DCF determines it is not in the child's best interest to remain in his or her school of origin, the act requires the agency to work with that school's board of education and the board of the school that DCF decides the child should attend (the "receiving school"). This collaboration must ensure the child's immediate and appropriate enrollment in the receiving school. (For a child requiring special education, the law requires DCF to notify orally the school board responsible for the child's education (in most cases, the board where the child lived before being removed from home) within one day of the removal and in writing within two days. )

The act requires the school of origin to provide the receiving school with the child's educational records in accordance with federal law. It requires the school of origin, within one day of receiving notice from DCF, to send all essential educational records, including any individualized education or behavioral intervention plan, and all documents the receiving school needs to determine an appropriate class placement and provide educational services. It must transfer nonessential records within 10 days.

### ***Removing a Child from School Placement***

The act permits DCF to immediately remove the child from the school of origin if it determines that remaining there jeopardizes his or her immediate physical safety. If it does so, it must notify the child's parents, attorney, guardian ad litem, and surrogate parent (if the child has one) by phone or fax on the day it removes the child. Any party (it is not clear whether this includes the guardian ad litem or surrogate parent or just those parties to the original removal from home) may object to the change in placement. It must do so within three business days of receiving the notice, and DCF must hold an administrative hearing within three business days of receiving the objection.

### ***Paying for School Placement***

The act specifies that any child placed in another town who continues in his or her school of origin remains that district's educational and fiscal responsibility. The act makes the district of origin ineligible for state excess cost grants for special education for such a child's education, including tuition and transportation costs.

By law, when DCF places a child receiving regular education in another town and the child attends school there, the receiving town must provide and pay for the child's education. When DCF places a child requiring special education in another town and the child attends school there, the town of origin retains educational and fiscal responsibility for the child.

The act requires DCF, if it determines a child should remain in his or her original school, to collaborate with that school board on a transportation plan for the student. They must consider cost-effective, reliable, and safe transportation options.

The act makes DCF responsible for any additional or extraordinary cost of transportation beyond that to which the child would otherwise have access. It does not specify what costs are additional or extraordinary. The act requires DCF to maximize any reimbursements for the transportation costs available for eligible foster children under the Social Security Act.

<b>PUBLIC ACT 10-161 - SB 218 AN ACT CONCERNING SAFE HAVEN CASES AND THE TERMINATION OF RENTAL AGREEMENTS BY VICTIMS OF FAMILY VIOLENCE.</b>
--

This act specifies a process that permits a new mother to use the Department of Children and Families' Safe Haven Program to surrender her infant without having to leave the hospital. It also provides for reporting information about the birth to the Department of Public Health (DPH) and requires DCF to notify any parent of a surrendered infant, if it knows his or her identity, of any legal proceedings it initiates, such as termination of parental rights.

The act also authorizes the Commissioner of Children and Families to approve a foster family or prospective adoptive family's application notwithstanding the death of a child within one year of application.

### **SAFE HAVEN REVISIONS**

#### ***Surrendering a Child Born in a Hospital***

The safe haven law requires hospitals to designate a place in their emergency room where a parent or a parent's legal agent can surrender an infant up to 30 days old without facing arrest for abandonment. Hospitals must designate their emergency room staff to take custody of these babies and have a designated employee on duty at all times.

The act sets up a process for a mother (but not a father or parental agent) who gives birth in a hospital to surrender the baby without having to go to the emergency room. It permits the mother to give written notice that she wishes to surrender voluntarily custody of the baby. The notice must be on a DCF-prescribed form, which the hospital shall maintain the notice in a separate file. It further prohibits disclosure, without the mother's consent, of any contents of such notice by any hospital employee.

#### ***Birth Information***

The act adds to the information the designated emergency room employee may ask the parent or agent to provide when the baby is surrendered. It allows the employee, if the birth has been registered in the state's vital records system before the surrender, to ask the infant's name and birth date (presumably, the employee can also ask whether the birth has been registered). Under current law, the designated employee can ask for the parent or agent's name and medical history on the surrendered infant and his or her parents. By law, the parent or agent need not provide this information.

The act requires the emergency room employee to give this information to DPH for the sole purpose of sealing the infant's original birth record. The act specifies that the infant's name and birth date cannot be disclosed on the report DCF (as the agency taking custody of the baby) must, by law, make about the baby to the registrar of vital statistics of the town where the baby was surrendered.

#### ***Confidentiality***

Under current law, any information about the infant, parents, or legal agent is confidential, except for any medical history a parent provides, which must be disclosed to DCF. The act, instead, prohibits the designated employee from disclosing any information, but only if the

parent or agent requests this. And it does not limit disclosure by parties, such as DCF or DPH (see below), that may obtain information from the designated employee.

### ***Legal Proceedings after Surrender***

The law requires DCF to take any lawful action to achieve safety and permanency for an infant surrendered under the Safe Haven law. The act specifies that these actions include starting proceedings to terminate parental rights and establish guardianship. And it requires DCF to notify any parent of a surrendered infant of the proceedings, if it knows her or his identity.

**EFFECTIVE DATE:** July 1, 2010 (*Signed by Governor 6/8/10*)

<b>PUBLIC ACT 10-170 - HB 5244 AN ACT CONCERNING THE ISSUANCE OF EMERGENCY CERTIFICATES BY CERTAIN STAFF OF THE EMERGENCY MOBILE PSYCHIATRIC SERVICES PROGRAM.</b>
--

This act permits certain licensed clinical social workers, professional counselors, and advanced practice registered nurses (APRNs) to issue an emergency certificate, under certain conditions, to hospitalize a child for medical and psychiatric evaluation. Under current law, only physicians can issue such certificates.

The act permits social workers, counselors, and APRNs to issue an emergency certificate if they:

- (1) have received at least eight hours of specialized training in conducting direct evaluations as a member of a Department of Children and Families emergency mobile psychiatric services team and
- (2) reasonably believe, based on their direct evaluation, that the child (a) has a psychiatric disability; (b) is a danger to himself, herself, or others or is gravely disabled; and (c) needs immediate care and treatment.

The act requires the child to be evaluated within 24 hours after the emergency certificate is issued. The law requires a psychiatrist to conduct the evaluation. The act prohibits a hospital from holding a child hospitalized by a social worker, counselor, or APRN for more than 72 hours unless a court orders the child's commitment.

When a physician issues an emergency certificate, the law permits the child to be hospitalized for up to 15 days. And, if a commitment proceeding is begun during those 15 days, hospitalization can continue for 15 days longer (25 if the proceeding is transferred from probate to Superior Court) or until the proceeding is finished, whichever occurs first.

The act gives children hospitalized by social workers, counselors, and APRNs the same rights as existing law gives those hospitalized by physicians. These include the right to consult with and be represented by an attorney and the right to a hearing.

Finally, the act requires DCF to collect data pertaining to certificates social workers, counselors, and APRNs issue.

**EFFECTIVE DATE:** October 10, 2010 (*Signed by Governor 6/8/10*)

## **BUDGET**

### **PUBLIC ACT 10-3 - HB 5545 AN ACT CONCERNING DEFICIT MITIGATION FOR THE FISCAL YEAR ENDING JUNE 30, 2010**

This act reduces appropriations for state programs and purposes for FY 10 and FY 11; transfers funds from various special funds and accounts to the General Fund for FY 10 and FY 11; and reduces and adjusts several state medical assistance and other social services programs.

The provisions of interest to DCF are:

**Sections 1 and 2** result in a net appropriations reduction of \$77.6 million in FY 10 and \$120.3 million in FY 11 in various agencies and accounts. The table below identifies the programmatic impacts on DCF resulting from this section.

Reduction to Appropriations Includes:	FY 10	FY 11
Close 1 Therapeutic Group Home	---	917, 614
Improved Management of Wrap-around Services	---	1, 000, 000
Intensive Safety Planning; Reconnecting Families	---	1, 000, 000
Reduce Juvenile Outreach, Tracking and Reunification Capacity	---	2, 000, 000
Restructure Safe Homes	---	1, 000, 000
Restructure Therapeutic Childcare Purchasing	---	521, 619
Safe Harbor Respite Home	---	375, 000
Suspend Life Long Family Ties Program	---	591, 550

Section 32 of the act requires the DCF, by April 15, 2011 and in consultation with the Child Advocate, to submit a plan to the General Assembly's Children's, Human Services, and Appropriations Committees on the future of Riverview Hospital for Children and Youth.

**EFFECTIVE DATE:** Upon passage, unless otherwise specified. (*Signed by Governor 4/14/10*)

### **PUBLIC ACT 10-179 - SB 494 AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2011**

This act makes modifications to the FY 11 appropriations (original appropriations as revised by PA 10-3, Deficit Mitigation).

**EFFECTIVE DATE:** Various, see below. (*Signed by Governor 5/7/10*)

#### ***§§ 1-12 – Budget Adjustments***

The act makes the following budget adjustments to the DCF budget for FY 2010-2011:

	ORIGINAL APPROPRIATION	ADJUSTMENTS	CHANGE
Personal Services	289,599,056	274,459,779	-15,139,277
Other Expenses	46,262,706	40,946,929	-5,315,777
Equipment	1		0



Short-Term Residential Treatment	713,129		0
Substance Abuse Screening	1,823,490		0
Workers' Compensation Claims	8,627,393		0
Local Systems of Care	2,297,676	2,057,676	-240,000
Family Support Services	11,221,507		0
Emergency Needs	1,800,000	1,710,000	-90,000
Homeless Youth Account (NEW)	0	1,000,000	+1,000,000
<b>OTHER THAN PAYMENTS TO LOCAL GOVERNMENTS</b>			
Health Assessment and Consultation	965,667		0
Grants for Psychiatric Clinics for Children	14,202,249	14,120,807	-81,442
Day Treatment Centers for Children	5,797,630		0
Juvenile Justice Outreach Services	10,728,838	13,477,488	+2,748,650
Child Abuse and Neglect Intervention	5,379,261		0
Community Emergency Services	84,694	0	-84,694
Community Based Prevention Programs	4,850,529		0
Family Violence Outreach and Counseling	1,873,779		0
Support for Recovering Families	14,026,730	13,964,107	-62,623
No Nexus Special Education	8,682,808		0
Family Preservation Services	5,385,396		0
Substance Abuse Treatment	4,479,269		0
Child Welfare Support Services	3,279,484	3,221,072	-58,412
Board and Care for Children - Adoption	85,514,152		0
Board and Care for Children - Foster	115,122,667	117,006,882	+1,884,215
Board and Care for Children - Residential	192,155,287	180,737,447	-11,417,840
Individualized Family Supports	17,536,968		0
Community KidCare	25,946,425	24,244,167	-1,702,258
Covenant to Care	166,516		0
Neighborhood Center	261,010		0
<b>AGENCY TOTAL</b>	<b>878,784,317</b>	<b>850,224,859</b>	<b>-28,559,458</b>

***§§ 20, 47, 61-62, 64-69, 72, 76-79, 81—Conversion from Managed Care to Administrative Services Organization Model*** (Effective Date: July 1, 2010)

The act authorizes the Department of Social Services (DSS) to contract with one or more administrative services organizations (ASOs) to provide a variety of non-medical services for Medicaid, HUSKY A and B, and Charter Oak Health Plan. It removes references to managed care plans serving recipients of these programs and makes numerous technical and conforming changes.

The ASO contract must cover care coordination, utilization and disease management, customer service, and grievance review; it may cover network management, provider credentialing, monitoring copayments and premiums, and other services the commissioner requires. Subject to approval by the federal Centers for Medicare and Medicaid, the act requires DSS to use the ASO's provider network and billing systems in administering the covered medical assistance programs.

DSS currently contracts with managed care organizations (MCOs) to perform most of these services, which they do as part of a risk-sharing capitation payment that covers medical services. ASOs perform the services for a set fee and do not share any risk for the provision of medical services.

**§ 22 – Increase in Husky B Premiums** (Effective Date: July 1, 2010)

The act increases the monthly premiums that families pay for children enrolled in the HUSKY B program, Band 2 (income between 235% and 300% of the federal poverty level). For one child, the premium rises from \$30 to \$38. The family maximum premium (regardless of number of children) rises from \$50 to \$60.

**§ 27 – Special Education Excess Cost Grants** (Effective Date: July 1, 2010)

By law, the state reimburses school districts for the costs of special education and related services that exceed: (1) for children placed by state agencies, the district's average per-pupil educational cost for the previous school year and (2) for other children, 4.5 times the district's average per-pupil educational cost for the previous school year. For FY 10 and FY 11, current law requires that, if the total grants payable exceed the budgeted appropriation for them, the reimbursements must be proportionately reduced. The act allocates additional grants in FY 11 to most schools districts to reimburse them for these costs. The act lists the specific additional grant amount each district will receive.

**§§ 28-30 – Homeless Youth** (Effective Date: October 1, 2010)

The act requires the Department of Children and Families, within available appropriations, to establish a program for homeless youth and youth at risk of becoming homeless. The program may include one or more of the following services: (1) public outreach, (2) respite housing, and (3) transitional living services. DCF can contract with nonprofit organizations or towns to implement its program. The sum of \$1 million has been provided within Section 1 of this act to support this programming. Following implementation, the department will issue a report which shall include key outcome indicators and measures and shall set benchmarks for evaluating progress in accomplishing the purposes of said section.

Under the act, a homeless youth is a person under age 21 without shelter where appropriate care and supervision are available and who lacks a fixed, regular, and adequate nighttime residence, including youth under the age of 18 whose parent or legal guardian is unable or unwilling to provide shelter and appropriate care.

The act defines “fixed, regular, and adequate nighttime residence” as a dwelling where a person resides on a regular basis that adequately provides safe shelter, but does not include (1) a publicly or privately operated institutional shelter designed to provide temporary living accommodations; (2) transitional housing; (3) temporarily living with a peer, friend, or family member who has not offered a permanent residence, residential lease, or temporary lodging for more than 30 days; or (4) a public or private place not designed for or ordinarily used as a regular sleeping place by human beings.

“Aftercare services” are continued counseling, guidance, or support up to six months following the provision of services.

Under the act, a public outreach and drop-in component is one that provides youth drop-in centers with walk-in access to crisis intervention and ongoing support services. Services include

one-to-one case management services on a self-referral basis and public outreach that locates, contacts, and provides information, referrals, and services to homeless youth and youth at risk of homelessness. This component may include information, referrals, and services for:

- (1) family reunification, conflict resolution, or mediation counseling;
- (2) respite housing; case management aimed at obtaining food clothing, and medical care or mental health counseling; counseling regarding violence, prostitution, substance abuse, sexually transmitted diseases, HIV, and pregnancy; and referrals to agencies for support services;
- (3) improving education, employment, and independent living skills;
- (4) aftercare; and
- (5) specialized services for highly vulnerable homeless youth, including teen parents and those who have been sexually-exploited or have mental illness or developmental disabilities.

The program must also include an emergency shelter component providing homeless youth referrals and walk-in access to short-term residential care on an emergency basis. This includes voluntary housing with private shower facilities, beds, and at least one meal a day, and assistance with reunification with family or a legal guardian when required or appropriate.

Services provided at emergency homeless shelters may include:

- (1) family reunification services or referral to safe housing;
- (2) individual, family, and group counseling;
- (3) assistance in obtaining clothing;
- (4) access to medical and dental care and mental health counseling;
- (5) access to education and employment services;
- (6) recreational activities;
- (7) case management, advocacy, and referrals;
- (8) independent living skills training; and
- (9) aftercare services and transportation

The program must also have a transitional living component that assists homeless youth in finding and maintaining safe housing and includes rental assistance and related support services.

It may include:

- (1) educational assessment and referrals to educational programs;
- (2) career planning, employment, job and independent living skills training;
- (3) job placement;
- (4) budgeting and money management;
- (5) assistance in getting housing appropriate to needs and income;
- (6) counseling about violence, prostitution, substance abuse, sexually transmitted diseases and pregnancy or referrals for medical services or drug or chemical dependence;
- (7) parenting skills, self-sufficiency support services, or life skills training; and
- (8) aftercare.

The act allows agencies to provide services to homeless children and youth unless a parent or guardian refuses to give or rescinds permission. Agencies must make all reasonable efforts to contact a parent or guardian for consent and presumably must stop providing services when the parent objects. But since the age of majority is 18 (or 16 if the child is legally emancipated) parental permission for this group cannot be required.

If the agency acts in good faith and without negligence, under the act they are immune from liability. However, it is unclear if this provision has any legal effect, as agencies are ordinarily not liable for acts undertaken without negligence.

Under the act, by February 1, 2012, the DCF commissioner must submit annual reports on the program to the Children's Committee. The report must include key outcome measures and set benchmarks for evaluating the program's progress in achieving its purposes.

It must also include recommendations for any changes to the program to ensure that the best available services are being delivered to homeless youth and youth at risk of homelessness.

**§§ 31-32 — *Budgets and Reductions for the Branches of Government*** (Effective Date: July 1, 2010)

For a budget act passed for the biennium or making changes to a previously adopted biennial budget with statewide budget reductions not allocated by budgeted agency, the act requires the budget act to specify the amount to be achieved in each branch of government. Beginning with FY 11, the act requires that the initial allotment requisition for each line item appropriation to the Legislative and Judicial branches for a fiscal year be based on the amount appropriated to the line item for the fiscal year minus any reductions the branch must achieve in that year.

The law allows the governor to reduce allotment requisitions or allotments in force up to certain amounts under certain circumstances.

Under current law, the governor cannot reduce allotments for any budgeted agencies of the Legislative or Judicial Branch but she can require an aggregate allotment reduction of a specified amount and the Legislative Management Committee or chief court administrator, as appropriate, achieves these reductions and submit them to the governor through the OPM secretary within 15 days. The act replaces these provisions and instead allows the governor to propose reductions under a new set of procedures.

Under the act:

- (1) within five days of the effective date of a proposed reduction, the OPM secretary must provide notice of the amount, effective date, and reasons for reductions to the (a) Senate president pro tempore and House Speaker of changes affecting the Legislative Branch and (b) chief justice of changes affecting the Judicial Branch;
- (2) within three days of receiving notice, any of the notified officials can provide a written notice to the OPM secretary and Appropriations Committee chairpersons of objections to the reductions;
- (3) the Appropriations Committee may hold a public hearing on the reductions and the reductions are effective unless the committee rejects them by a 2/3 vote within 15 days of receiving the objection notice;
- (4) if the committee rejects the reductions, the OPM secretary must present an alternative plan to achieve the reductions to the appropriate branch officials; and
- (5) if the reductions are not rejected, the Legislative Management Committee or chief justice, as appropriate, must achieve the reductions as they determine and submit the reductions to the governor through the OPM secretary within 10 days of the reductions becoming effective.

**§ 34 — *Single Cost Accounting*** (Effective Date: Upon passage - May 7, 2010)

By law, the DCF and Education commissioners have jointly developed a single cost accounting system. The system may form the basis for paying reasonable expenses for room, board, and education by purchase of service agreements with private DCF-licensed residential treatment centers. The act specifies that this system cannot be used unless the center provides on-campus educational services.

The act also permits the DCF commissioner to establish a performance-based system for DCF-licensed child-care facilities that serve children in DCF's custody. The child-care facility must reinvest payments made under this system and use them to enhance their programs and give direct care staff raises. The act specifies the payments are not considered part of the facilities' income for purposes of establishing payments under the single cost accounting system described above.

**§ 38 – *Flexible Savings Account Program*** (Effective Date: July 1, 2010)

This act provides a mechanism for the comptroller to fund the administration of a flexible spending account (FSA) program for state employees. By law, the comptroller must maintain a flexible health care spending account program for state employees. The act permits the comptroller to pay for the administrative costs associated with this program by transferring actual or projected savings from the state's Social Security (withholding) tax account to a restrictive grant fund account. The annual amount transferred for administrative costs cannot exceed \$250,000.

It also authorizes the comptroller to transfer from the Social Security tax account an amount equal to an employee's yearly contribution to the restrictive grant fund account as long as this amount is paid back to the tax account from the restrictive grant fund account not later than 18 months after such transfer.

When salary is put aside in a FAS program the employer and the employee do not have to pay their respective shares of federal FICA (Social Security and Medicare) taxes on that amount. This tax avoidance can generate savings.

The act requires the comptroller to report annually, beginning March 31, 2012, on the status of the FSA program to the Appropriations Committee and the OPM secretary. Each such report must include: (1) the number of employees enrolled, (2) the program's administrative costs, (3) the amount of forfeitures in the program, and (4) how the permitted transfers affect the Social Security tax account.

**§ 40—*Certified Mail*** (Effective Date: Upon passage - May 7, 2010)

The act specifies that statutory references to “certified mail, return receipt requested,” covers all methods of receiving the return receipt, including mail, electronic, digital, and those methods identified by the U. S. Postal Service's Mailing Standards found in Chapter 500 of the Domestic Mail Manual or its successor. It requires the Legislative Commissioners' Office to make any necessary changes during the codification process to carry out the purpose of this section.

**§§46, 70, 71, 77, 80 — *Name Change for Council Overseeing Medicaid Program*** (Effective Date: Upon passage - May 7, 2010 for the name change, July 1, 2010 for the technical and conforming changes)

The act changes the name of the Medicaid Managed Care Council, which oversees the HUSKY program, and the Charter Oak Health Plan, to the Council on Medicaid Care Management Oversight. It also makes technical and conforming changes.

**§ 56 – *Report on RIP Savings*** (Effective Date: Upon passage - May 7, 2010)

By law, the administrative services commissioner, in consultation with the state comptroller, must report by June 15, 2011 on the savings the state realized from the 2009 retirement incentive

program (RIP). The act removes the administrative services commissioner and instead gives this duty to the OPM secretary. By law, the report must include the number of participants (union and nonunion), the savings achieved by each agency, and how the savings are offset by refilling positions vacated through the RIP. The law also required a report on this due by October 15, 2009.

**§ 63—*Elimination of Husky Plus*** (Effective Date: July 1, 2010)

The act eliminates the HUSKY Plus program, which provides supplemental health care coverage for children eligible for HUSKY B who have intensive physical or mental health needs.

**§§ 73 & 74—*Behavioral Health Partnership Oversight Council*** (Effective Date: July 1, 2010)

The act transfers authority to select the Partnership Council's chairpersons from the Medicaid Managed Care Council's chairpersons to the Partnership Council's members. And, in conformance with the act's elimination of MCOs in the HUSKY program, it (1) eliminates Medicaid MCOs (nonvoting) representation on the Partnership Council and adds a representative of each Medicaid ASO as a nonvoting member.

**§§ 86 – 127 And 155 – *Certificate of Need Process*** (Effective Date: October 1, 2010)

The act makes a number of substantive changes to the certificate of need (CON) process administered by the Office of Health Care Access (OHCA) division of the Department of Public Health (DPH) by (1) clearly identifying when CON authorization is and is not required, (2) updating the guidelines and criteria OHCA must consider when making CON decisions, (3) simplifying the administrative process for CON applications, and (4) requiring an inventory of health care facilities and services.

The act also makes numerous technical changes to reflect legislation enacted last session that merged OHCA into the DPH. (Throughout the analysis, the term “OHCA” and “office” is used when referring to the merged OHCA division in DPH.)

**§ 147 – *Department of Children and Families Grants; Bond Authorization Earmark*** (Effective Date: July 1, 2010)

The act adds a third earmark to a \$3.7 million authorization to DCF for grants to private, nonprofit organizations, including the Boys and Girls Clubs of America, YMCAs, YWCAs, and community centers for construction and renovation of community youth centers for neighborhood recreation or education purposes. It reserves up to \$1 million of the authorization for the Boys and Girls Club of Hartford for construction a new building to be named after Ella Cromwell.

## **BEHAVIORAL HEALTH**

<b>PUBLIC ACT 10-119 - SB 402 AN ACT CONCERNING THE BEHAVIORAL HEALTH PARTNERSHIP.</b>
--

This act makes a number of changes, primarily technical, to add the Department of Mental Health and Addiction Services (DHMAS) to the Connecticut Behavioral Health Partnership. The partnership is an integrated behavioral health system currently operated by the departments of Children and Families and Social Services (DSS).

By adding DHMAS to the partnership, the act requires the department to assume all partnership responsibilities such as (1) designating a partnership director to coordinate its agency responsibilities, (2) developing clinical management policies and procedures, (3) completing annual evaluation and reporting requirements, (4) developing consumer appeal procedures, and (5) monitoring administrative services organizations with whom it contracts to provide behavioral health services.

It also allows the partnership, at the departments' discretion, to expand coverage to include (1) Medicaid recipients not enrolled in HUSKY Plan Part A and (2) Charter Oak Health Plan members. Currently, the partnership serves only (1) children and families receiving services under the HUSKY program; (2) children enrolled in DCF's voluntary services program; and (3) at the DCF and DSS commissioners' discretion, other children and families DCF serves.

Finally, the act makes changes to the partnership's (1) responsibilities, (2) rate setting, (3) clinical management committee, (4) coordinated benefit policies, and (5) oversight council.

It also makes technical and conforming changes.

**EFFECTIVE DATE:** Upon passage (*Signed by Governor 6/7/10*)

## **CREDIT PROTECTION FOR FOSTER CHILDREN**

<b>PUBLIC ACT 10-157 - HB 5196 AN ACT CONCERNING CREDIT PROTECTION FOR YOUTH IN FOSTER CARE.</b>
--

This act requires the Department of Children and Families to obtain a free credit report for every youth in foster care age 16 and older and review it for evidence of identity theft. If DCF finds any evidence, it must (1) report it to the chief state's attorney and (2) advise the affected youth and his or her foster parent, caseworker, and legal representative, if any, about this finding at the youth's next biennial treatment plan meeting.

Under the act, DCF must ask for a free credit report within 15 days after a youth in foster care turns age 16. For a youth age 16 or older already in foster care on July 1, 2010, DCF must order the first report by July 31, 2010.

The act also requires DCF to report to the Human Services and Appropriations committees by July 1, 2011 about its findings of any identity theft found through the credit reports.

**EFFECTIVE DATE:** July 1, 2010, except for the reporting requirement, which is effective on passage. *(Signed by Governor 6/8/10)*



## **DOMESTIC VIOLENCE**

### **PUBLIC ACT 10-91 - HB 5315 AN ACT CONCERNING EDUCATION AND THE REDUCTION OF DOMESTIC VIOLENCE.**

This act requires local and regional school boards, as part of the in-service training they must offer to certified employees, to include information on teen dating violence and domestic violence in the health and mental health risk reduction education information they must provide to those employees.

It also requires the State Board of Education to help and encourage the boards to include domestic violence and teen dating violence as a separate topic in their in-service training programs for certified professional employees. The State Board of Education must provide the assistance within available appropriations and using available material.

Finally, the act expressly allows boards to permit paraprofessionals and noncertified employees to participate voluntarily in the in-service training programs for certified personnel.

**EFFECTIVE DATE:** July 1, 2010 (*Signed by Governor 5/26/10*)

### **PUBLIC ACT 10-137 - HB 5246 AN ACT CONCERNING THE PROTECTION OF, AND SERVICES FOR, VICTIMS OF DOMESTIC VIOLENCE.**

This act makes it easier for tenants who are victims of family violence to leave their dwellings. It allows the tenants to terminate their rental agreements and not be penalized for doing so if they give the landlord at least 30 days notice. It applies to tenants who enter into or renew rental agreements after December 31, 2010. Some of the landlord/tenant provisions of this act were modified by a subsequent act of the General Assembly (see Public Act 10-161, § 5).

The act requires the Department of Public Health (DPH) commissioner, by June 30, 2012 and within available appropriations, to develop and issue a televised public service announcement (PSA) for preventing teen dating violence and family violence. The commissioner can apply for public or private grants for this purpose.

The act mandates a timeframe for the Department of Social Services (DSS) and DPH to make payments from a special fund established with a marriage license surcharge to organizations for shelter services for domestic violence and rape victims.

The act also makes technical changes.

**EFFECTIVE DATE:** October 1, 2010, except for the marriage license surcharge funds and PSA requirements, which are effective on July 1, 2010. (*Signed by Governor 6/7/10*)

### **PUBLIC ACT 10-144 - HB 5497 AN ACT CONCERNING THE RECOMMENDATIONS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES' TASK FORCE ON DOMESTIC VIOLENCE.**

This act makes a number of changes to the laws concerning family violence. It:

- (1) allows the court to consider relevant public court documents in making orders relevant to a petition for relief from physical abuse and eliminates the requirement that copies of the order provided to the applicant be certified (§§ 1 & 2);
- (2) expands information and disclosure requirements for family violence intervention units, courts, and the Department of Children and Families;
- (3) allows the Judicial Branch to establish a pilot program for electronic monitoring of family violence offenders and requires the chief court administrator to apply for federal grants to fund the program;
- (4) changes the name of standing criminal restraining orders to standing criminal protective orders to distinguish them from civil restraining orders;
- (5) (a) requires the court to specify a duration when issuing standing criminal protective orders, (b) allows the court to issue a protective order for the probation period, and (c) makes other minor changes regarding these types of orders;
- (6) expands the persistent offender law for crimes involving assault, trespass, threatening, harassment, and violation of a restraining or protective order by eliminating the limitation on the look-back period and allowing the court to consider convictions for essentially the same crimes in other states;
- (7) allows the chief court administrator to establish a domestic violence docket in three geographical areas; and
- (8) enhances existing, and creates additional, employment protections for family violence victims, including allowing the use of leave time to deal with family violence issues.

The act also makes technical and conforming changes.

**EFFECTIVE DATE:** October 1, 2010, except for the electronic monitoring funding provision, which is effective on passage. *(Signed by Governor 6/7/10)*

## **OTHER ACTS OF INTEREST**

### **PUBLIC ACT 10-38 - HB 5286 AN ACT CONCERNING LICENSURE OF MASTER AND CLINICAL SOCIAL WORKERS**

This act creates a new license category for certain social workers. The new category, called “master social worker,” is administered by the Department of Public Health (DPH). The act:

- (1) defines the practice of a master social worker,
- (2) requires practitioners to be licensed annually and establishes licensure requirements and fees,
- (3) allows for licensure by endorsement or licensure without examination in certain cases,
- (4) provides for one-time \$50 temporary permits to practice,
- (5) prohibits independent practice after October 1, 2013,
- (6) specifies activities certain master social workers can do, and
- (7) establishes continuing education requirements.

DPH currently licenses clinical social workers and continues to do so under the act, with some changes concerning work experience requirements. The act specifies that (1) DPH must issue licenses to master social workers only if appropriations are available and (2) no new regulatory board is established for master social workers if the licensure program is in fact implemented.

**EFFECTIVE DATE:** October 1, 2010 (*Vetoed by the Governor 5/21/10, Veto Overruled by General Assembly 6/21/10*)

### **PUBLIC ACT 10-43 - HB 5539 AN ACT CONCERNING JUDICIAL BRANCH POWERS AND PROCEDURES.**

This act makes numerous changes in court operations and powers, including:

- (1) allows the (a) Social Services (DSS) and Children and Families departments to include children, adolescents, and families served by the Judicial Branch's Court Support Services Division (CSSD) in the Behavioral Health Partnership and (b) chief court administrator to appoint someone to represent CSSD as a non-voting, ex-officio member of the Behavioral Health Partnership Oversight Council (§§ 10-11);
- (2) makes family relations counselors, family counselor trainees, and family services supervisors employed by the Judicial Branch mandated reporters of child abuse and neglect (§§ 12-13);
- (3) authorizes the court in certain hearings on temporary custody or a neglected, uncared for, or dependent child or youth to ask the mother under oath about the identity and address of anyone who might be the father and makes the mother's statement admissible in the proceeding (§§ 38-40); and
- (4) extends to certain children accused in a delinquency proceeding, the court's authority to order testing for venereal disease, AIDS, and HIV (§§ 41-42).

**EFFECTIVE DATE:** October 1, 2010, except the Behavioral Health Partnership provisions and a technical change (§ 23) are effective upon passage, and a change regarding admissibility of statements made by a mother under oath is effective July 1, 2012 (an identical provision in the act takes effect October 1, 2010 and the July 1, 2012 change is a conforming change). (*Signed by Governor 5/18/10*)

**PUBLIC ACT 10-93 - HB 5448 AN ACT CONCERNING THE ADMINISTRATION OF THE DEPARTMENT OF DEVELOPMENTAL SERVICES.**

This act makes minor changes to the Department of Developmental Services' (DDS) Birth-to-Three program and several departmental advisory bodies. It also removes from the sunset review process the DDS abuse and neglect registry, which is scheduled to terminate on July 1, 2012 unless reestablished.

Section 11 of the act allows the Department of Children and Families to provide DDS with limited abuse and neglect investigation records of children (who are already DDS clients) enrolled in the DDS Voluntary Services Program. Current law allows this only for program applicants.

The act also makes technical and conforming changes.

**EFFECTIVE DATE:** October 1, 2010 (*Signed by Governor 5/26/10*)

**PUBLIC ACT 10-112 - HB 5030 AN ACT CONCERNING THE FORFEITURE OF MONEY AND PROPERTY RELATED TO CHILD SEXUAL EXPLOITATION AND HUMAN TRAFFICKING AND THE POSSESSION OF CHILD PORNOGRAPHY.**

This act establishes a civil forfeiture procedure to seize tainted funds and property (i.e., money and property used or obtained from crimes involving sexual offenses). It also expands what constitutes 1<sup>st</sup> degree possessing child pornography. The act also requires police basic training and review training programs to include a course on sexual assault investigations. They must already teach courses on rape crisis intervention.

The law requires both the Department of Correction (DOC) and Judicial Branch's Court Support Services Division (CSSD) to each contract for 12 staff-secure beds for sex offenders returning to the community. The act requires (1) people and entities responding to requests for proposals to identify and provide descriptions of at least five proposed sites and (2) DOC and CSSD to establish proposal evaluation criteria.

**EFFECTIVE DATE:** October 1, 2010, except the siting provision is effective on passage (*Signed by Governor 6/8/10*)

**PUBLIC ACT 10-115 - SB 153 AN ACT PROVIDING A SAFE HARBOR FOR EXPLOITED CHILDREN.**

This act makes prostitution a crime only for people age 16 and older. Under current law, prostitution is a crime regardless of the offender's age.

The act creates a presumption (i.e., one that must be rebutted by the prosecution) that a 16- or 17-year-old charged with prostitution was coerced into committing the offense by another person in violation of the law against trafficking in persons (CGS § 53a-192a). Current law allows anyone accused of prostitution to assert that he or she was coerced by the use or threat of force as an affirmative defense.

The act increases the penalty for promoting prostitution using a person who is less than 18 years old. It does so by making it a class B, rather than a class C, felony. The penalty for a class B felony is a prison sentence of one to 20 years, a fine of up to \$15,000, or both. The penalty for a class C felony is a prison sentence of one to 10 years, a fine of up to \$10,000, or both. The act imposes a nine-month mandatory minimum prison sentence for promoting prostitution of someone under age 18.

The act specifies that, in any prosecution for patronizing a prostitute or promoting or permitting prostitution, a defendant cannot assert that the person engaging or agreeing to engage in sexual conduct for a fee cannot be prosecuted for prostitution because of his or her age.

**EFFECTIVE DATE:** October 1, 2010 (*Signed by Governor 6/7/10*)

<b>PUBLIC ACT 10-133 - HB 5360 AN ACT CONCERNING CHILDREN IN THE RECESSION.</b>
---

This act creates new state agency responsibilities, and reporting requirements intended to provide an emergency response to children affected by the recession. The Department of Social Services (DSS) is the agency most affected, but the other state agencies that the act gives new responsibilities are: the departments of Children and Families, Education (SDE), Labor (DOL), and Public Health (DPH). The added responsibilities are all to be achieved within available appropriations.

Among other things, the act:

- (1) designates the state's Child Poverty and Prevention Council as the children in the recession leadership team to make recommendations for the state's emergency response to children affected by the recession;
- (2) requires DSS to develop a plan for comprehensive state services;
- (3) specifies how DSS can spend emergency funds received through the federal American Recovery and Reimbursement Act (ARRA);
- (4) makes attending a two- or four-year degree program an acceptable work activity for Temporary Assistance For Needy Families (TANF) participants when the unemployment rate is high;
- (5) prohibits DSS from changing eligibility criteria for the child care assistance program (Care4Kids) without 30 days advance notice;
- (6) increases state agency responsibilities for administering programs for the homeless and those at risk of homelessness;
- (7) calls for greater focus on reducing (a) the number of low birth-weight babies, (b) homeless children and families, and (c) food insecurity;
- (8) requires DSS, SDE, and DPH to submit reports to the Appropriations Committee that includes information on their progress in implementing the provisions of the act they have been assigned; and
- (9) immunizes state agencies and officials from civil liability for actions undertaken in complying with the act's requirements.

**EFFECTIVE DATE:** Upon passage, except the provisions on food outreach which take effect July 1, 2010 (*Signed by Governor 6/8/10*)

**PUBLIC ACT 10-142 HB 5207 AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES**

This act prohibits certain state employers from asking about a prospective employee's past convictions until the person is deemed otherwise qualified for the position. The prohibition does not apply if a statute specifically disqualifies someone from a position due to a prior conviction.

The applicable employers are the state; the executive and judicial branches, including any of their boards, departments, commissions, institutions, agencies, or units; boards of trustees of state-owned or -supported colleges, universities, or their branches; public and quasi-public state corporations; authorities established by law; and anyone designated by such employers to act in their interest with employees. The act does not cover the state Board of Labor Relations, Board of Mediation and Arbitration, or, apparently, the Legislative Branch. This means these employers may ask a prospective employee about prior convictions. However, the law, unchanged by the act, prohibits these and other state agencies from denying a person employment solely because of a prior conviction.

EFFECTIVE DATE: October 1, 2010 (*Vetoed by the Governor 6/8/10, Veto Overruled by General Assembly 6/21/10*)

**PUBLIC ACT 10-165 - HB 5197 AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE POSTPONEMENT OF PROGRAM TERMINATION DATES IN THE SUNSET LAW.**

This act delays for one year the review of all agencies and programs subject to termination under the sunset law, including the State Advisory Council on Children and Families and Area Advisory Councils. Both the SAC and the AAC's are now scheduled to terminate on July 1, 2017, unless reestablished by the General Assembly prior to that date.

Under the sunset law, 78 licensing, regulatory, and other state agencies and programs terminate on set dates unless the General Assembly reestablishes them after the Legislative Program Review and Investigations Committee conducts a performance audit of each. The committee must review the public need for each entity according to established criteria and report to the legislature its recommendations for the entity's abolition, reestablishment, modification, or consolidation.

EFFECTIVE DATE: Upon passage (*Signed by Governor 6/8/10*)

**PUBLIC ACT 10-175 - HB 5425 AN ACT CONCERNING SPECIAL EDUCATION.**

Starting July 1, 2012, the act requires school districts to use only behavior analysts licensed or certified in accordance with its requirements to provide applied behavior analysis for students with autism spectrum disorders who require the services (1) according to a special education individualized education program or (2) under an educational plan established under section 504 of the federal Rehabilitation Act of 1973. The act also establishes standards for people who may provide applied behavioral analysis services if the education commissioner finds there are not enough licensed or certified personnel available.

The act also revamps the Advisory Council for Special Education by:

- (1) reducing its statutorily specified membership from 37 to 30 and updating those members' qualifications;
- (2) requiring appointees to reflect the ethnic and racial diversity and types of disabilities found in the state;
- (3) requiring the terms of all current council members to expire on June 30, 2010;
- (4) requiring that, for terms starting July 1, 2010, the appointees of the commissioners of education, developmental services, and children and families serve initial terms of three years and thereafter serve the same two-year terms as the other appointees.

**EFFECTIVE DATE:** Upon passage for the changes in the advisory council and July 1, 2010 for the applied behavior analysis provisions. *(Signed by Governor 6/8/10)*

<b>SPECIAL ACT 10-5 - SB 316 AN ACT ESTABLISHING A COMMISSION ON NONPROFIT HEALTH AND HUMAN SERVICES.</b>
---

This act creates a 28-member Commission on Nonprofit Health and Human Services, including the Commissioner of Children and Families or her designee. The commission shall analyze the funding provided to nonprofit providers of health and human services under purchase of service contracts. Such analysis shall include, but not be limited to: (1) A comparison of the costs of services provided by a state agency with the costs of services provided by a private provider, including a comparison of wages and benefits for private union employees, private nonunion employees and state employees; (2) the cost increases associated with the provision of services by private providers under health and human services programs from 2000 to 2009, inclusive, including increases in the cost of employees' health insurance, workers' compensation insurance, property casualty insurance and utilities; (3) the projected costs associated with the provision of services by private providers under health and human services programs through December 31, 2014; (4) a projection of cost savings that may be achieved by serving individuals who are recipients of benefits under health and human services programs in their communities rather than in institutions; and (5) sources of revenue for health and human services programs.

The Commission is to submit a preliminary report not later than January 1, 2011 and a final report not later than April 1, 2011. The final report shall include, but not be limited to, recommendations for budget, policy and statutory changes that can be effectuated to improve funding for nonprofit providers of health and human services under purchase of service contracts. The commission shall terminate on the date that it submits such final report or April 1, 2011, whichever is later.

**EFFECTIVE DATE:** Upon passage. *(Signed by Governor 6/8/10)*

## **JUNE SPECIAL SESSION**

**JUNE SPECIAL SESSION, PUBLIC ACT 10-1 - SB 501 AN ACT CONCERNING THE REAL ESTATE CONVEYANCE TAX, THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND, ADJUSTMENTS TO CERTAIN PROGRAMS IMPLEMENTED THROUGH THE DEPARTMENT OF SOCIAL SERVICES, A REPORT ON TAX CREDITS, JUVENILE JUSTICE, ABSENTEE VOTING BY MEMBERS OF THE MILITARY, REVISIONS TO VARIOUS TASK FORCES, COMMISSIONS AND COUNCILS, AND AMENDMENTS AND MINOR AND TECHNICAL CHANGES TO CERTAIN SPECIAL AND PUBLIC ACTS OF THE 2010 REGULAR SESSION.**

This act extends the expiration date of a higher municipal real estate conveyance tax rate for one year and exempts foreclosures by sale and short sales from the tax. It makes changes to the FY 11 budget act as well as to other laws enacted in the 2010 regular session relating to Medicaid, HUSKY Plus, juvenile justice, tax credits, school construction projects, and appointments to commissions and task forces. It also authorizes conveyances of state property, establishes a temporary high risk pool in conformance with the federal health care reform law, and changes state election law to comply with the federal Military and Overseas Voter Empowerment Act.

Finally, the act makes minor and technical changes and corrections in public and special acts, including bond acts, passed in the 2010 regular session.

These and the other changes of interest to DCF are described in the section-by-section analysis below.

EFFECTIVE DATE: Various, see below. (*Signed by Governor 6/22/10*)

### ***§ 8 - Conveyance of Property*** (Effective Date: Upon passage 6/22/10)

The act amends a 1999 conveyance of four parcels totaling 3.31 acres from the Department of Children and Families to Middletown for municipal purposes. It conveys to Middletown improvements to the previously-conveyed parcels and requires those improvements to be used for municipal purposes. The original conveyance did not include the improvements to the parcels.

### ***§ 25 — Payment for State Humane Institutions Serving Medicaid Recipients*** (Effective Date: July 1, 2010)

Under current law, payments for supporting Medicaid recipients who receive care in a state mental hospital can be made to the commissioner of administrative services, who must keep an accounting of these and turn it over to the state treasurer. The act instead allows DSS to pay all bills or services provided by state humane institutions to Medicaid recipients to the state agency that provides the services or oversees the institution's operations. The state's humane institutions include the above hospitals, community mental health centers, treatment facilities for children and adolescents, or any other facility or program administered by the departments of Mental Health and Addiction Services, Developmental Services, or Children and Families.

### ***§ 26 — Presumptive Eligibility for Husky B Children*** (Effective Date: Upon passage 6/22/10)

The act permits the DSS commissioner to implement presumptive eligibility for children applying for HUSKY B if it is cost effective to do so. By law, DSS must do these eligibility



determinations for children applying for Medicaid, in accordance with federal law. The commissioner adopts regulations to establish standards and procedures for designating organizations as “qualified entities” that can grant presumptive eligibility. These same provisions apply under the act if DSS uses presumptive eligibility for HUSKY B applicants. Presumptive eligibility means that children are presumed to be eligible for assistance (hence can start receiving benefits immediately) based on statements made by their caretaker relatives. Complete eligibility determinations are done after initial eligibility is granted.

**§ 28 — *Juvenile Matters Definitions*** (Effective Date: Upon passage 6/22/10)

The act amends various definitions applicable to juvenile matters, in most cases to conform statutes to reflect the increase in juvenile court jurisdiction to those age 16, rather than 15. But it also (1) excludes emancipated minors from juvenile court jurisdiction; , (2) makes 1<sup>st</sup> and 2<sup>nd</sup> degree failure to appear a delinquent act only if it involves failing to appear at a delinquency proceeding of which the child had notice, and (3) excludes from the definition of “serious juvenile offense” that portion of the risk of injury statute that involves placing a child in a situation where he or she is likely to be endangered or have his or her morals impaired.

**§ 29 — *Disclosing Delinquency Records to the Department of Motor Vehicles*** (Effective Date: July 1, 2010)

The act requires that delinquency proceedings that contain information that a child has been convicted as delinquent for specified offenses must be disclosed to the Department of Motor Vehicles. The department must use the records in determining whether administrative sanctions on the delinquent's driver's license are warranted. It may not further disclose the delinquency record. The covered offenses are:

- (1) misrepresenting one's age to get an identity card or using someone else's card;
- (2) using a someone else's motor vehicle registration or driver's license,;
- (3) operating with a revoked or suspended license;
- (4) reckless driving;
- (5) failing to bring vehicle to a full stop when signaled by a police officer; ;
- (6) leaving the scene of an accident;
- (7) drag racing;
- (8) if a minor, using a fake or borrowed license to buy alcohol; and
- (9) if a minor, possessing alcohol.

**§ 30 — *Transferring Cases to Juvenile Docket*** (Effective Date: July 1, 2010)

The act allows judges to transfer cases involving 16-year-olds (and beginning July 1, 2012, 17-year-olds) from the youthful offender, adult, or motor vehicle docket to juvenile court. The transfer provision is for matters for which the juvenile could be subject to imprisonment. Driving under the influence claims are not subject to this process. The transfer is triggered by the motion of any party or the judge hearing the case; it must be raised before trial or entry of a guilty plea. The judge must find that (1) the youth is charged with an offense or violation occurring on or after January 1, 22010 and (2) after a hearing considering the facts and circumstances of the case and the youth's prior history, the programs and services available in the juvenile court would more appropriately address the youth's needs and the youth and community are better served treating the youth as a delinquent.

Under the act, the court ordering the transfer must vacate any pleas entered in the matter and advise the youth of his or her rights. The youth must (1) enter pleas on the docket for juvenile

matters in the jurisdiction where he or she resides and (2) be subject to prosecution as a delinquent child. The act specifies that transfer decisions cannot be immediately appealed.

**§ 31 — *Admissibility of Juvenile Confessions*** (Effective Date: July 1, 2010)

By law, in juvenile proceedings, confessions of children under age 16 are not admissible against the child unless a parent who has been given Miranda warnings is present. For those age 16, admissibility is determined based on the totality of circumstances.

The act provides that admissions; confessions; or statements, whether written or oral, made by the youth to a police officer in connection with a case that gets transferred to the juvenile court from the youthful offender or regular docket or from a motor vehicles docket are admissible in juvenile court.

**§§ 32-34 — *Restoration of Husky Plus Services*** (Effective Date: July 1, 2010)

PA 10-179 repealed the HUSKY Plus program. This act restores the program, which requires DSS to provide supplemental benefits to children enrolled in the HUSKY B program (1) in families with incomes no higher than 300% of the federal poverty level and (2) who have extraordinary physical health or behavioral health needs that exceed the standard HUSKY B benefit package. The program is run within available appropriations. The act also makes technical and conforming changes.

**§ 41 — *Advisory Council for Special Education*** (Effective Date: Upon passage 6/22/10)

PA 10-175 reduced the council's membership from 37 to 30 and revised appointments to the council. This act adds: (1) one member for a total of 31, (2) increases the education commissioner's appointments from eight to nine, (3) requires the commissioner rather than the Senate president pro tempore to appoint a representative of a Connecticut higher education institution with a teacher preparation program, and (4) requires the Senate president pro tempore to appoint a member of the Connecticut Speech-Language-Hearing Association.

**§ 46 — *Behavioral Health Partnership Oversight Council*** (Effective Date: July 1, 2010)

The act reverses a change made in PA 10-179 (§ 71) that reduced the the Senate minority leader's council appointments from two to one by eliminating the requirement that he appoint a member of the advisory council on Medicaid care management oversight. Under this act, the Senate minority leader once again appoints two members, one who must be a provider of community-based services for children with behavioral health problems and the other, a member of the advisory council on Medicaid care management oversight. The council advises the DSS and DCF commissioners on the planning and implementation of the Behavioral Health Partnership.

<b>JUNE SPECIAL SESSION, PUBLIC ACT 10-2 - SB 502 AN ACT MAKING ADJUSTMENTS TO THE BUDGET AND TO CERTAIN PUBLIC ACTS, AND ESTABLISHING THE HOMEOWNER'S EQUITY RECOVERY OPPORTUNITY LOAN PROGRAM</b>
---

This act makes various changes to implement the FY 10 deficit mitigation and FY 11 budget adjustment acts. It also allows the Connecticut Housing Finance Authority (CHFA) to provide mortgages to eligible buyers of distressed, foreclosed, or abandoned property and repeals a duplicative property tax exemption deadline extension.

EFFECTIVE DATE: Various, see below. (*Signed by Governor 6/22/10*)

**§§ 1 & 2 — *Changes in FY 11 Budget*** (Effective Date: July 1, 2010)

The act makes changes the FY 11 budget as enacted in PA 10-179. It:

- (1) reduces the Department of Social Services' (DSS) appropriation for the Children's Trust Fund by \$ 2,253,225 and adds that amount to the Medicaid appropriation;
- (2) reduces DSS' appropriation for Alzheimer Respite Care by \$ 500,000;
- (3) appropriates \$ 500,000 to the State Department of Education for the Parent Trust Fund Program; and
- (4) redistributes cuts in Other Expenses to the FY 07 level by increasing legislative branch's required lapse by \$ 1,101,667, from \$ 9,639 to \$ 1,111,306 and reducing the executive branch's by the same amount, from \$ 31,990,361 to \$ 30,888,694.

**§ 3 — *Supportive Housing, Next Steps Initiative*** (Effective Date: Upon passage 6/22/10)

Public Act 09-7 authorized funds to (1) provide rental assistance and services for the Next Steps Initiative's Round 3 development projects and (2) pay for debt service on the bonds issued to finance the projects. That act required any rental assistance and services funds not used for Round 3 to be used for other rental assistance and services for new scattered site supportive housing. This act allows, rather than requires, any unused FY 11 Round 3 funds to be used for those purposes. It also repeals obsolete FY 10 funding allocations.

Public Act 09-7 act authorized up to the following amounts for Round 3 in FY 11:

- (1) \$ 264,000 of the funds appropriated to DSS for Homeless/Housing Services,
- (2) \$ 1 million of the funds appropriated to the Department of Mental Health and Addiction Services (DMHAS) for Housing Supports and Services, and
- (3) \$ 1 million of the funds appropriated to the treasurer to pay debt service.

By law, the Next Steps Initiative provides affordable housing and support services for people and families affected by psychiatric disabilities and chemical dependency who are homeless or at risk of being homeless and for supervised ex-offenders with serious mental health needs, among others. The law allows the state to provide state funds to the Connecticut Housing Finance Authority to pay debt service on bonds it issued for mortgage loans under the Next Steps Initiative.

**§ 4 — *Special Education Supplemental Excess Cost Grants*** (Effective Date: Upon passage 6/22/10)

Public Act 10-179 allocates supplemental grants for FY 10 and FY 11 to most schools districts for their special education costs that exceed (1) for children placed by state agencies, the district's average per-pupil educational cost for the previous school year and (2) for other children, 4. 5 times the district's average per-pupil educational cost for the previous school year.

This act changes the effective date of these supplemental grants from July 1, 2010 to the date of Public Act 10-179's passage (May 7, 2010).