

# Department of Children and Families

## Legislative Summary

2012



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*The following is a compilation of legislation of interest to the Department of Children and Families from the 2012 Regular Session and the June 12<sup>th</sup> Special Session of the General Assembly. These summaries are based largely upon the bill analysis prepared by the General Assembly's Office of Legislative Research.*

### **MAJOR ACTS OF INTEREST**

#### **PUBLIC ACT 12-82 - HB-5217 - AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES.**

##### **DCF LEGISLATIVE PROPOSAL**

This act permits the Department of Children and Families to file adoption petitions in the Superior Court, instead of the Probate Court, when the child's biological parents' rights have been terminated by that court. (see also Public Act 12-1, June 12<sup>th</sup> Special Session, § 143)

The act sets up a parallel process for Superior Court adoption proceedings. It requires that all of the studies and other Court documents filed in the termination proceedings be made available to the Court and requires DCF to prepare a social study similar to what it currently prepares for the Probate Court. The study is admissible in evidence, and the person preparing it is subject to examination in Court.

The act requires the Superior Court to (1) set times and dates for hearings on these petitions and (2) provide notice to the parties to the agreement and certain others. It entitles the adoptive parents to access records and other information relating to the child's history, provided these records are disclosed in accordance with confidentiality laws. The act also eliminates a requirement relative to Probate Court adoptions.

The act also makes several changes in other laws governing DCF. It:

- 1) changes the appointing authority and composition of the State Advisory Council on Children and Families and increases the number of consecutive terms members may serve;
- 2) directs the DCF commissioner, instead of the council, to appoint certain members of the Children's Behavioral Health Advisory Committee;
- 3) allows additional DCF records to be disclosed without the consent of the person who is the subject of the record;
- 4) places additional limits on how DCF records that are legally disclosable can be further disclosed;
- 5) requires individuals who falsely report child abuse or neglect to be referred to the chief state's attorney for criminal investigation; and
- 6) exempts DCF attorneys from having to pay certain court fees.

The act renames:

- 1) Riverview Hospital for Children and Youth (which is on the campus of Connecticut Valley Hospital in Middletown) the Albert J. Solnit Children's Center—South Campus and
- 2) Connecticut Children's Place in East Windsor the Albert J. Solnit Children's Center—North Campus (§§ 6-7).

Finally, the act makes technical changes.

## SUPERIOR COURT AUTHORIZED TO FINALIZE ADOPTIONS (§§ 16-19)

The act permits the DCF commissioner to file an adoption petition along with a written adoption agreement in the Superior Court when (1) that court has granted a petition to terminate the parental rights, (2) the Court has appointed DCF as statutory parent, and (3) the appeal or period to appeal the termination has expired. The petition must be filed in the same Court that terminated the parental rights. Under prior law, these adoption agreements could be filed only in the Probate Court.

### *Studies*

The act requires all social studies, psychological reports, and court documents previously filed in the termination proceeding to be available to the Court, subject to the rules of evidence, for the Court's review and consideration in acting on the adoption petition. The Court must protect the biological relatives' confidentiality, to the extent possible, unless the information was previously disclosed.

The act requires DCF to prepare and submit with its petition a social study regarding the proposed adoption. This study must include at least enough information as required in reports currently filed with the Probate Court in adoptions under its jurisdiction. This includes enough information about the child and the parties to the adoption agreement, including their physical and mental status, to enable the Court to determine whether the adoption is in the child's best interest. Any studies and reports filed with the petition or afterwards must be available to the adoptive parents.

Any study or report is admissible in evidence subject to the right of any interested party to require that the person making it appear as a witness, if available, and be subject to examination. Here again, the Court must protect the biological relatives' confidentiality, to the extent possible, unless the information was previously disclosed.

### *Hearings and Court Actions*

The act requires the Superior Court, once it receives such petitions and social studies, to set a time and date for a hearing and give reasonable notice to (1) DCF and all other parties of the agreement; (2) the child, if he or she is over age 12; (3) the child's attorney; and (4) any other parties that the Court requires.

Before acting on the petition, the Court can continue the matter for further investigation and report, issue orders of notice, or take other action. At the hearing, the Court can deny the petition or, if it is satisfied that the adoption is in the child's best interest, enter a decree approving the adoption.

### *Records*

Under the act, adoptive parents are entitled to receive copies of the records and other information relating to the child's history that the DCF Commissioner maintains. Such records must be edited, if required by law, to protect the identity of the biological parents and any other person whose identity is confidential.

The act provides that records of juvenile matter cases involving adoption proceedings, or any part of these records, are confidential and can be disclosed only in accordance with the law governing the availability and confidentiality of adoption records.

### *Elimination of Requirement that Probate Court Adoption Applications Be Signed*

The act eliminates (1) a requirement that Probate Court adoption applications be signed by one or more of the parties to the adoption agreement and (2) the authority these parties have to waive notice of the hearing on the agreement.

## ADVISORY COUNCIL ON CHILDREN AND FAMILIES (§ 2)

By law, this Council is composed of 19 members. The act decreases the number of Gubernatorial appointments and gives these appointments to DCF Regional Advisory Councils (which advise the DCF

Commissioner on service development and delivery in those areas). It also makes changes to the Council's composition, as shown in Table 1.

**Table 1: State Advisory Council on Children and Families**

<b>Composition</b>	<b>Prior Law</b>	<b>The Act</b>
<b>Gubernatorial appointments</b>	19	13
Representatives of young people, parents, and others interested in service delivery to children and youth	Balance of council after at least nine designated appointments	7
Child care professionals	At least 5	2
Parents, foster parents, or family members of children receiving DCF behavioral health, child welfare, or juvenile services	At least 10	At least 4
<b>Regional Advisory Council appointments</b>		
Members representing the councils	0	6

The act also increases from two to three the number of consecutive two-year terms council members may serve.

Under prior law, no more than half of the Council members could receive income from (1) the private practice of or (2) any public agency that delivered mental health, substance abuse, child abuse prevention and treatment, or child welfare or juvenile services. Under the act, this limitation does not apply between October 1, 2012 and October 1, 2014.

**CHILDREN'S BEHAVIORAL HEALTH ADVISORY COMMITTEE (§ 3)**

The Children's Behavioral Health Advisory Committee promotes and enhances the provision of children's behavioral health services in the state. Its members include state agency heads and public members appointed by the Governor and legislative leaders. Previously, the State Advisory Council on Children and Families appointed 16 members. The act directs the DCF Commissioner to make these appointments instead.

The act also requires the Council to submit its (1) annual report on local systems of care and practice standards for state-funded behavioral health programs and (2) biennial recommendations (in odd-numbered years) concerning children's behavioral health to the DCF Commissioner as well as the State Advisory Council on Children and Families.

**DCF RECORDS (§§ 4 & 5)**

*Additional Disclosures*

DCF records are generally confidential but can be disclosed (1) with the consent of the person who is the subject of them or (2) without consent under certain circumstances. By law, when records are legally disclosed, they cannot be further disclosed without consent except (1) when the disclosure pertains to the licensure of a child care facility and is otherwise permitted by DCF law or (2) by a Court order. The act allows further disclosure when the law otherwise provides for it.

*Disclosures Allowed Without Consent*

The law requires disclosure without the person's consent to the Chief Public Defender or her designee. The act provides that such disclosures are allowed for purposes of competent representation by the attorneys with whom the Chief Public Defender contracts (1) to provide legal and guardian ad litem

services to the records' subjects and (2) for ensuring accurate payments for services these attorneys provide. (Currently, the office of the Chief Public Defender is consolidating the operations of the former Commission on Child Protection, whose duties included hiring attorneys to represent families in these proceedings and which was eliminated with the passage of Public Act 11-51 and merged into that agency.)

The act also requires DCF to disclose records to school superintendents for the purpose of determining a potential employee's suitability for a job in a public school. By law, applicants for public school positions must submit to both criminal history record and, in most cases, DCF child abuse registry, checks. The act also requires record disclosures to (1) public school superintendents, (2) the executive director or other head of a public or private institution for children providing their care, or (3) a private school with respect to the laws governing alleged child abuse or neglect involving school personnel.

By law, DCF can disclose information without consent to DMV for the purpose of conducting criminal history background checks (which include checks of the DCF abuse registry) for prospective school bus drivers. Under prior law, the information DCF could disclose included that related to abuse or neglect investigations and information in the child abuse and neglect registry. The act permits DCF to disclose information in the registry only, provided the disclosure is made in accordance with the law, which generally prohibits disclosure until an alleged perpetrator of abuse or neglect has exhausted appeals of a child abuse or neglect substantiation.

#### FALSE REPORTS OF ABUSE OR NEGLECT (§ 10)

By law, anyone who knowingly makes a false report of child abuse or neglect can be fined up to \$2,000, imprisoned for up to one year, or both. The act requires that anyone who is alleged to have made such a false report be referred to the office of the Chief State's Attorney for purposes of a criminal investigation. Reports of child abuse and neglect typically go to either DCF's hotline or the local police.

#### DCF EXEMPTION FROM COURT FILING FEES (§ 14)

The act exempts DCF attorneys acting in their official capacity from having to pay a variety of court filing fees. Prior law already exempted other enumerated state agencies' attorneys from paying these fees.

**Effective Date:** October 1, 2012, except that a technical change related to DCF regulations for reports of child abuse and neglect is effective upon passage. (*Signed by Governor Malloy on June 6, 2012*)

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### **PUBLIC ACT 12-71 - SB-156 - AN ACT CONCERNING SIBLING VISITATION FOR CHILDREN IN THE CARE AND CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES.**

This act establishes minimum visitation requirements for separated siblings of children placed in Department of Children and Families' care and custody, including children in foster homes. Specifically, it requires the DCF Commissioner, within available appropriations and provided the siblings live in the state and within 50 miles of each other, to ensure that visits occur, on average, at least once a week, unless the Commissioner determines that allowing such frequent visits would not be in the siblings' best interests. When the Commissioner makes such a determination, she must state her reasons in the child's treatment plan.

The act requires the Commissioner to report by October 1 annually to the General Assembly's Select Committee on Children data sufficient to demonstrate DCF has complied with the entire sibling visitation law.

The act also requires the DCF Commissioner to meet with members of each Youth Advisory Board to get recommendations for creating a "Sibling Bill of Rights." DCF must incorporate the final version of this document into department policy and share it with children placed in its care and custody.

**Effective Date:** October 1, 2014 for the sibling visitation provisions and upon passage for the Sibling Bill of Rights provisions. *(Signed by Governor Malloy on June 6, 2012)*

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**PUBLIC ACT 12-53 - SB-293 - AN ACT CONCERNING PERMANENCY AND TRANSITION PLANS.**

This act requires the Department of Children and Families to document a child's eligibility for Social Security benefits, including Supplemental Security Income (SSI), survivor, and disabled child benefits, in the permanency plan for each child in its care and custody. The act also establishes additional permanency plan requirements.

The act requires DCF to complete and submit an SSI application for each eligible child in its care and custody. It also requires DCF to (1) maintain and respond to any correspondence regarding the application and benefits and (2) determine if a 17-year-old Social Security recipient will need a representative payee when he or she ages out of DCF care and plan accordingly.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on May 31, 2012)*

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**PUBLIC ACT 12-58 - SB-294 - AN ACT CONCERNING CHILDREN AND THE DEPARTMENT OF CHILDREN AND FAMILIES.**

By law, the Department of Children and Families Commissioner or any agent she appoints must carefully supervise children under her guardianship and care. The Commissioner or agent must maintain contact with the child and the child's foster family to promote the child's safety and his or her physical, educational, moral, and emotional development. This act requires the Commissioner or agent to visit each foster home at least once every 60 days.

The act also requires the Commissioner, within 60 days after a child or youth with behavioral health needs is placed in DCF care and custody, to visit the family home or homes of such child or youth. The purpose of the visit is, at a minimum, to (1) assess the potential causes of the child's behavioral health needs, including genetic and familial factors and (2) determine the resources needed to best treat the child.

Finally, the act requires DCF to (1) prescribe a form for foster families to use when submitting special requests to DCF on the child's behalf and (2) respond to these requests within five business days or the requests are deemed approved. Special requests include asking that a foster child be allowed to travel overnight or out-of-state with his or her foster family.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on May 31, 2012)*

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**PUBLIC ACT 12-201 - SB-157 - AN ACT REVISING THE DEFINITION OF A CHILD CARE FACILITY TO CONFORM WITH THE DEFINITION OF A CHILD.**

This act raises the maximum age of a person placed for the first time in a child care facility from under age 18 to under age 21. By law, child care facilities are congregate residential settings licensed by the Department of Children and Families. The DCF Commissioner can petition a Court for permission to place a child committed to her custody in such a facility if the child cannot be satisfactorily cared for in a foster home because he or she has developmental or physical disabilities, mental illness, emotional issues, or behavioral disorders.

Currently, someone between ages 18 and 21 may be placed in such a facility only if he or she attends a secondary school, technical school, college, or state accredited job training program full-time and was first placed before his or her 18<sup>th</sup> birthday.

**Effective Date:** October 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

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**PUBLIC ACT 12-35 - HB-5346 - AN ACT CONCERNING MINOR AND TECHNICAL REVISIONS TO STATUTES AFFECTING CHILDREN AND YOUTH.**

This act restricts the Department of Children and Families' duty to disclose records in certain situations. Current law requires DCF to disclose a record, subject to applicable law and without the consent of the person who is the subject of the record, to a DCF employee for any purpose reasonably related to DCF business. Under the act, such a disclosure may be made only if it is reasonably related to the performance of the DCF employee's duties.

The act also makes minor, technical, and conforming changes in certain statutes affecting children and youths.

**Effective Date:** October 1, 2012 (*Signed by Governor Malloy on May 14, 2012*)

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**PUBLIC ACT 12-1 (June 12<sup>th</sup> Special Session) - HB-6001 - AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2012.**

**§ 131—ELECTRONIC TRACKING OF HIGH-RISK FAMILY VIOLENCE PERPRETRATORS**

The act authorizes the Judicial Branch to resume and expand a family violence pilot program that had been discontinued due to lack of funds. The pilot had allowed Judges in Bridgeport, Danielson, and Hartford to order electronic monitoring when necessary to protect a family violence victim. Those subject to Court-ordered monitoring must have been (1) charged with violating a family-violence-related restraining or protective order and (2) classified as a "high-risk offender" by the Court's Family Violence Intervention Unit. Monitoring such individuals warned law enforcement agencies, a statewide information collection center, and the victim when the person being monitored was within a specified distance from the victim.

The act permits the branch to revive the pilot program beginning July 1, 2012, within available resources. It also permits one or more additional districts to participate.

**Effective Date:** July 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

**§ 141—SEXUAL ASSAULT EVIDENCE EXAMS**

Current law prohibits health care facilities and sexual assault victims from being charged, directly or indirectly for examinations conducted to gather evidence under the state's regulatory protocol. Costs of pregnancy and sexually transmitted disease testing and prophylactic care are specifically prohibited.

The act extends the no-charge provisions to medical forensic assessment interviews or physical examinations conducted by providers or by examiners working cooperatively (1) toward the prevention, identification, and investigation child abuse and neglect. or (2) with a child advocacy centers. And it removes references to the services listed in prior law.

By law, these costs must be charged to the Judicial Branch's Office of Victim Services.

The act also adds a member of the Office of Victim Services to the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations.

**Effective Date:** October 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

#### **§ 143—ADOPTIONS IN SUPERIOR COURT**

Public Act 12-82 permits the Department of Children and Families to file adoption petitions in the Superior Court, instead of the Probate Court, in certain circumstances. The act ensures this can occur by making an exception to existing law's requirement that all adoption applications be filed in the Probate Court.

**Effective Date:** October 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

#### **§ 223—YOUTH EMPLOYMENT**

The act requires the Labor Commissioner, in consultation with the Connecticut Employment and Training Commission, to develop youth employment strategies to bolster youth employment and address youth and young adult unemployment. The strategies must include educating employers about the job expansion tax credit program and the ability to claim the credit for hiring a qualifying young adult.

Additionally, the strategies must reflect the (1) impact of an aging population on youth and young adult employment and (2) importance of urban centers as youth employment hubs. The Commissioner must report on such strategies to the General Assembly's Higher Education Committee by December 31, 2012.

**Effective Date:** July 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

#### **§ 231—COORDINATED SCHOOL HEALTH PILOT PROGRAM**

For FY 13, the act requires the Education Commissioner to establish a pilot program to provide grants to two educational reform districts the Commissioner selects to coordinate school health, education, and wellness and reduce childhood obesity. The educational reform districts are the ten districts with the lowest student performance on statewide mastery tests, according to a district performance index established in Public Act 12-116. They are: Bridgeport, East Hartford, Hartford, Meriden, New Britain, New Haven, New London, Norwich, Waterbury, and Windham.

Pilot programs must enhance student health, promote academic achievement, and reduce childhood obesity by bringing together school staff, students, families, and community members to (1) assess health needs; (2) establish priorities; and (3) plan, implement, and evaluate school health activities. They must include at least the following:

- 1) school nutrition services,
- 2) physical education,
- 3) a healthy school environment,
- 4) staff health and wellness,
- 5) family and community involvement,
- 6) health education and services,
- 7) school counseling, and
- 8) school psychological and social services.

The Commissioner must establish program implementation guidelines for the selected districts to use and provide technical assistance and resources to the districts on implementing the programs. He must make a final report on the program by October 1, 2013 to the Governor and the General Assembly's Education and Appropriations Committees.



**Effective Date:** July 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

**§ 232—WRAPAROUND SERVICES GRANT PROGRAM**

The act requires the Education Commissioner, within available appropriations, to establish a program to provide grants to educational reform districts (see § 231) for: (1) social-emotional behavioral supports, (2) family involvement and support, (3) student engagement, (4) physical health and wellness, and (5) social work and case management. It allows an educational reform district's school board to apply for a grant when and how the Commissioner prescribes.

**Effective Date:** July 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

**§§ 266-269—JUVENILE COURTS AND FAMILIES WITH SERVICE NEEDS**

The act specifies that Juvenile Courts and Families with Service Needs (FWSN) services and programs are not available to children who were under age seven when they allegedly committed an otherwise-qualifying act.

**Effective Date:** October 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

**§§ 268 & 281—JUVENILE COMPETENCY**

The act creates a procedure, similar to that used in Adult Court, when there is a question about the competency of a child charged with a delinquent or FWSN offense.

Under existing law and the act, children and youth (hereafter “children” or “child”) are presumed to be competent. But if it appears at any time during a Juvenile Court delinquency, FWSN, or other Court proceeding that the child may not be competent, the law and act prohibit his or her being tried, convicted, adjudicated, or subject to any Court disposition. The act states that transfers from juvenile to Adult Court dockets are not dispositions and are therefore permissible, even if the child is not competent.

***Court Hearing to Determine if Mental Examination is Warranted***

Under the act, the child's attorney or the prosecutor may request a hearing to determine if a competency examination is warranted. The Judge can also raise this question on his or her own motion.

The act requires that the child be represented by an attorney whenever the Court is considering a request for such an examination. (Existing law entitles children to legal representation throughout delinquency and FWSN proceedings. )

Under the act, the party raising the question of competency bears the burden going forward with the evidence and proving, by a preponderance of the evidence, that the child is not competent. The prosecutor bears the burden of going forward with the evidence when the Judge raises the issue. The Judge may call his or her own witnesses and ask questions at this proceeding.

***Competency Examinations***

Under the act, the Court must order a competency examination after the initial hearing if a preponderance of the evidence shows that (1) the examination is justified and (2) probable cause exists to believe that the child committed the offense with which he or she is charged. The act requires that the examination be conducted, within available appropriations, by (1) a three-person clinical team constituted under policies and procedures established by the Chief Court Administrator or (2) if the parties agree, a physician specializing in psychiatry with experience in conducting forensic interviews and in child and adult psychiatry (“psychiatrist”).

The act requires clinical teams to be composed of a clinical psychologist with experience in child and adolescent psychiatry and two of the following: a (1) licensed clinical social worker, (2) child psychiatric

nurse clinical specialist holding a master's degree in nursing, or (3) physician specializing in psychiatry. At least one must have experience in conducting forensic interviews and at least one must have experience in child and adolescent psychiatry.

At the child's expense, the act allows him or her to select a mental health professional with one of the above qualifications to observe the examination. If the child is represented by an attorney appointed through the Public Defender Services Commission, the Chief Public Defender's Office will provide an observer. In such cases, the act also allows a social worker employed by the commission to attend the examination.

Examinations must be completed within 15 business days of the date they were ordered, unless the Court finds good cause for granting more time. The act directs the Court to resume delinquency or FWSN matters whenever it finds the child competent.

**Examination Reports.** The act requires the clinical team or psychiatrist to prepare, sign, and file its report within 21 business days of the date of the Court's examination order. The report need not be notarized, but must address the child's (1) ability to understand the proceedings or (2) assist in his or her own defense.

If the opinion of the clinical team or psychiatrist is that the child does not meet one or both of the above criteria, the report must also include:

- 1) a determination if there is a substantial probability that the child will attain or regain competency within 90 days of a Court-ordered intervention and
- 2) the nature and type of recommended intervention and the least restrictive setting possible for implementing it.

The act requires the Court clerk to send the attorneys representing the state and child copies of the report at least 48 hours in advance of the competency hearing.

#### **Competency Hearing**

The act requires the Court to hold an evidentiary competency hearing within 10 business days of receipt of the clinical report. The child may waive his or her rights to this hearing if none of the examiners found the child incompetent.

At the hearing, either party can introduce the examination report or other evidence regarding a child's competency. If the report is introduced as evidence, the act requires at least one member of the clinical team or the psychiatrist, as appropriate, to be present to explain the basis for the report's determinations. The prosecutor and child can jointly waive this requirement.

#### **Competency—Restoration Considerations**

If the Court finds that the child is incompetent, it must decide if (1) there is a substantial probability that competency will be restored within 90 days of a Court-ordered intervention and (2) any proposed intervention is appropriate. To make the latter finding, the act allows it to consider:

- 1) the nature and circumstances of the alleged offense,
- 2) how long the clinical team or psychiatrist estimate it will take to restore the child to competence,
- 3) if the child poses a substantial risk of reoffending, and
- 4) if he or she can receive community-based services or treatment that could prevent reoffending.

**When Competency Restoration is Not Likely.** If the Judge finds there is not a substantial probability that the child will attain or regain competency within 90 days or that the recommended intervention is not appropriate, it can order one of the following:

- 1) dismissal, if the child is charged with a delinquent act or FWSN offense;

2) that the Department of Children and Families assume temporary custody and notify the public defender's office, which must assign an attorney to serve as the child's guardian ad litem (representative of the child's best interest) and investigate whether an abuse and neglect petition should be filed on the child's behalf; or

3) that DCF or some other person, agency, mental health facility or treatment program, or the child's probation officer conduct or obtain an appropriate assessment and, where appropriate, propose a plan for services that appropriately address the child's needs in the least restrictive setting available and appropriate.

Under the act, any plan for services may include a provision allowing for interagency collaborations in order to transition the child to adult service providers when he or she reaches age 18.

When the Court chooses to issue an order under options 2 or 3 above, it must hold a hearing within 10 business days to review the order of temporary custody or any recommendations made by DCF and the child's probation officer, attorney, and guardian ad litem.

***When Competency Restoration is Likely.*** If the Court finds a substantial probability that the child will attain or regain competency within 90 days if provided an appropriate intervention, the act requires it to schedule an intervention implementation hearing within five business days.

Under the act, such interventions must (1) not exceed 90 days, unless extended for an additional 90 days under criteria the act establishes; and (2) be provided by DCF, unless the child's parents agree to pay for these services to be administered by another appropriate person, agency, mental health facility, or treatment program that agrees to provide appropriate intervention services in the least restrictive setting available and to comply with the act's competency provisions. (It is unclear to which provisions the act is referring. )

Before the hearing, the Court must notify the DCF Commissioner or her designee or the alternative service provider that it will be ordering an intervention at the hearing. It must provide the appropriate entity a copy of the clinical team or psychiatrist's report. Before the hearing, the participating entity must inform the Court how it proposes to implement the intervention plan.

At the hearing, the Court must review the clinical report and order an appropriate intervention lasting no longer than 90 days and to be provided in the least restrictive setting available. The Court must base its determination of "appropriateness" on the same criteria the act requires it to use in making this decision after the initial competency examination (see above). The Court must also set a hearing date to reconsider the child's competency. The hearing cannot be held for at least 10 business days after the intervention period expires.

At least 10 business days before the scheduled hearing, the act requires the DCF Commissioner or designee or the alternative treatment provider to file a report with the clinical team or psychiatrist regarding the progress of its intervention efforts. Under the act, the same clinical team or psychiatrist must then reassess the child. If one of these individuals is not available, the act authorizes the appointment of a new team that, where possible, includes at least one of the original members. The newly-appointed health care providers must have the same professional credentials as the original members, and must be given access to the intervention services provider's clinical information.

The act requires the team or psychiatrist to submit a Court report reassessing the child's competency.

The report must include:

- 1) the clinical findings of the intervention service provider and the facts upon which the findings are based;
  - 2) the team's or examining physician's opinion as to whether the child has attained or regained competency or is making progress towards restoration within the 90 days covered by the Court's order;
- and

3) other information the Court requests, including what method of intervention is being used and the type, dosage, and effect of any medication the child is being given.

The Court must hold a hearing within two business days of the date on which the reassessment report was filed. The hearing's purpose is to determine if the child attained or regained competency during the intervention period. If the child remains incompetent, the Court must determine whether further efforts are appropriate. It must consider the same criteria described above.

If the Court finds that further efforts to attain or regain competency are appropriate, it must order a new competency restoration period lasting no more than 90 days. If it finds that further intervention is not appropriate or the child remains incompetent when the second period expires, it must enter an order meeting the same requirements as those the act requires in situations where competency restoration is not likely or appropriate (see above).

#### ***When DCF Finds the Child to Be Abused or Neglected***

If DCF substantiates a claim of abuse or neglect or the Court approves a plan for services, the act permits the Court to dismiss the delinquency or FWSN complaint or order that the prosecution be suspended for up to 18 months. It may also direct DCF to provide periodic reports while the prosecution is suspended to ensure that the child is receiving appropriate services.

If the child or his or her parent or guardian do not comply with the plan for services, the Court may hold a hearing to decide whether to file its own DCF petition. Otherwise, it must dismiss the delinquency or FWSN matter on the earlier of the date on which (1) it finds that the suspension is no longer necessary or (2) the 18-month suspension period expires.

These provisions in the act apparently apply whether or not the child is competent.

**Effective Date:** October 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

#### **§ 269—ESTABLISHING PATERNITY**

The act increases the emphasis on establishing paternity in DCF abuse and neglect proceedings. Under prior law, when a man named as the father of a DCF-involved child (a putative father) appeared at the department's initial hearing and denied paternity, the Court had to advise him that he may be barred from participating in further legal proceedings concerning the child and either (1) order genetic testing or (2) direct him to fill out and sign a Court form used for denying paternity.

The act, instead, directs the Court to order the testing. It creates a rebuttable presumption that the man is the child's father when (1) the test results indicate at least a 99% chance of paternity and (2) the Court finds evidence that the child's mother and putative father engaged in sexual intercourse during the period in which the child was conceived. After giving the putative father the opportunity for a hearing, the act allows the Court to issue a judgment adjudicating paternity.

If the test results indicate that the person tested is not the child's father, the Court must issue a judgment to that effect. Under prior law, this was permissive.

#### ***Filing Paternity Documents***

The act directs the Court clerk to send a copy of the paternity judgment to the Department of Public Health for inclusion in the department's paternity registry. It also directs the clerk to do this with paternity acknowledgment documents a man voluntarily signs at the initial Court hearing. In the latter situation, the act requires the clerk to keep certified copies in the Court's file.

**Effective Date:** October 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

#### **§ 270—ROLE OF CHILD'S ATTORNEY IN ABUSE AND NEGLECT PROCEEDINGS**

Existing law and the Rules of Professional Conduct specify that an attorney's primary role when representing a child is to advocate for his or her legal interests. The act creates an exception and requires attorneys to advocate for their clients' best interests if the child's age or other incapacity makes him or her incapable of expressing his or her wishes to the attorney.

**Effective Date:** July 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

#### **§ 271—LIMITING COURT DISPOSITIONS FOR DELINQUENT CHILDREN**

The act eliminates the Court's authority to order that a child it has adjudicated as delinquent be placed in the care of any institution or agency legally permitted to care for children. It retains its authority to order all other dispositions permitted under current law.

**Effective Date:** July 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

#### **§ 272—RELATIVES SEEKING GUARDIANSHIP**

Prior law generally allowed a child's relatives to intervene in abuse and neglect proceedings to request the Court to grant them permanent guardianship of a DCF-involved child. By law, the Court has the discretion to permit any relative to intervene after the expiration of a 90-day period following the department's initial hearing in the matter. The law requires the Court to grant the relative's motion when the child's most recent placement has been, or is about to be interrupted unless it has good cause to rule otherwise.

The same standards apply under the act, but the Court cannot make this guardianship appointment permanent.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

#### **§ 273—CREATION OF "PERMANENT LEGAL GUARDIANSHIP" STATUS**

The act creates the status of "permanent legal guardianship," which it defines as a being the same as the act's revised definition of "permanent guardianship" under the state's Probate Code. This guardianship is one intended to last until the minor reaches age 18, and does not terminate parental rights.

The new status applies to a person who has the following obligations and authority with respect to a minor child:

- 1) the obligation of care and control;
- 2) the authority to make major decisions affecting the minor's education and welfare, such as consent determinations regarding marriage, enlistment in the armed forces, and major medical, psychiatric or surgical treatment; and
- 3) upon the death of the minor, the authority to make decisions concerning funeral arrangements and the disposition of the minor's body.

#### ***Appointing a Permanent Legal Guardian: Court Requirements***

When the Court determines a child has been abused, neglected, or uncared-for, existing law gives it discretion to commit the child to DCF's custody or grant legal guardianship to (1) an agency legally authorized to care for abused and neglected children under age 18, or (2) any other person, including a relative, it finds "suitable and worthy" of such responsibility. The law also allows the Court to place the child in a parent or guardian's custody with protective supervision by DCF, subject to any conditions the Court establishes.

The act gives Courts an additional option by permitting the Court to grant permanent legal guardianship to a suitable or worthy person, including one related to the child by blood or marriage. To grant permanent legal guardianship, the act requires the Court to first notify the child's parents that they may

not file a Court motion to terminate the permanent legal guardianship, or indicate on the record why it could not provide this notice. It may order permanent legal guardianship if it finds, by clear and convincing evidence, that this is in child's best interests and:

- 1) one of the statutory grounds for termination of parental rights exists or the parents have voluntarily consented to the guardianship;
- 2) adoption is not possible or appropriate;
- 3) the child, if over age 12, consents to the appointment or, if he or she is younger, the proposed permanent legal guardian is (a) a relative or (b) already a sibling's or siblings' permanent legal guardian;
- 4) the child has lived with the applicant for at least a year; and
- 5) the person seeking this status is a suitable and worthy person, committed to remaining the child's permanent legal guardian and assuming the right and responsibilities for the child until he or she reaches age 18.

***Reopening and Modifying a Permanent Legal Guardianship Appointment.*** The act allows the Court to reopen and modify such an appointment and may remove a person serving as a child's permanent legal guardian when a motion is filed by someone other than the parent. The moving party must prove by a fair preponderance of the evidence that the guardian is no longer suitable and worthy. Under the act, the Court must hold a hearing before terminating a permanent legal guardianship. It is authorized to appoint a successor to serve as the child's legal or permanent legal guardian using the same method described above.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

#### **§ 273—HEARSAY EVIDENCE AT CONTESTED DCF HEARINGS**

The act permits Courts to admit credible hearsay evidence on a party's compliance with Court orders at contested hearings concerning permanent living arrangements for a child in DCF custody.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

#### **§ 274—PETITIONS TO REINSTATE GUARDIANSHIP OF A PARENT OR OTHER FORMER GUARDIAN**

The act creates a Court procedure that allows parents or other former guardians to file a Court petition asking for reinstatement as guardians. When a reinstatement petition is filed, the Court may order DCF to investigate and report on the current home conditions and needs of the child and those of the person seeking reinstatement.

The act authorizes it to grant the petition if it finds that the cause for removing guardianship no longer exists and that their reinstatement is in the child's best interests.

The act allows someone to file such a petition no more than once every six months. The petitioner is generally not entitled to Court-appointed counsel, but the Court can order such counsel if justice requires.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

#### **§ 275-279—PERMANENT GUARDIANSHIP APPOINTMENTS IN PROBATE COURT**

The act applies the standards it created for permanent legal guardianship appointments in Superior Court to Probate Court proceedings, but refers to this status as "permanent guardianship." It also contains a provision, absent in the Superior Court provisions, for replacing a permanent guardian when he or she becomes unwilling or unable to remain in that status. It allows the Court to follow existing law in appointing a successor guardian or permanent guardian or to reinstate a parent as guardian, and takes into account the same considerations as are used in the act's Superior Court provisions. The act prohibits parents from filing Probate Court petitions seeking removal of a permanent legal guardian.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

**§ 280—CRIMINAL MATTERS TRANSFERRED BETWEEN DELINQUENCY AND ADULT DOCKETS**

The law requires Juvenile Courts presiding over delinquency matters to automatically transfer cases involving children at least age 14 charged with capital felonies (Public Act 12-5 eliminates this classification for crimes committed after April 25, 2012) , class A or B felonies, or arson murder to the adult criminal docket once an attorney has been appointed. The act removes a 10-working-day deadline for prosecutors to file motions to return to the juvenile docket cases involving class B felonies and statutory rape and for Courts to rule on these motions. It also makes a conforming change eliminating the prior requirement that transferred case files be sealed for 10 days. Instead, they are unsealed as soon as the child is arraigned on the adult criminal docket.

***Hearings on Motions to Transfer Certain Felony Cases***

Prior law permitted a Juvenile Court to rule on a prosecutor's motion to transfer from the juvenile to regular adult docket a case of any child charged with a class C or D, or unclassified felony without first holding a hearing. The act eliminates this practice. It also eliminates a requirement that Courts rule on these motions within 10 days of the date of transfer, instead allowing the Court to order their return at any time before a jury verdict or guilty plea for good cause shown.

Under prior law, Juvenile Courts could not grant a prosecutor's transfer motion unless found that the offense was committed after the child reached age 14 and made an ex parte finding that there was probable cause to believe that the child committed the act with which he or she was charged.

The act eliminates the provision that requires the Court to rule ex parte on the issue of probable cause. It also prohibits the Court from granting such transfer motions unless it also finds that the best interests of the child and public will not be served by maintaining the case on the juvenile docket. The act directs Courts to consider:

- 1) the child's prior criminal or Juvenile Court convictions and their seriousness,
- 2) any evidence that the child has intellectual disability or mental illness, and
- 3) the availability of Juvenile Court services that can serve the child's needs.

It requires that motions filed under this provision be made, and any hearing held, within 30 days after the child's arraignment. The act eliminates a provision that the files of transferred cases remain sealed until the criminal Court Judge accepts the transfer from the juvenile docket. It also extends the period criminal Judges have to return cases to Juvenile Courts. Previously, such actions had to be taken within 10 working days after the date of the transfer. Under the act, the Judge can return the case at any time prior to the jury's verdict or the entry of a guilty plea.

Prior law required that such arraignments to take place on the next Court date and in a courtroom separate from adult criminal proceedings. The act eliminates these provisions. It also makes transfers to the adult docket final as soon as the child is arraigned and to remain so unless the prosecutor files, and the Court grants, a motion to return the case to Juvenile Court.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

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## **OTHER ACTS OF INTEREST**

**PUBLIC ACT 12-189 - SB-25 - AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES.**

This act authorizes up to \$ 199. 2 million in new state general obligation bonds for FY 13 for state capital projects and grant programs, including (1) improvements to state facilities and information technology infrastructure and (2) grants to towns, schools, and nonprofit entities. It authorizes up to \$90 million in additional special tax obligation bonds for state bridge repairs and improvements.

Section 9 (f) authorizes \$1.0 million to DCF in FY 13 for grants to private nonprofit mental health clinics for children: Expansion and fire, safety, and environmental improvements.

It also changes the amounts of certain FY 13 bond authorizations enacted in 2011, including adding \$62.5 million for housing development and rehabilitation, for a net increase of \$69.875 million. It repeals \$9.5 million in authorizations for FY 13 and cancels \$11.8 million in bond authorizations for past years.

**Effective Date:** July 1, 2012 (*Signed by Governor Malloy on June 15, 2012*)

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**PUBLIC ACT 12-92 - SB-27 - AN ACT TRANSITIONING THE REGULATIONS OF CONNECTICUT STATE AGENCIES TO AN ONLINE FORMAT.**

This act requires that state agency regulations be posted online, rather than published in the *Connecticut Law Journal*, making them available to the public on the Office of the Secretary of the State's and regulating agency's Internet websites.

The act requires the Office of Policy and Management secretary to seek the necessary licensing agreements to permit the online posting of regulations containing codes or standards for which a third party holds the intellectual property rights. It requires agencies to post online (1) their policy manuals and guidance documents and (2) policies that have been implemented while in the process of being adopted in regulation form.

Lastly, the act creates an 11-member Regulation Modernization Task Force to develop an implementation plan for publishing regulations online.

**Effective Date:** July 1, 2013, except that (1) the task force provision and the requirement to seek licensing agreements are effective upon passage and (2) the requirements concerning notices of intent are applicable to regulations noticed on and after July 1, 2013. (*Signed by Governor Malloy on June 8, 2012*)

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**PUBLIC ACT 12-44 - SB-205 - AN ACT CONCERNING INSURANCE COVERAGE FOR THE BIRTH-TO-THREE PROGRAM.**

This act makes changes in the requirements for individual and group health insurance policies that provide coverage for medically necessary early intervention (birth-to-three) services provided as part of an individualized family service plan.

Current law prohibits payments for birth-to-three services from applying against any maximum lifetime or annual limit in the policy. The act also prohibits payments from causing: 1) a loss of benefits due to a



policy limit, 2) an insured child or family member to be denied health insurance coverage, and 3) a policy rescission or cancellation.

The act specifies that payments for birth-to-three services must be treated the same as other claim experience for premium rating purposes.

The act also expands the list of policies that must provide birth-to-three coverage to include certain policies amended or continued in Connecticut, rather than only those delivered, issued, or renewed here.

**Effective Date:** July 1, 2012 *(Signed by Governor Malloy on May 31, 2012)*

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**PUBLIC ACT 12-163 - HB-5241 - AN ACT CONCERNING DELAYED BIRTH REGISTRATION.**

This act changes the process for requesting a delayed birth certificate, which is a birth certificate that is registered a year or more after a birth. Among other things, the act requires requests for delayed birth certificates to be filed with the Department of Public Health, rather than the town registrar of vital statistics. In addition to the affidavit required by current law, the act requires the requesting person to submit documentary evidence in support of the facts of the birth.

The act also makes changes affecting Probate Court proceedings brought when someone's request for a delayed birth certificate has been denied. For example, it specifically allows the Court to order DNA testing in such matters, specifies who must pay for DNA testing, and creates a rebuttable presumption of parentage if the test shows a 99% or greater probability of parentage.

The act requires DPH, rather than the town registrar, to prepare delayed birth certificates after such requests, including those prepared after a Court order.

The act also makes minor and technical changes.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

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**PUBLIC ACT 12-3 - HB 5303 - AN ACT CONCERNING THE EXEMPTION FROM DISCLOSURE OF CERTAIN ADDRESSES UNDER THE FREEDOM OF INFORMATION ACT.**

Current law prohibits any state or municipal public agency from disclosing, under the Freedom of Information Act (FOIA), the residential addresses of certain public officials and employees, including employees of the Department of Children and Families. This act narrows this prohibition. Specifically, it (1) permits certain municipal and election-related documents to be disclosed without address redactions and (2) limits to a covered individual's employing agency, instead of all public agencies, the requirement to keep his or her residential address confidential in certain documents. It allows a covered individual to request address confidentiality from public agencies other than his or her employer and establishes procedures for these agencies to follow when receiving a FOIA request for certain records containing that individual's residential address.

Beginning June 1, 2012, the act limits the automatic prohibition on disclosure of residential addresses to personnel, medical, or similar files held by a covered individual's employing agency only.

Under the act, covered individuals who want an agency other than their employing agency to keep their addresses confidential must submit a written request to that agency. An individual submitting such a request must provide the public agency with his or her business address. For such an individual, a non-employing agency must redact his or her residential address only from (1) records provided in response

to a request that specifically names the covered individual, (2) an existing list derived from a readily accessible electronic database, and (3) any list that the agency voluntarily creates in response to a request for disclosure.

The act prohibits public agencies, public officials, or employees of public agencies from being penalized for violating the disclosure prohibition unless the Freedom of Information Commission (FOIC) finds a willful and knowing violation. It requires the General Assembly's Government Administration and Elections Committee to establish an Advisory Committee to study possible alternatives to disclosing certain public records without redaction.

EFFECTIVE DATE: Upon passage, except the provisions (1) limiting the disclosure prohibition to the employing agency, (2) authorizing nondisclosure requests to non-employing agencies, and (3) establishing procedures for non-employing agencies to follow are effective June 1, 2012. *(Signed by Governor Malloy on March 6, 2012)*

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**PUBLIC ACT 12-173 - HB-5353 - AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS AND OTHER ISSUES RELATING TO SPECIAL EDUCATION.**

This act makes several changes to the state's special education law. It: 1). requires additional opportunities for meetings and the exchange of information between school district officials and parents of students in, or under evaluation for, special education; 2) requires teacher certification preparation, in-service training, and professional development to include expanded instruction and training regarding implementing individualized education programs (IEPs); and 3) specifies the school district eligible for special education excess cost grant money in different circumstances when a child is placed in a school district other than his or her district of origin.

It also requires any IEP for a child identified as deaf or hearing impaired to include a language and communication plan developed by the child's planning and placement team (PPT). It specifies a number of items that the plan must include. The act does not appear to expand current requirements under state law and regulation, but it adds specifics to state law.

It also makes technical changes.

**Effective Date:** July 1, 2012, except for the provisions regarding special education and private schools and the language and communication plan for deaf and hearing impaired students, which take effect upon passage. *(Signed by Governor Malloy on June 15, 2012)*

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**PUBLIC ACT 12-137 - HB-5440 - AN ACT CONCERNING VISITATION RIGHTS FOR GRANDPARENTS AND OTHER PERSONS.**

Current 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. This act instead requires a petitioner to include in his or her request, specific and good-faith allegations that (1) a parent-like relationship with the minor exists and (2) the minor will suffer real and substantial harm if the visitation is denied. (This means a degree of harm analogous to a claim that the minor is neglected or uncared-for as defined under state child abuse statutes.) Unlike most petitions, the petitioner must swear that its allegations are true ("verify").

The Court must hold a hearing and grant the request if it finds, by clear and convincing evidence, that these conditions have been met. Establishing the "clear and convincing evidence" standard complies with the standard stated in a recent Connecticut Supreme Court decision.

The act also:

- 1) establishes factors the Court may consider when determining whether a parent-like relationship exists between the petitioner and the minor;
- 2) specifies visitation terms and conditions the Court may set;
- 3) specifies that any visitation rights granted to a third party do not prevent a custodial parent from relocating; and
- 4) allows the Court to order one party to pay the other's fees, including those charged by the minor's attorney, guardian ad litem, or expert based on the individual's ability to pay.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

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**PUBLIC ACT 12-141 - HB-5504 - AN ACT CONCERNING COMMERCIAL SEXUAL EXPLOITATION OF A MINOR.**

This act creates the class C felony of commercial sexual exploitation of a minor. A human being, and where appropriate, a public or private corporation; limited liability company; or partnership commits the crime by knowingly purchasing advertising space to advertise for a commercial sex act that includes a depiction of a minor (the act does not define "minor" but presumably it means a person under age 18). The act specifies that neither (1) lack of knowledge of the depicted person's age nor (2) reliance on a non-governmental representation are defenses.

It permits the accused to avoid conviction by proving he or she made a reasonable, bona fide attempt to ascertain the depicted person's age by requiring him or her to produce a government-issued identity card and keeping and producing a copy.

Class C felonies are punishable by imprisonment for up to 10 years, a fine of up to \$ 10,000, or both.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 15, 2012)*

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**PUBLIC ACT 12-112 - HB-5512 - AN ACT CONCERNING THE REPORTING OF A MISSING CHILD.**

This act makes it a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both, to knowingly fail to report the disappearance of a child under age 12. The duty to report applies to any parent, guardian, or person who has custody or control of, or is supervising, the child and who either does not know the child's location or has not had contact with him or her for a 24-hour period.

**Effective Date:** October 1, 2012 *(Signed by Governor Malloy on June 8, 2012)*

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**PUBLIC ACT 12-114 - HB-5548 - AN ACT CONCERNING DOMESTIC VIOLENCE.**

This act gives family violence victims greater support from the Courts, law enforcement agencies, and Court-based victim service providers by:

- 1) extending, from six months to one year, the maximum period that a civil restraining order can remain in effect without a Court-ordered extension;
- 2) making stalking or patterns of threatening between family or household members forms of family violence;

- 3) at the victim's request, requiring Court clerks to notify various school and law enforcement officials about the existence and terms of protective orders;
- 4) identifying police departments victims can contact when they believe that a telephone call or electronic communication they received constitutes a criminal violation of a restraining, protective, or standing criminal restraining order;
- 5) making a parallel change to the statute that designates the judicial district where such crimes can be prosecuted;
- 6) modifying the Judicial Branch's Court Support Services Division's (CSSD) uniform, weighted, release criteria by adding that conditions sufficient to reasonably ensure that a pretrial release will not endanger the safety of others is taken into account;
- 7) with exceptions, excluding from CSSD's pretrial family violence education program those charged with a family violence crime that inflicted serious bodily injury on victims unless good cause is shown;
- 8) adding to the list of crimes which, if committed against a family or household member, would require Courts to make notations in a defendant's criminal history file that the crime involved family violence;
- 9) adding to conduct that constitutes 1<sup>st</sup> degree threatening;
- 10) making a person guilty of second-degree harassment in the place where the communication originated or was received rather than where the telephone call made;
- 11) requiring probation officers who notify police officers when they suspect a probationer has violated his or her terms of probation to also notify (a) the crime victim if he or she has given contact information and (b) the Office of Victim Services;
- 12) permitting the Judicial Branch, pursuant to written agreement, to disclose nonconviction information to family violence victim advocates to use in developing safety plans for such victims and their minor children;
- 13) specifying that prosecutors notify crime victims who ask when a defendant's criminal charges are dismissed or nolle;
- 14) allowing the Office of Victim Services to award medical, psychiatric, psychological, and social and rehabilitative services as restitution to children who witness domestic violence, including those not related to the victim;
- 15) establishing a state-wide model family law enforcement policy;
- 16) requiring law enforcement agencies to, at a minimum, meet model policy standards and submit annual compliance reports; and
- 17) establishing the Family Violence Model Policy Governing Council, charged with evaluating various methods police departments use to respond to family violence incidents.

The act also requires the Office of State-Wide Emergency Telecommunications to study the cost, feasibility, and public safety considerations associated with redesigning the state-wide emergency 9-1-1 system to allow individuals and responders to communicate by text message or using other forms of mobile device. It must submit a report of its findings to the General Assembly's Public Safety Committee by January 15, 2013.

The act also makes minor and conforming changes.

**Effective Date:** October 1, 2012, except the provisions on (1) trauma-informed care are effective July 1, 2012 and (2) the family violence governing council and emergency 9-1-1 study are effective upon passage. *(Signed by Governor Malloy on June 8, 2012)*

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**PUBLIC ACT 12-104 - HB-5557 - AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2013.**

The act: 1) increases the FY 13 original appropriation by \$143.0 million, to \$20.5 billion in FY 13 (for ten appropriated funds); 2) provides \$101.1 million in FY 12 General Fund deficiency appropriations with equivalent reductions to appropriations (resulting in no net change to the General Fund); 3) includes provisions to implement the budget; and 4) results in various revenue impacts totaling \$72.7 million as identified below.

**Section 8** suspends the provisions of CGS Sec. 17a-17 in FY 13 to allow for a 1% Department of Children and Families cost of living adjustment for residential care of children private providers. Funding for this purpose is provided in section 1 of the act in DCF's budget.

**Section 17** distributes surplus funds totaling \$2.3 million from the Probate Court Administration Fund. The chart below details the allocation of the funds through DCF:

African Caribbean American Parents of Children with Disabilities	\$50,000
St. Joseph's Parenting Center	\$20,000

**Department of Children and Families - \$57.1 million**

Funding is reduced from what was authorized last year in the following accounts:

- \$34.0 million in Personal Services,
- \$1.1 million in Differential Response System,
- \$8.0 million in Board and Care for Children - Foster Care, and
- \$14.0 in Board and Care for Children - Residential.

**Effective Date:** Most provisions effective July 1, 2012 (*Signed by Governor Malloy on June 8, 2012*)