



General Assembly

February Session, 2000

Raised Bill No. 5026

LCO No. 607

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

An Act Concerning Newborns At High Risk Of Neglect.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) Any hospital or other licensed health care
2 provider may refer to the Commissioner of Children and Families any
3 newborn in danger because of a combination of special medical needs
4 and a reasonable belief by the hospital or licensed health care provider
5 that the newborn will be denied proper medical care and attention.

6 (b) The commissioner shall complete an investigation of the referral
7 prior to the discharge of such newborn. In substantiating that a
8 newborn is at high risk of neglect, the investigation shall include an
9 assessment of the following: (1) The extent of the mother's prenatal
10 care during the pregnancy of the newborn; (2) the failure of the parent
11 to participate in services offered in the hospital to meet the special
12 needs of the newborn; (3) the ability of the parent to provide care to
13 the newborn, including the provisions of appropriate care in the home;
14 (4) the willingness of the parent to participate in appropriate services
15 for such parent and the newborn; (5) support services within the
16 family or community that are available to the parents of the newborn
17 and the willingness of the parents to access such services; and (6) the

18 safety and adequacy of the home. Substantiation shall be made by
19 interview, contact with others, observation of parent and child and
20 review of documents and shall be performed in collaboration with the
21 physician of the newborn, other licensed health care providers, social
22 workers and appropriate community organizations.

23 (c) Not less than three days after a newborn determined to be at
24 high risk of neglect is released from the hospital, the commissioner
25 shall provide or arrange for intensive supervision of the newborn
26 which shall include, but not be limited to, visits to the newborn and
27 family of such newborn, twice a week for at least four weeks. In
28 providing for or arranging such supervision, the commissioner shall
29 take into consideration the discharge plan developed by the hospital
30 for the newborn in accordance with regulations adopted pursuant to
31 section 19a-504c of the general statutes. The commissioner shall assign
32 to the family a caseworker from the healthy families pilot program,
33 established under section 17a-56 of the general statutes. The
34 commissioner shall establish uniform guidelines for contact with the
35 family which shall include, but not be limited to, the following: (1) The
36 purpose and method of the contact; (2) the mechanism for
37 collaborating or contracting with agencies providing home-based
38 services and (3) provisions to close the case or to continue contact for
39 more than four weeks. Such guidelines shall not be deemed to be
40 regulations, as defined in subdivision (13) of section 4-166 of the
41 general statutes.

42 Sec. 2. Section 46b-120 of the general statutes is repealed and the
43 following is substituted in lieu thereof:

44 The terms used in this chapter shall, in its interpretation and in the
45 interpretation of other statutes, be defined as follows: (1) "Child"
46 means any person under sixteen years of age and, for purposes of
47 delinquency matters, "child" means any person (A) under sixteen years
48 of age or, (B) sixteen years of age or older who, prior to attaining
49 sixteen years of age, has violated any federal or state law or municipal

50 or local ordinance, other than an ordinance regulating behavior of a
51 child in a family with service needs, and, subsequent to attaining
52 sixteen years of age, violates any order of the Superior Court or any
53 condition of probation ordered by the Superior Court with respect to
54 such delinquency proceeding; (2) "youth" means any person sixteen to
55 eighteen years of age; (3) "abused" means that a child or youth (A) has
56 had physical injury or injuries inflicted upon [him] such child or youth
57 other than by accidental means, or (B) has injuries which are at
58 variance with the history given of them, or (C) is in a condition which
59 is the result of maltreatment such as, but not limited to, malnutrition,
60 sexual molestation or exploitation, deprivation of necessities,
61 emotional maltreatment or cruel punishment; (4) a child may be found
62 "mentally deficient" who, by reason of a deficiency of intelligence,
63 which has existed from birth or from early age, requires, or will
64 require, for [his] the child's protection or for the protection of others,
65 special care, supervision and control; (5) a child may be convicted as
66 "delinquent" who has violated (A) any federal or state law or
67 municipal or local ordinance, other than an ordinance regulating
68 behavior of a child in a family with service needs, (B) any order of the
69 Superior Court or (C) conditions of probation as ordered by the court;
70 (6) a child or youth may be found "dependent" whose home is a
71 suitable one for [him, save] the child or youth, except for the financial
72 inability of [his] such child's or youth's parents, parent[,] or guardian
73 or other person maintaining such home[,] to provide the specialized
74 care [his] such child's or youth's condition requires; (7) a "family with
75 service needs" means a family which includes a child who (A) has
76 without just cause run away from [his] the parental home or other
77 properly authorized and lawful place of abode; (B) is beyond the
78 control of [his] such child's parent, parents, guardian or other
79 custodian; (C) has engaged in indecent or immoral conduct; (D) is a
80 truant or habitual truant or who, while in school, has been
81 continuously and overtly defiant of school rules and regulations; or (E)
82 is thirteen years of age or older and has engaged in sexual intercourse
83 with another person and such other person is thirteen years of age or

84 older and not more than two years older or younger than such child;
85 (8) a child or youth may be found "neglected" who (A) has been
86 abandoned or (B) is being denied proper care and attention, physically,
87 educationally, emotionally or morally or (C) is being permitted to live
88 under conditions, circumstances or associations injurious to [his] the
89 well-being of the child or youth or (D) has been abused or (E) is an
90 infant (i) who the Department of Children and Families has
91 substantiated to be a newborn at high risk of neglect, (ii) whose
92 parents are not following the discharge plan of the hospital or
93 participating in the program of supervision arranged by said
94 department, and (iii) for whom the failure to follow the plan or
95 participate in the program places such infant in danger; (9) a child or
96 youth may be found "uncared for" who is homeless or whose home
97 cannot provide the specialized care which [his] the child's or youth's
98 physical, emotional or mental condition requires. For the purposes of
99 this section the treatment of any child by an accredited Christian
100 Science practitioner in lieu of treatment by a licensed practitioner of
101 the healing arts, shall not of itself constitute neglect or maltreatment;
102 (10) "delinquent act" means the violation of any federal or state law or
103 municipal or local ordinance, other than an ordinance regulating the
104 behavior of a child in a family with service needs, or the violation of
105 any order of the Superior Court; (11) "serious juvenile offense" means
106 (A) the violation by a child, including attempt or conspiracy to violate
107 sections 21a-277, 21a-278, 29-33, as amended, 29-34, 29-35, as amended,
108 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to
109 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, as amended, 53a-70 to
110 53a-71, inclusive, as amended, 53a-72b, as amended, 53a-86, 53a-92 to
111 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to 53a-
112 113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
113 subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135,
114 53a-136a, 53a-166, 53a-167c, subsection (a) of section 53a-174, 53a-196a,
115 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) running away, without
116 just cause, from any secure placement other than home while referred
117 as a delinquent child to the Office of Alternative Sanctions or

118 committed as a delinquent child to the Commissioner of Children and
119 Families for a serious juvenile offense; (12) "serious juvenile offender"
120 means any child convicted as delinquent for commission of a serious
121 juvenile offense; (13) "serious juvenile repeat offender" means any
122 child charged with the commission of any felony if such child has
123 previously been convicted delinquent at any age for two violations of
124 any provision of title 21a, 29, 53 or 53a which is designated as a felony;
125 (14) "alcohol-dependent child" means any child who has a
126 psychoactive substance dependence on alcohol as that condition is
127 defined in the most recent edition of the American Psychiatric
128 Association's "Diagnostic and Statistical Manual of Mental Disorders";
129 (15) "drug-dependent child" means any child who has a psychoactive
130 substance dependence on drugs as that condition is defined in the
131 most recent edition of the American Psychiatric Association's
132 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
133 be classified as drug dependent who is dependent (A) upon a
134 morphine-type substance as an incident to current medical treatment
135 of a demonstrable physical disorder other than drug dependence, or
136 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
137 or other stimulant and depressant substances as an incident to current
138 medical treatment of a demonstrable physical or psychological
139 disorder, or both, other than drug dependence.

Statement of Purpose:

To establish a process to identify newborns at high risk of neglect and to provide supervision by the Department of Children and Families to families with such newborns.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]