



General Assembly

February Session, 2002

Raised Bill No. 144

LCO No. 844

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING CHILDREN PLACED IN OUT-OF-STATE FACILITIES.

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

1 Section 1. Section 25 of public act 01-2 of the June special session is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2002*):

4 (a) Any state agency that places a child, as defined in section 17a-93,
5 in a residential facility shall enter into a written agreement with the
6 facility at the time of the placement. Such written agreement shall
7 establish clear standards for the child's care and treatment, including,
8 but not limited to, requirements for monthly written reports
9 concerning the child's care and treatment, addressed to the case
10 worker overseeing the child's placement. The monthly written reports
11 shall set forth child-specific goals and expectations for treatment and
12 progress. The written agreement shall require the facility to report
13 promptly to the placing agency any allegation that the child is abused
14 or neglected, as defined in section 46b-120, or any incident of abuse or
15 neglect of an individual placed in the facility. The placing agency shall
16 ensure that a discharge plan is initiated within two weeks of the child's

17 placement in the facility.

18 (b) In addition to the requirements specified in subsection (a) of this
19 section, if the Department of Children and Families places a child in a
20 residential facility in another state, the department shall notify the
21 Superior Court of such placement no later than seven calendar days
22 from the date of the placement. The Superior Court shall appoint a
23 guardian ad litem for each such child. The guardian ad litem shall
24 make monthly visits to the residential facility in order to monitor the
25 child's care and treatment. The department shall provide the guardian
26 ad litem with a copy of each report that it receives from the facility
27 concerning the child and a copy of the discharge plan required
28 pursuant to subsection (a) of this section. The judicial department shall
29 pay the guardian ad litem reasonable compensation and shall
30 reimburse the guardian ad litem for traveling expenses for the monthly
31 visits to the residential facility.

32 Sec. 2. Subsection (f) of section 17a-28 of the general statutes, as
33 amended by section 1 of public act 01-142, is repealed and the
34 following is substituted in lieu thereof (*Effective July 1, 2002*):

35 (f) The commissioner or the commissioner's designee shall, upon
36 request, promptly provide copies of records, without the consent of a
37 person, to (1) a law enforcement agency, (2) the Chief State's Attorney
38 or the Chief State's Attorney's designee or a state's attorney for the
39 judicial district in which the child resides or in which the alleged abuse
40 or neglect occurred or the state's attorney's designee, for purposes of
41 investigating or prosecuting an allegation of child abuse or neglect, (3)
42 the attorney appointed to represent a child in any court in litigation
43 affecting the best interests of the child, (4) a guardian ad litem
44 appointed to represent a child in any court in litigation affecting the
45 best interests of the child or appointed pursuant to subsection (b) of
46 section 25 of public act 01-2 of the June special session, as amended by
47 this act, (5) the Department of Public Health, which licenses any
48 person to care for children for the purposes of determining suitability

49 of such person for licensure, (6) any state agency which licenses such
50 person to educate or care for children pursuant to section 10-145b, as
51 amended, or 17a-101j, (7) the Governor, when requested in writing, in
52 the course of the Governor's official functions or the Legislative
53 Program Review and Investigations Committee, the committee of the
54 General Assembly on judiciary and the committee of the General
55 Assembly having cognizance of matters involving children when
56 requested in the course of such committees' official functions in
57 writing, and upon a majority vote of said committee, provided no
58 names or other identifying information shall be disclosed unless it is
59 essential to the legislative or gubernatorial purpose, (8) a local or
60 regional board of education, provided the records are limited to
61 educational records created or obtained by the state or Connecticut-
62 Unified School District #2, established pursuant to section 17a-37, and
63 (9) a party in a custody proceeding under section 17a-112, as amended,
64 or section 46b-129, as amended, in the Superior Court where such
65 records concern a child who is the subject of the proceeding or the
66 parent of such child. A disclosure under this section shall be made of
67 any part of a record, whether or not created by the department,
68 provided no confidential record of the Superior Court shall be
69 disclosed other than the petition and any affidavits filed therewith in
70 the superior court for juvenile matters, except upon an order of a judge
71 of the Superior Court for good cause shown. The commissioner shall
72 also disclose the name of any individual who cooperates with an
73 investigation of a report of child abuse or neglect to such law
74 enforcement agency or state's attorney for purposes of investigating or
75 prosecuting an allegation of child abuse or neglect. The commissioner
76 or the commissioner's designee shall, upon request, promptly provide
77 copies of records, without the consent of the person, to (A) the
78 Department of Public Health for the purpose of determining the
79 suitability of a person to care for children in a facility licensed under
80 sections 19a-77 to 19a-80, inclusive, as amended, 19a-82 to 19a-87,
81 inclusive, and 19a-87b, as amended, and (B) the Department of Social
82 Services for determining the suitability of a person for any payment

83 from the department for providing child care.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>

Statement of Purpose:

To provide for the appointment of a guardian ad litem for each child placed in a residential facility in another state by the Department of Children and Families.

[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.]