



Senate

General Assembly

File No. 423

January Session, 2003

Substitute Senate Bill No. 935

Senate, April 16, 2003

The Committee on Human Services reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING STANDARDS FOR PROFESSIONALS WITH RESPONSIBILITY FOR CHILDREN.

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

1 Section 1. (NEW) (*Effective October 1, 2003*) The Commissioner of
2 Children and Families shall (1) require each applicant for a position
3 with the department to state in writing whether such person has ever
4 been convicted of a crime or whether criminal charges are pending
5 against such person at the time such person submits an application,
6 and (2) require each applicant to submit to state and national criminal
7 history records checks, in accordance with section 29-17a of the general
8 statutes. The commissioner shall also check the state child abuse
9 registry established pursuant to section 17a-101k of the general statutes
10 for the name of such applicant for perpetrator information.

11 Sec. 2. Section 17a-114 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2003*):

13 (a) (1) No child in the custody of the Commissioner of Children and
14 Families shall be placed with any person, unless such person is
15 licensed by the department for that purpose. Any person licensed by
16 the department to accept placement of a child is deemed to be licensed
17 to accept placement as a foster family or prospective adoptive family.
18 The commissioner shall adopt regulations, in accordance with the
19 provisions of chapter 54, to establish the licensing procedures and
20 standards.

21 (2) The commissioner shall require each applicant for licensure
22 pursuant to this section and any person sixteen years of age or older
23 living in the household of such applicant to submit to state and
24 national criminal history records checks prior to issuing a license to
25 such applicant to accept placement of a child. Such criminal history
26 records checks shall be conducted in accordance with section 29-17a.
27 The commissioner shall also check the state child abuse registry
28 established pursuant to section 17a-101k for the name of such
29 applicant and for the name of any person sixteen years of age or older
30 living in the household of such applicant for perpetrator information.

31 (b) Notwithstanding the requirements of subsection (a) of this
32 section, the commissioner may place a child with a relative who is not
33 licensed for a period of up to ninety days when such placement is in
34 the best interests of the child, provided a satisfactory home visit is
35 conducted, a basic assessment of the family is completed and such
36 relative attests that such relative and any adult living within the
37 household have not been convicted of a crime or arrested for a felony
38 against a person, for injury or risk of injury to or impairing the morals
39 of a child, or for the possession, use or sale of a controlled substance.
40 Any such relative who accepts placement of a child in excess of such
41 ninety-day period shall be subject to licensure by the commissioner,
42 except that any such relative who, prior to July 1, 2001, had been
43 certified by the commissioner to provide care for a related child may
44 continue to maintain such certification if such relative continues to
45 meet the regulatory requirements and the child remains in such
46 relative's care. The commissioner may grant a waiver, for a child

47 placed with a relative, on a case-by-case basis, from such procedure or
48 standard, except any safety standard, based on the home of the relative
49 and the needs and best interests of such child. The reason for any
50 waiver granted shall be documented. The commissioner shall adopt
51 regulations, in accordance with the provisions of chapter 54, to
52 establish certification procedures and standards for a caretaker who is
53 a relative of such child.

54 [(c) The Commissioner of Children and Families, when conducting
55 any criminal history records check, shall arrange for the fingerprinting
56 or for the conducting of any other method of positive identification
57 required by the State Police Bureau of Identification or the Federal
58 Bureau of Identification. The fingerprints and other positive
59 identifying information shall be forwarded to the State Police Bureau
60 of Identification, which shall conduct a state criminal history records
61 check and submit the fingerprints or other identifying information to
62 the Federal Bureau of Investigation for a national criminal history
63 records check. The commissioner shall also check the state child abuse
64 registry established pursuant to section 17a-101k for the name of such
65 applicant or licensee.]

66 Sec. 3. Section 17a-151 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2003*):

68 (a) The Commissioner of Children and Families shall investigate the
69 conditions stated in each application made under the provisions of
70 [section] sections 17a-145 and 17a-149 and shall require any person
71 identified on the application under said [section] sections to submit to
72 state and national criminal history records checks. The commissioner
73 shall investigate the conditions in each application under the
74 provisions of [section] sections 17a-145 and 17a-149 and, if the
75 commissioner finds such conditions suitable for the proper care of
76 children, or for the placing out of children, under such standards for
77 the promotion of the health, safety, morality and well-being of such
78 children as the commissioner prescribes, shall issue such license as is
79 required as promptly as possible, without expense to the licensee. If,

80 after such investigation, the commissioner finds that the applicant,
81 notwithstanding good faith efforts, is not able to fully comply with all
82 the requirements the commissioner prescribes, but compliance can be
83 achieved with minimal efforts, the commissioner may issue a
84 provisional license for a period not to exceed sixty days. The
85 provisional license may be renewed for additional sixty-day periods,
86 but in no event shall the total of such periods be for longer than one
87 year. Before issuing any license, the commissioner shall give to the
88 selectmen of the town wherein such licensee proposes to carry on the
89 licensed activity ten days' notice in writing that the issuance of such
90 license is proposed, but such notice shall not be required in case of
91 intention to issue such license to any corporation incorporated for the
92 purpose of caring for or placing such children. Each license so issued
93 shall specify whether it is granted for child-caring or child-placing
94 purposes, shall state the number of children who may be cared for,
95 shall be in force twenty-four months from date of issue, and shall be
96 renewed for the ensuing twenty-four months, if conditions continue to
97 be satisfactory to the commissioner. The commissioner shall also
98 provide such periodical inspections and review as shall safeguard the
99 well-being, health and morality of all children cared for or placed
100 under a license issued by the commissioner under this section and
101 shall visit and consult with each such child and with the licensee as
102 often as the commissioner deems necessary but at intervals of not more
103 than ninety days. Each licensee under the provisions of this section
104 shall file annually with the commissioner a report containing such
105 information concerning its functions, services and operation, including
106 financial data, as the commissioner requires. Any license issued under
107 this section may be revoked, suspended or limited by the
108 commissioner for cause, after notice given to the person or entity
109 concerned and after opportunity for a hearing thereon. Any party
110 whose application is denied or whose license is revoked, suspended or
111 limited by the commissioner may appeal from such adverse decision in
112 accordance with the provisions of section 4-183. Appeals under this
113 section shall be privileged in respect to the order of trial assignment.

114 (b) The criminal history records checks required pursuant to

115 subsection (a) of this section shall be conducted in accordance with
116 section 29-17a.

117 (c) The commissioner shall adopt regulations, in accordance with
118 chapter 54, to establish a staggered schedule for the renewal of licenses
119 issued pursuant to sections 17a-145 and 17a-149.

120 Sec. 4. Subsection (a) of section 17b-749k of the general statutes is
121 repealed and the following is substituted in lieu thereof (*Effective*
122 *October 1, 2003*):

123 (a) The Commissioner of Social Services shall, within available
124 appropriations, require any person, other than a relative, providing
125 child care services to a child in the child's home who receives a child
126 care subsidy from the Department of Social Services to submit to state
127 and national criminal history records checks. The criminal history
128 records checks required pursuant to this subsection shall be conducted
129 in accordance with section 29-17a. The commissioner shall also request
130 a check of the state child abuse registry established pursuant to section
131 17a-101k for perpetrator information.

132 Sec. 5. Section 19a-77a of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective October 1, 2003*):

134 (a) Any retail establishment in this state may establish a drop-in
135 supplementary child-care operation on the premises of such retail
136 establishment in accordance with the following requirements:

137 (1) The hours of operation may only be between six o'clock a.m. and
138 nine o'clock p.m.

139 (2) No child receiving care shall be less than three years nor more
140 than ten years of age.

141 (3) A child may not receive more than two hours of care per day.

142 (4) The operation may immediately notify appropriate law
143 enforcement or state agencies if any child receiving care at such

144 operation is not picked up by a parent or guardian after three hours.

145 (5) A parent or guardian shall be on the premises at the retail
146 establishment at all times while the child is receiving care.

147 (6) The retail establishment shall provide a clean and safe area for
148 the drop-in supplementary child-care operation.

149 (7) At all times the operation shall provide (A) at least one child-care
150 staff person for every ten children, and (B) at least one child-care staff
151 person who is twenty years of age or older who has experience in child
152 care.

153 (8) The operation shall submit the names of all child-care staff to the
154 Commissioner of Public Health, who shall request a check of such
155 names from the state child abuse registry established pursuant to
156 section 17a-101k for perpetrator information.

157 (b) Any retail establishment that establishes a drop-in
158 supplementary child-care operation under subsection (a) of this section
159 shall provide the Commissioner of Public Health with written notice of
160 the establishment of such operation. The commissioner may monitor
161 and inspect any such operation and shall investigate any complaint
162 received by the commissioner concerning any such operation.

163 Sec. 6. Subsection (c) of section 19a-80 of the general statutes is
164 repealed and the following is substituted in lieu thereof (*Effective*
165 *October 1, 2003*):

166 (c) The Commissioner of Public Health, within available
167 appropriations, shall require each prospective employee of a child day
168 care center or group day care home in a position requiring the
169 provision of care to a child to submit to state and national criminal
170 history records checks. The criminal history records checks required
171 pursuant to this subsection shall be conducted in accordance with
172 section 29-17a. The commissioner shall also request a check of the state
173 child abuse registry established pursuant to section 17a-101k for
174 perpetrator information. Pursuant to the interagency agreement

175 provided for in section 10-16s, the Department of Social Services may
176 agree to transfer funds appropriated for criminal history records
177 checks to the Department of Public Health. The commissioner shall
178 notify each licensee of the provisions of this subsection.

179 Sec. 7. Subsection (b) of section 19a-87b of the general statutes is
180 repealed and the following is substituted in lieu thereof (*Effective*
181 *October 1, 2003*):

182 (b) The Commissioner of Public Health, within available
183 appropriations, shall require each initial applicant or prospective
184 employee of a family day care home in a position requiring the
185 provision of care to a child to submit to state and national criminal
186 history records checks. The criminal history records checks required
187 pursuant to this subsection shall be conducted in accordance with
188 section 29-17a. The commissioner shall also request a check of the state
189 child abuse registry established pursuant to section 17a-101k for
190 perpetrator information. The commissioner shall notify each licensee
191 of the provisions of this subsection.

192 Sec. 8. Section 14-44 of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective October 1, 2003*):

194 (a) (1) No person shall operate a commercial motor vehicle used for
195 passenger transportation on any public highway of this state until [he]
196 such person has obtained a commercial driver's license with a
197 passenger endorsement from the commissioner, except a nonresident
198 who holds such license with such endorsement issued by another state.
199 (2) No person shall operate a school bus until [he] such person has
200 obtained a commercial driver's license with a passenger endorsement
201 and a school endorsement, except that a person who holds such a
202 license without such endorsements may operate a school bus without
203 passengers for the purpose of road testing or moving the vehicle. (3)
204 No person shall operate a student transportation vehicle, as defined in
205 section 14-212, taxicab, motor vehicle in livery service, motor bus or
206 service bus until [he] such person has obtained an operator's license
207 bearing an endorsement of the appropriate type from the

208 commissioner issued in accordance with the provisions of this section.

209 (b) No public passenger transportation permit or operator's license
210 bearing an endorsement shall be issued or renewed in accordance with
211 the provisions of this section or section 14-36a, until the commissioner,
212 or his authorized representative, is satisfied that the applicant is a
213 proper person to receive such a permit or an operator's license bearing
214 an endorsement, holds a valid motor vehicle operator's license, or, if
215 necessary for the class of vehicle operated, a commercial driver's
216 license and is at least eighteen years of age. Each applicant for such a
217 permit, an operator's license bearing an endorsement or the renewal of
218 such a license shall furnish the commissioner, or his authorized
219 representative, with satisfactory evidence, which may be required to
220 be under oath, to prove that [he] such person has no criminal record,
221 [that he] has not been included on the state child abuse registry
222 established pursuant to section 17a-101k, has not been convicted of a
223 violation of subsection (a) of section 14-227a within five years of the
224 date of application, [that he] has received negative drug test results in
225 two or more urine tests if any such tests were administered within one
226 year of such date and that no reason exists for a refusal to grant or
227 renew such a permit or an operator's license bearing an endorsement.
228 Each applicant for such a permit, an operator's license bearing an
229 endorsement, or the renewal of such a license shall submit with his
230 application proof satisfactory to the commissioner that he has passed a
231 physical examination which has been taken within ninety days prior to
232 his application, and which is in compliance with safety regulations
233 established from time to time by the United States Department of
234 Transportation. Each applicant for such a permit or an operator's
235 license bearing an endorsement shall be fingerprinted before the
236 permit or the license bearing an endorsement is issued.

237 (c) The commissioner may issue, withhold, renew, suspend, cancel
238 or revoke, any passenger or school endorsement. The commissioner
239 may, in making his decision, consider the age, accident and criminal
240 record, moral character and physical condition of any such applicant
241 or permittee and such other matters as the commissioner may

242 determine. The commissioner may require any such applicant or
243 permittee to furnish the statements of two or more reputable citizens,
244 which may be required to be under oath, vouching for the good
245 character or other qualifications of the applicant or permittee.

246 (d) Upon the arrest of any person who holds an operator's license
247 bearing a school endorsement charged with a felony or violation of
248 section 53a-73a, the arresting officer or department, within forty-eight
249 hours, shall cause a report of such arrest to be made to the
250 commissioner. The report shall be made on a form approved by the
251 commissioner containing such information as the commissioner
252 prescribes. The commissioner may adopt regulations, in accordance
253 with chapter 54, to implement the provisions of this subsection.

254 (e) Prior to issuing an operator's license bearing a school
255 endorsement, the commissioner shall require each applicant to submit
256 to state and national criminal history records checks, and a check of the
257 state child abuse registry established pursuant to section 17a-101k for
258 perpetrator information. The criminal history records checks required
259 pursuant to this subsection shall be conducted in accordance with
260 section 29-17a. If notice of a state criminal history record or notification
261 that the applicant is listed on the state child abuse registry established
262 pursuant to section 17a-101k is received, the commissioner may refuse
263 to issue an operator's license bearing such endorsement and, in such
264 case, shall immediately notify the applicant, in writing, of such refusal.
265 Subject to the provisions of section 46a-80, if notice of a national
266 criminal history record is received, the commissioner may withdraw
267 the operator's license bearing a school endorsement immediately and,
268 in such case, shall immediately notify the holder of such license and
269 the holder's employer, in writing, of such withdrawal.

270 (f) Any applicant who is refused an operator's license bearing an
271 endorsement or the renewal of such a license, or whose operator's
272 license bearing an endorsement or the renewal of such a license is
273 withdrawn or revoked on account of a criminal record or being
274 identified on the state child abuse registry established pursuant to

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Children & Families, Dept.	GF - Cost	\$57,750 - \$115,500	\$57,750 - \$115,500
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	\$10,345 - \$20,690	\$22,100 - \$44,200

Note: GF=General Fund

Municipal Impact: None

Explanation

Provisions within Section 1 conform with current practice of the Department of Children and Families (DCF) and the Department of Public Safety (DPS) and will result in no cost impact to either agency. The ability of DCF to request Federal Bureau of Investigation (FBI) background checks on new employees will cease without its enactment. The FBI has informed DPS that current Connecticut statute is insufficient.

Section 2 codifies current practice regarding criminal background checks of unrelated prospective foster parents and persons aged sixteen years and older residing in the home. Its enactment will ensure that DCF can continue to license these foster homes in accordance with federal regulation. No cost impact will result for either DCF or DPS.

Section 3 requires any person identified on an application for licensure as a child-placing agency to submit to a state and national criminal history records check. This reflects current practice and results in no fiscal impact for either DCF or DPS.

Sections 4 -7 clarify existing statutes regarding child abuse registry checks of prospective child day care staff and have no associated fiscal

impact.

Section 8 requires applicants for a public passenger transportation permit or operator's license bearing an endorsement to submit evidence to the commissioner of motor vehicles that he or she has not been included on the state child abuse registry. It also requires applicants for an operator's license bearing a school endorsement to submit to a check of the state child abuse registry for perpetrator information and allows the commissioner of motor vehicles to deny a license to any such person identified on the registry as a perpetrator. Approximately 7,500 individuals hold public passenger transportation permits. Of these, approximately 4,500 hold a school endorsement.

A minimum of 4,500 persons holding permits with school endorsements would have to obtain a formal child abuse registry check conducted by DCF. The agency's Hotline would require one additional Social Worker position to conduct the checks. An FY 04 cost of \$68,100 would be associated with this position (\$57,750 DCF; \$10,345 fringe benefits).

However, it should be noted that it is unclear whether the remaining 3,000 persons holding public passenger transportation permits would also be required to submit to registry checks. If the bill is interpreted to require this to occur, DCF would require a second Social Worker to accommodate the additional workload, at a total cost of \$68,100 in FY 04.

In FY 05 the annualized cost for the additional staff would be approximately \$79,850 - \$159,700, depending upon whether one or two staff are required (\$57,750 - \$115,500 DCF; \$22,100 - \$44,200 fringe benefits).

The Department of Motor Vehicles will be able to accommodate any additional administrative functions within its anticipated budgetary resources.

OLR Bill Analysis

sSB 935

AN ACT CONCERNING STANDARDS FOR PROFESSIONALS WITH RESPONSIBILITY FOR CHILDREN**SUMMARY:**

This bill:

1. requires everyone who applies for a job at the Department of Children and Families to submit to state and national criminal history record and state child abuse registry checks;
2. requires the Motor Vehicle Department (DMV), before issuing a school bus operator endorsement, to check the child abuse registry to find out if an applicant is listed,;
3. requires anyone applying for or renewing a public transportation permit or license endorsement to submit evidence to DMV that he is not listed on the child abuse registry;
4. extends to applicants for a private child-placing (adoption) agency license the requirement to submit to a state and national criminal history record check (the requirement already applies to applicants for a child-caring facility license);
5. allows DCF to issue a provisional license to child-caring facilities (it can currently do this for child-placing agencies);
6. revises the law governing background checks for foster parents and;
7. specifies that the existing requirements for child abuse registry checks for various day care providers are limited to whether they are perpetrators.

EFFECTIVE DATE: October 1, 2003

DCF EMPLOYEE BACKGROUND CHECKS

The bill requires anyone applying for a job at DCF to state in writing whether he has ever been convicted of a crime or whether criminal charges are currently pending against him. It requires each applicant to submit to state and national criminal history record checks in accordance with Connecticut's uniform criminal record check procedure. It also requires DCF to check its child abuse registry to see if the applicant is listed as a perpetrator of child abuse or neglect.

BUS DRIVERS

The bill requires DMV to check the child abuse registry to find out if an applicant for a school bus operator endorsement is listed as a perpetrator, and it permits DMV to refuse to issue a license to someone who is listed. By law, if DMV refuses to issue the endorsement, it must notify the applicant in writing. The applicant is entitled to a hearing on the refusal if he requests one within 20 days.

The bill requires anyone applying for or renewing a public transportation permit or endorsement to submit evidence, which he may be required to do under oath, that he is not listed on DCF's child abuse registry. This requirement applies to bus, limousine, and taxi drivers.

CHILD-PLACING AND CHILD-CARING AGENCIES

The bill extends to child-placing (adoption) agencies applying for a DCF license, the requirement, currently applicable to child-caring agencies (foster care and other residential facilities), that anyone listed on the application submit to a state and national criminal record check. And it authorizes DCF to issue a 60-day provisional license to a child-caring agency applicant that cannot fully comply with licensing requirements, if the commissioner determines it can do so with minimal effort. The provisional license is renewable for 60-day periods for up to one year. DCF can currently issue such provisional licenses to child-placing agencies.

FOSTER PARENTS

The bill specifically requires people applying to be foster parents and anyone age 16 or older who lives with them to submit to state and national criminal background checks conducted according to the state's uniform procedure. Current law, which the bill repeals, does

not explicitly require background checks but specifies how DCF must conduct them. (DCF regulations require denying licenses to prospective foster parents who have been convicted of specified crimes.) The bill also specifies that, when DCF checks applicants in the child abuse registry, it is to find out if they are listed as perpetrators.

CHILD DAY CARE PROVIDERS

Current law requires checking the child abuse registry for (1) prospective employees at a child day care center or group day care home, (2) applicants for a family day care license and their prospective employees, (3) employees at retail stores' supplementary child-care operations, and (4) individuals who provide child care for someone who receives a child care subsidy from the Department of Social Services. The bill specifies that this check is to see if they are listed as perpetrators.

BACKGROUND

Uniform State Background Check Procedure

CGS § 29-17 sets a uniform procedure for criminal background checks the statutes require. It requires the agency making the request to arrange for the individual's fingerprinting and forward them to the State Police for the state check. If a national check is needed, the State Police sends the fingerprints to the FBI. The public safety commissioner sets the fee for the state check; the FBI for the national check.

DCF Background Check Policy

Under DCF's current policy, job applicants must successfully meet state and national criminal background and DMV investigations within three months after they are hired (*DCF Policy Manual 7-3-1.2*).

DCF foster care regulations requires it in some cases, and allows it in others to deny a license if an applicant or anyone living in his home has been convicted of specified crimes, has been substantiated to have abused or neglected a child, is currently awaiting trial for one of those crimes, or is under investigation for child abuse or neglect (Conn. Agency Regs. 17a-145-152). Similar rules apply to child-placing agencies (Conn. Agency Regs., 17a-150-71).

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 8 Nay 5

Human Services Committee

Joint Favorable Substitute

Yea 16 Nay 2