



General Assembly

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Amendment

LCO No. 6781

SB0093606781SD0

Offered by:

SEN. WILLIAMS, 29th Dist.

To: Subst. Senate Bill No. 936

File No. 738

Cal. No. 194

"AN ACT CONCERNING INTERSTATE PLACEMENT OF CHILDREN AND VISITATION FOR CHILDREN IN THE CARE AND CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2003*) The Commissioner of
4 Children and Families shall (1) require each applicant for a position
5 with the department to state in writing whether such person has ever
6 been convicted of a crime or whether criminal charges are pending
7 against such person at the time such person submits an application,
8 and (2) require each applicant to submit to state and national criminal
9 history records checks, in accordance with section 29-17a of the general
10 statutes. The commissioner shall also check the state child abuse
11 registry established pursuant to section 17a-101k of the general statutes
12 for the name of such applicant for perpetrator information.

13 Sec. 502. Section 17a-114 of the general statutes is repealed and the

14 following is substituted in lieu thereof (*Effective October 1, 2003*):

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

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

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

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

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

68 Sec. 503. Section 17a-151 of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective October 1, 2003*):

70 (a) The Commissioner of Children and Families shall investigate the
71 conditions stated in each application made under the provisions of
72 [section] sections 17a-145 and 17a-149 and shall require any person
73 identified on the application under said [section] sections to submit to
74 state and national criminal history records checks. The commissioner
75 shall investigate the conditions in each application under the
76 provisions of [section] sections 17a-145 and 17a-149 and, if the
77 commissioner finds such conditions suitable for the proper care of
78 children, or for the placing out of children, under such standards for
79 the promotion of the health, safety, morality and well-being of such

80 children as the commissioner prescribes, shall issue such license as is
81 required as promptly as possible, without expense to the licensee. If,
82 after such investigation, the commissioner finds that the applicant,
83 notwithstanding good faith efforts, is not able to fully comply with all
84 the requirements the commissioner prescribes, but compliance can be
85 achieved with minimal efforts, the commissioner may issue a
86 provisional license for a period not to exceed sixty days. The
87 provisional license may be renewed for additional sixty-day periods,
88 but in no event shall the total of such periods be for longer than one
89 year. Before issuing any license, the commissioner shall give to the
90 selectmen of the town wherein such licensee proposes to carry on the
91 licensed activity ten days' notice in writing that the issuance of such
92 license is proposed, but such notice shall not be required in case of
93 intention to issue such license to any corporation incorporated for the
94 purpose of caring for or placing such children. Each license so issued
95 shall specify whether it is granted for child-caring or child-placing
96 purposes, shall state the number of children who may be cared for,
97 shall be in force twenty-four months from date of issue, and shall be
98 renewed for the ensuing twenty-four months, if conditions continue to
99 be satisfactory to the commissioner. The commissioner shall also
100 provide such periodical inspections and review as shall safeguard the
101 well-being, health and morality of all children cared for or placed
102 under a license issued by the commissioner under this section and
103 shall visit and consult with each such child and with the licensee as
104 often as the commissioner deems necessary but at intervals of not more
105 than ninety days. Each licensee under the provisions of this section
106 shall file annually with the commissioner a report containing such
107 information concerning its functions, services and operation, including
108 financial data, as the commissioner requires. Any license issued under
109 this section may be revoked, suspended or limited by the
110 commissioner for cause, after notice given to the person or entity
111 concerned and after opportunity for a hearing thereon. Any party
112 whose application is denied or whose license is revoked, suspended or
113 limited by the commissioner may appeal from such adverse decision in
114 accordance with the provisions of section 4-183. Appeals under this

115 section shall be privileged in respect to the order of trial assignment.

116 (b) The criminal history records checks required pursuant to
117 subsection (a) of this section shall be conducted in accordance with
118 section 29-17a.

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

122 Sec. 504. Subsection (a) of section 17b-749k of the general statutes is
123 repealed and the following is substituted in lieu thereof (*Effective*
124 *October 1, 2003*):

125 (a) The Commissioner of Social Services shall, within available
126 appropriations, require any person, other than a relative, providing
127 child care services to a child in the child's home who receives a child
128 care subsidy from the Department of Social Services to submit to state
129 and national criminal history records checks. The criminal history
130 records checks required pursuant to this subsection shall be conducted
131 in accordance with section 29-17a. The commissioner shall also request
132 a check of the state child abuse registry established pursuant to section
133 17a-101k for perpetrator information.

134 Sec. 505. Section 19a-77a of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective October 1, 2003*):

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

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

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

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

144 (4) The operation may immediately notify appropriate law
145 enforcement or state agencies if any child receiving care at such
146 operation is not picked up by a parent or guardian after three hours.

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

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

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

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

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

165 Sec. 506. Subsection (c) of section 19a-80 of the general statutes is
166 repealed and the following is substituted in lieu thereof (*Effective*
167 *October 1, 2003*):

168 (c) The Commissioner of Public Health, within available
169 appropriations, shall require each prospective employee of a child day
170 care center or group day care home in a position requiring the
171 provision of care to a child to submit to state and national criminal
172 history records checks. The criminal history records checks required
173 pursuant to this subsection shall be conducted in accordance with

174 section 29-17a. The commissioner shall also request a check of the state
175 child abuse registry established pursuant to section 17a-101k for
176 perpetrator information. Pursuant to the interagency agreement
177 provided for in section 10-16s, the Department of Social Services may
178 agree to transfer funds appropriated for criminal history records
179 checks to the Department of Public Health. The commissioner shall
180 notify each licensee of the provisions of this subsection.

181 Sec. 507. Subsection (b) of section 19a-87b of the general statutes is
182 repealed and the following is substituted in lieu thereof (*Effective*
183 *October 1, 2003*):

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