



General Assembly

Substitute Bill No. 5057

January Session, 2005

* _____ HB05057JUD__041505_____ *

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND CHILD ABUSE OR NEGLECT PROCEEDINGS.

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

1 Section 1. Section 17a-101k of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) The Commissioner of Children and Families shall maintain a
4 registry of [the] findings of abuse or neglect of children, as defined in
5 section 46b-120, as amended by this act, and reports received pursuant
6 to sections 17a-101a to 17a-101d, inclusive, and section 17a-103 [and
7 shall adopt regulations to implement the provisions of this section,
8 including] that conform to the provisions of this section and due
9 process of law. The regulations adopted pursuant to subsection (i) of
10 this section shall provide for the use of the registry on a twenty-four-
11 hour daily basis to prevent or discover abuse of children and the
12 establishment of a hearing process for any appeal by a person of the
13 commissioner's determination that such person is responsible for the
14 abuse or neglect of a child pursuant to subsection (b) of section 17a-
15 101g, as amended by this act. The information contained in the registry
16 and the reports and any other information [relative] related to child
17 abuse, wherever located, shall be confidential subject to such statutes
18 and regulations governing their use and access as shall conform to the
19 requirements of federal law or regulations. Any violation of this

20 section or the regulations adopted by the commissioner under this
21 section shall be punishable by a fine of not more than one thousand
22 dollars or imprisonment for not more than one year.

23 [(b) Notwithstanding the provisions of subsection (a) of this section,
24 the Commissioner of Children and Families shall disclose to the
25 Commissioner of Social Services, or his designee, registry information
26 necessary for the evaluation of the temporary family assistance
27 program operated by the Department of Social Services.]

28 (b) Upon the issuance of a recommended finding or substantiation
29 of abuse or neglect pursuant to subsection (b) of section 17a-101g, as
30 amended by this act, the commissioner shall immediately provide
31 notice of the recommended finding to the individual who is alleged to
32 be responsible for the abuse or neglect. The notice shall:

33 (1) Be by certified mail, return receipt requested;

34 (2) Contain a short and plain description of the finding that the
35 individual is responsible for the abuse or neglect of a child;

36 (3) Inform the individual of the existence of the registry and of the
37 commissioner's intention to place the individual's name on the registry
38 unless such individual exercises his or her right to appeal the
39 recommended finding as provided in this section;

40 (4) Inform the individual of the potential adverse consequences of
41 being listed on the registry with regard to obtaining or retaining
42 employment involving direct contact with children and inform the
43 individual of (A) the individual's right to a mediation conference with
44 the commissioner or the commissioner's designee, as provided in this
45 section, and (B) the individual's right to appeal any finding that is
46 upheld after the mediation conference is concluded by seeking an
47 expedited administrative hearing as provided in this section; and

48 (5) Include a written form for the individual to sign and return
49 indicating whether or not the individual will invoke the mediation or

50 appeal procedures provided in this section.

51 (c) (1) Except in cases of death, serious physical abuse or sexual
52 abuse as provided in sections 17a-101b and 17a-101j, the commissioner
53 or the commissioner's designee shall hold a mediation conference,
54 upon request, with the individual against whom a recommended
55 finding of responsibility for the abuse or neglect of a child has been
56 made. The conference shall be held not later than thirty business days
57 after notice of the finding is mailed to the individual.

58 (2) Prior to the conference, the individual shall have access to all
59 relevant documents in the possession of the commissioner regarding
60 the finding of responsibility for the abuse or neglect as provided in
61 subsection (m) of section 17a-28, as amended by this act.

62 (3) At the conference, the individual may be accompanied by legal
63 counsel and any person who has personal knowledge of the
64 circumstances concerning the finding of responsibility for the abuse or
65 neglect. A guardian, parent or legal representative of the child alleged
66 to be the victim of the abuse or neglect may attend the conference.

67 (4) The mediation shall be conducted for the purpose of allowing all
68 parties to discuss the allegations of abuse or neglect and allowing the
69 individual to demonstrate, through documentation or discussion with
70 the individual or the individual's representative, that the finding of
71 responsibility for the abuse or neglect, as defined in section 46b-120, as
72 amended by this act, is factually or legally deficient and should be
73 reversed.

74 (5) The mediation conference shall be recorded on a visual, audio,
75 magnetic or electronic recording and a copy of the recording shall be
76 made available to all parties upon request.

77 (6) If, as a result of the mediation conference, the commissioner or
78 the commissioner's designee agrees that the finding of responsibility
79 for the abuse or neglect is factually or legally deficient, the
80 commissioner shall so indicate in writing and reverse the finding of

81 responsibility for the abuse or neglect.

82 (d) (1) If, as a result of the mediation conference, the commissioner
83 or the commissioner's designee concludes that the finding of
84 responsibility for the abuse or neglect is factually and legally
85 supportable, the commissioner shall designate the finding as
86 "indicated". The commissioner shall send notice to the individual by
87 certified mail, return receipt requested, of the commissioner's decision
88 to reverse or maintain the finding as indicated not later than three
89 business days after the decision is rendered. The notice shall be made
90 in accordance with section 4-177, and the hearing shall be scheduled
91 not later than thirty days after the decision of the commissioner on the
92 indicated finding of responsibility for the abuse or neglect, except for
93 good cause shown by either party.

94 (2) The prehearing procedure and the hearing shall be conducted in
95 accordance with sections 4-177 to 4-181a, inclusive, except that the
96 commissioner shall designate an individual who is not an employee of
97 the Department of Children and Families as a hearing officer in the
98 matter.

99 (3) At the hearing, the individual may be represented by legal
100 counsel. The burden of proof shall be on the commissioner to prove
101 that the indicated finding is supported by a fair preponderance of the
102 evidence submitted at the hearing.

103 (4) Not later than thirty days after the conclusion of the hearing, the
104 hearing officer shall issue a written decision to either reverse or uphold
105 the indicated finding. The decision shall contain findings of fact and a
106 conclusion of law on each issue raised at the hearing.

107 (e) Any individual aggrieved by the decision of the hearing officer
108 may appeal the decision in accordance with section 4-183. Any
109 individual aggrieved by the decision of the hearing officer may also
110 seek a stay of the adverse decision of the hearing officer in accordance
111 with subsection (f) of section 4-183, except that the individual shall
112 apply first to the department and then, if necessary, to the court.

113 (f) Following the issuance of a decision to uphold the indicated
114 finding, the Commissioner of Children and Families shall forward the
115 information as required by law to the central registry established in
116 section 17a-110 and shall also disclose to the Commissioner of Public
117 Health and the Commissioner of Social Services and to any other state
118 agency or official required to be notified by law that the recommended
119 finding of responsibility for the abuse or neglect has been upheld, and
120 shall disclose to such agency or official only such information as
121 required to be disclosed pursuant to any provision of the general
122 statutes.

123 (g) Not later than December 1, 2005, the commissioner shall notify,
124 by certified mail, return receipt requested, all individuals against
125 whom findings of abuse or neglect were substantiated prior to May 1,
126 2000, of the existence of the substantiated findings, the inclusion of
127 their names on the registry and of information regarding the potential
128 consequences of their inclusion on the registry and right to appeal as
129 set forth in subdivision (4) of subsection (b) of this section.

130 (h) Records containing unsubstantiated findings shall remain
131 sealed, except that such records shall be made available to department
132 employees only in the proper discharge of their duties, and shall be
133 expunged by the commissioner two years from the completion date of
134 the investigation if no further report is made about the individual
135 subject to the investigation, except that if the department receives more
136 than one report on an individual and each report is unsubstantiated,
137 all reports and information pertaining to the individual shall be
138 expunged by the commissioner five years from the completion date of
139 the most recent investigation.

140 (i) Not later than October 1, 2005, the Commissioner of Children and
141 Families shall adopt regulations, in accordance with chapter 54, to
142 implement the provisions of this section.

143 Sec. 2. Section 17a-101g of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective October 1, 2005*):

145 (a) Upon receiving a report of child abuse or neglect, as provided in
146 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which
147 the alleged perpetrator is (1) a person responsible for such child's
148 health, welfare or care, (2) a person given access to such child by such
149 responsible person, or (3) a person entrusted with the care of a child,
150 the Commissioner of Children and Families, or the commissioner's
151 designee, shall cause the report to be classified and evaluated
152 immediately. If the report contains sufficient information to warrant an
153 investigation, the commissioner shall make the commissioner's best
154 efforts to commence an investigation of a report concerning an
155 imminent risk of physical harm to a child or other emergency within
156 two hours of receipt of the report and shall commence an investigation
157 of all other reports within seventy-two hours of receipt of the report.
158 The department shall complete any such investigation within thirty
159 calendar days of receipt of the report. If the report is a report of child
160 abuse or neglect in which the alleged perpetrator is not a person
161 specified in subdivision (1), (2) or (3) of this subsection, the
162 Commissioner of Children and Families shall refer the report to the
163 appropriate local law enforcement authority for the town in which the
164 child resides or in which the alleged abuse or neglect occurred.

165 (b) The investigation shall include a home visit at which the child
166 and any siblings are observed, if appropriate, a determination of the
167 nature, extent and cause or causes of the reported abuse or neglect, a
168 determination of the person or persons suspected to be responsible for
169 such abuse or neglect, the name, age and condition of other children
170 residing in the same household and an evaluation of the parents and
171 the home. The report of such investigation shall be in writing. The
172 investigation shall also include, but not be limited to, a review of
173 criminal conviction information concerning the person or persons
174 alleged to be responsible for such abuse or neglect and previous
175 allegations of abuse or neglect relating to the child or other children
176 residing in the household or relating to family violence. After an
177 investigation into a report of abuse or neglect has been completed and
178 the commissioner has reasonable cause to believe that abuse or neglect,

179 as defined in section 46b-120, as amended by this act, has occurred, the
180 commissioner shall issue a recommended finding that such abuse or
181 neglect has occurred to the person or persons suspected to be
182 responsible for such abuse or neglect. Notwithstanding the provisions
183 of subsection (f) of section 17a-28, as amended by this act, except in
184 cases of death, sexual abuse or serious physical abuse of a child as
185 provided in sections 17a-101b and 17a-101j, and except as provided in
186 section 17a-101i with reference to abuse of a child that results in death,
187 sexual abuse or serious physical abuse, no entry of the recommended
188 finding shall be made on the child abuse or neglect registry nor shall
189 any information concerning the recommended finding be disclosed by
190 the commissioner to any other state official or state agency or any
191 private person or entity until the exhaustion or waiver of all
192 administrative appeals available to the person or persons alleged to be
193 responsible for the abuse or neglect as provided in section 17a-101k, as
194 amended by this act.

195 (c) If the Commissioner of Children and Families, or [his] the
196 commissioner's designee, has probable cause to believe that the child
197 or any other child in the household is in imminent risk of physical
198 harm from [his] the child's surroundings and that immediate removal
199 from such surroundings is necessary to ensure the child's safety, the
200 commissioner, or [his] the commissioner's designee, shall authorize
201 any employee of the department or any law enforcement officer to
202 remove the child and any other child similarly situated from such
203 surroundings without the consent of the child's parent or guardian.
204 The commissioner shall record in writing the reasons for such removal
205 and include such record with the report of the investigation conducted
206 under subsection (b) of this section.

207 (d) The removal of a child pursuant to subsection (c) of this section
208 shall not exceed ninety-six hours. During the period of such removal,
209 the commissioner, or [his] the commissioner's designee, shall provide
210 the child with all necessary care, including medical care, which may
211 include an examination by a physician or mental health professional

212 with or without the consent of the child's parents, guardian or other
213 person responsible for the child's care, provided reasonable attempts
214 have been made to obtain consent of the child's parents or guardian or
215 other person responsible for the care of such child. During the course
216 of a medical examination, a physician may perform diagnostic tests
217 and procedures necessary for the detection of child abuse or neglect. If
218 the child is not returned home within such ninety-six-hour period,
219 with or without protective services, the department shall proceed in
220 accordance with section 46b-129.

221 Sec. 3. Subsection (c) of section 17a-28 of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective*
223 *October 1, 2005*):

224 (c) When information concerning an incident of abuse or neglect has
225 been made public or when the commissioner reasonably believes
226 publication of such information is likely, the commissioner or [his] the
227 commissioner's designee may disclose, with respect to an investigation
228 of such abuse or neglect: (1) Whether the department has received a
229 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
230 section 17a-103, and (2) in general terms, any action taken by the
231 department, provided (A) the names or other individually identifiable
232 information of the minor victim or other family member shall not be
233 disclosed, [notwithstanding such individually identifiable information
234 is otherwise available] and (B) the name or other individually
235 identifiable information of the person suspected to be responsible for
236 the abuse or neglect shall not be disclosed unless the person has been
237 arrested for a crime related to the abuse or neglect.

238 Sec. 4. Subsections (f) and (g) of section 17a-28 of the general
239 statutes are repealed and the following is substituted in lieu thereof
240 (*Effective October 1, 2005*):

241 (f) The commissioner or the commissioner's designee shall, upon
242 request, promptly provide copies of records, without the consent of a
243 person, to (1) a law enforcement agency, (2) the Chief State's Attorney

244 or the Chief State's Attorney's designee or a state's attorney for the
245 judicial district in which the child resides or in which the alleged abuse
246 or neglect occurred or the state's attorney's designee, for purposes of
247 investigating or prosecuting an allegation of child abuse or neglect, (3)
248 the attorney appointed to represent a child in any court in litigation
249 affecting the best interests of the child, (4) a guardian ad litem
250 appointed to represent a child in any court in litigation affecting the
251 best interests of the child, (5) the Department of Public Health, which
252 licenses any person to care for children for the purposes of
253 determining suitability of such person for licensure, in a manner
254 consistent with section 17a-101k, as amended by this act, concerning
255 nondisclosure of findings of responsibility for abuse or neglect, (6) any
256 state agency which licenses such person to educate or care for children
257 pursuant to section 10-145b or 17a-101j, in a manner consistent with
258 section 17a-101k, as amended by this act, concerning nondisclosure of
259 findings of responsibility for abuse or neglect, (7) the Governor, when
260 requested in writing, in the course of the Governor's official functions
261 or the Legislative Program Review and Investigations Committee, the
262 committee of the General Assembly on judiciary and the committee of
263 the General Assembly having cognizance of matters involving children
264 when requested in the course of such committees' official functions in
265 writing, and upon a majority vote of said committee, provided no
266 names or other identifying information shall be disclosed unless it is
267 essential to the legislative or gubernatorial purpose, (8) a local or
268 regional board of education, provided the records are limited to
269 educational records created or obtained by the state or Connecticut-
270 Unified School District #2, established pursuant to section 17a-37, in a
271 manner consistent with section 17a-101k, as amended by this act,
272 concerning nondisclosure of findings of responsibility for abuse or
273 neglect, and (9) a party in a custody proceeding under section 17a-112,
274 or section 46b-129, in the Superior Court where such records concern a
275 child who is the subject of the proceeding or the parent of such child. A
276 disclosure under this section shall be made of any part of a record,
277 whether or not created by the department, provided no confidential
278 record of the Superior Court shall be disclosed other than the petition

279 and any affidavits filed therewith in the superior court for juvenile
280 matters, except upon an order of a judge of the Superior Court for
281 good cause shown. The commissioner shall also disclose the name of
282 any individual who cooperates with an investigation of a report of
283 child abuse or neglect to such law enforcement agency or state's
284 attorney for purposes of investigating or prosecuting an allegation of
285 child abuse or neglect. The commissioner or the commissioner's
286 designee shall, upon request, in a manner consistent with section 17a-
287 101k, as amended by this act, concerning nondisclosure of findings of
288 responsibility for abuse or neglect, promptly provide copies of records,
289 without the consent of the person, to (A) the Department of Public
290 Health for the purpose of determining the suitability of a person to
291 care for children in a facility licensed under sections 19a-77 to 19a-80,
292 inclusive, 19a-82 to 19a-87, inclusive, and 19a-87b, and (B) the
293 Department of Social Services for determining the suitability of a
294 person for any payment from the department for providing child care.

295 (g) When the commissioner or [his] the commissioner's designee
296 determines it to be in a person's best interest, the commissioner or [his]
297 the commissioner's designee may, in a manner consistent with section
298 17a-101k, as amended by this act, concerning nondisclosure of findings
299 of responsibility for abuse or neglect, disclose records, whether or not
300 created by the department and not otherwise privileged or confidential
301 communications under state or federal law, without the consent of a
302 person to:

303 (1) Multidisciplinary teams which are formed to assist the
304 department in investigation, evaluation or treatment of child abuse
305 and neglect cases or a multidisciplinary provider of professional
306 treatment services under contract with the department for a child
307 referred to the provider;

308 (2) Any agency in another state which is responsible for
309 investigating or protecting against child abuse or neglect for the
310 purpose of investigating a child abuse case;

311 (3) An individual, including a physician, authorized pursuant to
312 section 17a-101f to place a child in protective custody if such
313 individual has before him a child whom he reasonably suspects may
314 be a victim of abuse or neglect and such individual requires the
315 information in a record in order to determine whether to place the
316 child in protective custody;

317 (4) An individual or public or private agency responsible for a
318 person's care or custody and authorized by the department to
319 diagnose, care for, treat or supervise a child who is the subject of a
320 record of child abuse or neglect or a public or private agency
321 responsible for a person's education for a purpose related to the
322 individual's or agency's responsibilities;

323 (5) The Attorney General or any assistant attorney general
324 providing legal counsel for the department;

325 (6) Individuals or public or private agencies engaged in medical,
326 psychological or psychiatric diagnosis or treatment of a person
327 perpetrating the abuse or who is unwilling or unable to protect the
328 child from abuse or neglect when the commissioner or [his] the
329 commissioner's designee determines that the disclosure is needed to
330 accomplish the objectives of diagnosis or treatment;

331 (7) A person who reports child abuse pursuant to sections 17a-101a
332 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse
333 involving the subject child, provided the information disclosed is
334 limited to (A) the status of the investigation and (B) in general terms,
335 any action taken by the department;

336 (8) An individual conducting bona fide research, provided no
337 information identifying the subjects of records shall be disclosed
338 unless (A) such information is essential to the purpose of the research;
339 (B) each person identified in a record or [his] the person's authorized
340 representative has authorized such disclosure in writing; and (C) the
341 department has given written approval;

342 (9) The Auditors of Public Accounts or their representative,
343 provided no information identifying the subjects of the records shall be
344 disclosed unless such information is essential to an audit conducted
345 pursuant to section 2-90;

346 (10) The Department of Social Services, provided the information
347 disclosed is necessary to promote the health, safety and welfare of the
348 child;

349 (11) A judge of the Superior Court for purposes of determining the
350 appropriate disposition of a child convicted as delinquent or a child
351 who is a member of a family with service needs; and

352 (12) The superintendents, or their designees, of state-operated
353 facilities within the department.

354 Sec. 5. Subsection (m) of section 17a-28 of the general statutes is
355 repealed and the following is substituted in lieu thereof (*Effective*
356 *October 1, 2005*):

357 (m) In addition to the right of access provided in section 1-210, and
358 consistent with section 17a-101k, as amended by this act, concerning
359 nondisclosure of findings of responsibility for abuse or neglect, any
360 person, regardless of age, [his] the person's authorized representative
361 or attorney shall have the right of access to any records made,
362 maintained or kept on file by the department, whether or not such
363 records are required by any law or by any rule or regulation, when
364 those records pertain to or contain information or materials concerning
365 the person seeking access thereto, including but not limited to records
366 concerning investigations, reports, or medical, psychological or
367 psychiatric examinations of the person seeking access thereto,
368 provided that (1) information identifying an individual who reported
369 abuse or neglect of a person, including any tape recording of an oral
370 report pursuant to section 17a-103, shall not be released unless, upon
371 application to the Superior Court by such person and served on the
372 Commissioner of Children and Families, a judge determines, after in
373 camera inspection of relevant records and a hearing, that there is

374 reasonable cause to believe the reporter knowingly made a false report
375 or that other interests of justice require such release; and (2) if the
376 commissioner determines that it would be contrary to the best interests
377 of the person or [his] the person's authorized representative or
378 attorney to review the records, [he] the person may refuse access by
379 issuing to such person or representative or attorney a written
380 statement setting forth the reasons for such refusal, and advise the
381 person, [his] the person's authorized representative or attorney of the
382 right to seek judicial relief. When any person, attorney or authorized
383 representative, having obtained access to any record, believes there are
384 factually inaccurate entries or materials contained therein, [he] the
385 person, attorney or authorized representative shall have the
386 unqualified right to add a statement to the record setting forth what
387 [he] the person, attorney or authorized representative believes to be an
388 accurate statement of those facts, and said statement shall become a
389 permanent part of said record.

390 Sec. 6. Section 46b-120 of the general statutes is repealed and the
391 following is substituted in lieu thereof (*Effective October 1, 2005*):

392 The terms used in this chapter shall, in its interpretation and in the
393 interpretation of other statutes, be defined as follows: (1) "Child"
394 means any person under sixteen years of age and, for purposes of
395 delinquency matters, "child" means any person (A) under sixteen years
396 of age, or (B) sixteen years of age or older who, prior to attaining
397 sixteen years of age, has violated any federal or state law or municipal
398 or local ordinance, other than an ordinance regulating behavior of a
399 child in a family with service needs, and, subsequent to attaining
400 sixteen years of age, violates any order of the Superior Court or any
401 condition of probation ordered by the Superior Court with respect to
402 such delinquency proceeding; (2) "youth" means any person sixteen or
403 seventeen years of age; (3) "youth in crisis" means any youth who,
404 within the last two years, (A) has without just cause run away from the
405 parental home or other properly authorized and lawful place of abode,
406 (B) is beyond the control of parents, guardian or other custodian, or (C)

407 has four unexcused absences from school in any one month or ten
408 unexcused absences in any school year; (4) "abused" means that a child
409 or youth (A) has been inflicted with physical injury or injuries other
410 than by accidental means, or (B) has injuries that are at variance with
411 the history given of them, or (C) is in a condition that is the result of
412 maltreatment such as, but not limited to, malnutrition, sexual
413 molestation or exploitation, deprivation of necessities, emotional
414 maltreatment or cruel punishment, except that nonaccidental injury
415 resulting from bona fide disciplinary efforts of a parent or guardian
416 shall not be considered abuse if such disciplinary efforts were
417 reasonable under the circumstances considering the child's family
418 situation, the age of the child, the mental and physical condition of the
419 child and the matter for which the child was being disciplined; (5) a
420 child may be found "mentally deficient" who, by reason of a deficiency
421 of intelligence that has existed from birth or from early age, requires,
422 or will require, for [his] the child's protection or for the protection of
423 others, special care, supervision and control; (6) a child may be
424 convicted as "delinquent" who has violated (A) any federal or state law
425 or municipal or local ordinance, other than an ordinance regulating
426 behavior of a child in a family with service needs, (B) any order of the
427 Superior Court, or (C) conditions of probation as ordered by the court;
428 (7) a child or youth may be found "dependent" whose home is a
429 suitable one for the child or youth, save for the financial inability of
430 parents, parent, guardian or other person maintaining such home, to
431 provide the specialized care the condition of the child or youth
432 requires; (8) "family with service needs" means a family that includes a
433 child who (A) has without just cause run away from the parental home
434 or other properly authorized and lawful place of abode, (B) is beyond
435 the control of parent, parents, guardian or other custodian, (C) has
436 engaged in indecent or immoral conduct, (D) is a truant or habitual
437 truant or who, while in school, has been continuously and overtly
438 defiant of school rules and regulations, or (E) is thirteen years of age or
439 older and has engaged in sexual intercourse with another person and
440 such other person is thirteen years of age or older and not more than
441 two years older or younger than such child; (9) a child or youth may be

442 found "neglected" who (A) has been abandoned, or (B) is being denied
443 proper care and attention, physically, educationally, emotionally or
444 morally, or (C) is being permitted to live under conditions,
445 circumstances or associations injurious to the well-being of the child or
446 youth, or (D) has been abused. A finding of neglect shall not be made
447 pursuant to subparagraph (B) or (C) of this subdivision if the denial of
448 proper care or attention or the child's being permitted to live under the
449 injurious conditions, circumstances or associations were caused by a
450 lack of access to health care, employment or social services that can be
451 rectified by a referral to appropriate employment, social or disability
452 support services. The Commissioner of Children and Families shall
453 apply a reasonableness standard when considering an allegation of
454 neglect and shall take into account the child's family situation, the age
455 of the child and the physical and mental condition of the child; (10) a
456 child or youth may be found "uncared for" who is homeless or whose
457 home cannot provide the specialized care that the physical, emotional
458 or mental condition of the child requires. For the purposes of this
459 section, the treatment of any child by an accredited Christian Science
460 practitioner in lieu of treatment by a licensed practitioner of the
461 healing arts, shall not of itself constitute neglect or maltreatment; (11)
462 "delinquent act" means the violation of any federal or state law or
463 municipal or local ordinance, other than an ordinance regulating the
464 behavior of a child in a family with service needs, or the violation of
465 any order of the Superior Court; (12) "serious juvenile offense" means
466 (A) the violation by a child, including attempt or conspiracy to violate
467 sections 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b,
468 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59
469 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92
470 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to
471 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
472 subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135,
473 53a-136a, 53a-166, 53a-167c, subsection (a) of section 53a-174, 53a-196a,
474 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) running away, without
475 just cause, from any secure placement other than home while referred
476 as a delinquent child to the Court Support Services Division or

477 committed as a delinquent child to the Commissioner of Children and
478 Families for a serious juvenile offense; (13) "serious juvenile offender"
479 means any child convicted as delinquent for commission of a serious
480 juvenile offense; (14) "serious juvenile repeat offender" means any
481 child charged with the commission of any felony if such child has
482 previously been convicted delinquent at any age for two violations of
483 any provision of title 21a, 29, 53 or 53a that is designated as a felony;
484 (15) "alcohol-dependent child" means any child who has a
485 psychoactive substance dependence on alcohol as that condition is
486 defined in the most recent edition of the American Psychiatric
487 Association's "Diagnostic and Statistical Manual of Mental Disorders";
488 and (16) "drug-dependent child" means any child who has a
489 psychoactive substance dependence on drugs as that condition is
490 defined in the most recent edition of the American Psychiatric
491 Association's "Diagnostic and Statistical Manual of Mental Disorders".
492 No child shall be classified as drug dependent who is dependent (A)
493 upon a morphine-type substance as an incident to current medical
494 treatment of a demonstrable physical disorder other than drug
495 dependence, or (B) upon amphetamine-type, ataractic,
496 barbiturate-type, hallucinogenic or other stimulant and depressant
497 substances as an incident to current medical treatment of a
498 demonstrable physical or psychological disorder, or both, other than
499 drug dependence.

500 Sec. 7. (NEW) (*Effective October 1, 2005*) (a) Nothing in chapter 815t
501 of the general statutes shall be construed to be in derogation of the
502 rights of a parent or guardian to discipline a child in the parent's or
503 guardian's care to the extent otherwise permitted by law.

504 (b) The Commissioner of Children and Families shall adopt
505 regulations, in accordance with chapter 54 of the general statutes, to
506 implement this section and section 46b-120 of the general statutes, as
507 amended by this act, with respect to findings of abuse or neglect made
508 by the commissioner or the commissioner's designee.

