



House of Representatives

General Assembly

File No. 498

January Session, 2009

Substitute House Bill No. 5425

House of Representatives, April 6, 2009

The Committee on Human Services reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES.

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

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) There is established a bill
2 of rights for any child or youth in the custody of the Commissioner of
3 Children and Families. The bill of rights shall provide that each such
4 child or youth shall have the right to: (1) A comprehensive assessment
5 that includes, but is not limited to, an assessment of the child's or
6 youth's physical health, medical history, mental health, education,
7 family situation and history of substance use, if any; (2) evidence-
8 based treatment for any substance abuse problem, physical condition,
9 mental condition or dental problem identified during the assessment
10 of the child or youth; (3) a public education, that includes appropriate
11 special education when needed by the child or youth; (4) services to
12 improve social functioning and family relations; (5) the least restriction
13 appropriate for the child's or youth's needs; (6) not be treated
14 adversely because of the child's or youth's gender, religion, race,

15 national origin or sexual orientation; (7) safe housing free from abuse
16 and the use of physical force; (8) representation of competent legal
17 counsel at all proceedings involving the child or youth; (9) procedural
18 protections against self-incrimination for statements made by the child
19 or youth that are related to the child's or youth's treatment or
20 assessment for treatment; (10) periodic evaluations for the effectiveness
21 of treatment received by the child or youth; and (11) a fair and quick
22 resolution to department proceedings.

23 (b) Each child or youth in the custody of the commissioner shall be
24 provided with the rights identified in subsection (a) of this section, not
25 later than September 1, 2009, or sixty days after the commissioner is
26 granted custody of the child or youth.

27 *Sec. 2. (Effective from passage)* (a) There is established a task force to
28 study the policies, practices and procedures of the Department of
29 Children and Families relating to child abuse and neglect cases. The
30 task force shall analyze the rules and regulations of the department
31 relating to such cases.

32 (b) The task force shall consist of the following members:

33 (1) Two representatives of the Office of the Attorney General,
34 Department of Child Protection appointed by the speaker of the House
35 of Representatives;

36 (2) Two representatives of the Commission on Child Protection
37 appointed by the president pro tempore of the Senate;

38 (3) One representative of public defenders in the Superior Court for
39 Juvenile Matters appointed by the majority leader of the House of
40 Representatives;

41 (4) One attorney who represents children or parents in child abuse
42 and neglect cases appointed by the majority leader of the Senate;

43 (5) One representative of public defenders in the Superior Court for
44 Juvenile Matters appointed by the minority leader of the House of

45 Representatives;

46 (6) One attorney who represents children or parents in child abuse
47 and neglect cases appointed by the minority leader of the Senate;

48 (7) The Commissioner of Children and Families or the
49 commissioner's designee;

50 (8) Two persons who have been involved with the department in a
51 child abuse or neglect case, one each appointed by the chairpersons of
52 the joint standing committee of the General Assembly having
53 cognizance of matters relating to human services; and

54 (9) The Child Advocate or the Child Advocate's designee.

55 (c) All appointments to the task force shall be made no later than
56 thirty days after the effective date of this section. Any vacancy shall be
57 filled by the appointing authority.

58 (d) The speaker of the House of Representatives and the president
59 pro tempore of the Senate shall select the chairpersons of the task force
60 from among the members of the task force. Such chairpersons shall
61 schedule the first meeting of the task force, which shall be held no later
62 than sixty days after the effective date of this section.

63 (e) The Commissioner of Children and Families shall submit all
64 rules and regulations of the department to the task force at the first
65 meeting of the task force.

66 (f) The administrative staff of the joint standing committee of the
67 General Assembly having cognizance of matters relating to human
68 services shall serve as administrative staff of the task force.

69 (g) Not later than January 1, 2010, the task force shall submit a
70 report on its findings and recommendations, pursuant to subsection
71 (h) of this section, to the joint standing committee of the General
72 Assembly having cognizance of matters relating to human services and
73 the select committee of the General Assembly having cognizance of

74 matters relating to children, in accordance with the provisions of
75 section 11-4a of the general statutes. The task force shall terminate on
76 the date that it submits such report or January 1, 2010, whichever is
77 later.

78 (h) The report of the task force, submitted in accordance with
79 subsection (g) of this section, shall include, but not be limited to: (1) An
80 analysis of the department's rules and regulations relating to child
81 abuse and neglect; (2) recommendations for ways to improve the
82 department's operations, including the efficiency of its operations
83 relating to child abuse and neglect cases; (3) recommendations for
84 ways to improve the public's perception of the department; and (4)
85 recommendations for ways to improve support services necessary to
86 strengthen families involved with the department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>from passage</i>	New section

HS *Joint Favorable Subst.*

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-Effect	FY 10 \$	FY 11 \$
Children & Families, Dept.	GF - See Below	See Below	See Below
Legislative Mgmt.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

Incorporating the ten “rights” itemized in Section 1 into statute will result in an uncertain fiscal impact. It cannot be determined in advance whether enactment would prompt legal challenges against the state that might otherwise not occur. If it does prompt litigation, the state may incur costs associated with such litigation, and further indeterminate, yet likely significant, costs associated with providing court ordered services beyond the scope of normally budgeted funding levels.

Section 2 establishes a task force to study the policies, practices and procedures of the Department of Children and Families relating to child abuse and neglect cases. The task force must report its findings and recommendations to the Human Services Committee by January 1, 2010.

The bill requires the staff of the Human Services Committee to provide administrative assistance to the task force. If legislators participate on the task force, the Office of Legislative Management would incur minimal costs associated with mileage reimbursement of 55 cents per mile.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5425

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES.

SUMMARY:

This bill establishes a bill of rights for children and youth in the Department of Children and Families' (DCF) custody. Each child or youth in DCF custody must be provided these rights by September 1, 2009 or 60 days after the commissioner is granted custody (presumably by the later of the two dates).

The bill also establishes a 12-member task force to study DCF policies, practices, and procedures relating to child abuse and neglect cases. The task force must report its findings and recommendations to the Human Services and Children's committees by January 1, 2010. It terminates on the later of the date the report is submitted or January 1, 2010.

EFFECTIVE DATE: Upon passage, except the bill of rights is effective on July 1, 2009.

BILL OF RIGHTS FOR CHILDREN AND YOUTH IN DCF CUSTODY

The bill of rights gives children and youth in DCF custody the rights to:

1. a comprehensive assessment that includes, at a minimum, an assessment of their physical health, medical history, mental health, education, family situation, and history of substance use, if any;
2. evidence-based treatment for any substance abuse problem, physical condition, mental condition, or dental problem

- identified during the assessment;
- 3. a public education that includes appropriate special education when needed;
- 4. services to improve social functioning and family relations;
- 5. the least restriction appropriate for their needs;
- 6. not to be treated adversely because of gender, religion, race, national origin, or sexual orientation;
- 7. safe housing free from abuse and the use of physical force;
- 8. representation of competent legal counsel at all proceedings involving them;
- 9. procedural protections against self-incrimination for statements they make related to their treatment or assessment for treatment;
- 10. periodic evaluations for the effectiveness of treatments they have received; and
- 11. a fair and quick resolution to DCF proceedings.

TASK FORCE TO STUDY DCF POLICIES, PRACTICES, AND PROCEDURES

Membership

The bill establishes a task force that must analyze DCF rules and regulations related to child abuse and neglect cases.

In addition to the DCF commissioner and child advocate, or their designees, the bill constitutes the task force with the following members:

Appointing Authority	Member
House Speaker	Two representatives from the attorney general’s child protection unit

Senate president pro tempore	Two representatives of the Commission on Child Protection
House majority and minority leaders	One representative each from the public defenders in Superior Court for juvenile matters
Senate majority and minority leaders	One attorney each representing children or parents in child abuse and neglect cases
Human Services Committee chairs	One each who must be a person who has been involved with DCF in a child abuse or neglect case

All appointments must be made within 30 days of the bill's passage. Vacancies are filled by the appointing authority.

The bill requires the House speaker and Senate president pro tempore to appoint the chairpersons from among the members. The chairs must convene the task force's first meeting within 60 days of the bill's passage. The Human Services Committee's administrative staff serve as the task force's administrative staff.

The bill requires the DCF commissioner to submit all of the department's rules and regulations to the task force at its first meeting.

Report

The bill requires the task force to report its findings and recommendations to the Human Services and Children's committees by January 1, 2010. The report must include, at a minimum:

1. an analysis of DCF's rules and regulations relating to child abuse and neglect;
2. recommendations to improve the department's operations, including those concerning child abuse and neglect cases;
3. recommendations to improve the public's perception of the

department; and

4. recommendations to improve support services necessary to strengthen families involved with the department.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/19/2009)