



# Senate

General Assembly

**File No. 527**

January Session, 2009

Substitute Senate Bill No. 879

*Senate, April 8, 2009*

The Committee on Public Health reported through SEN. HARRIS of the 5th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING REORGANIZATION OF 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 January 1, 2010*) (a) Notwithstanding any  
2 provision of the general statutes, on and after January 1, 2010, the  
3 Department of Public Health shall be responsible for the licensing of  
4 child care facilities and other agencies licensed by the Department of  
5 Children and Families prior to said date, except that the Department of  
6 Children and Families shall continue to be responsible for the licensing  
7 of foster families. Licenses for such facilities and agencies issued by the  
8 Department of Children and Families before January 1, 2010, shall be  
9 renewed with the Department of Public Health and licenses issued for  
10 foster families shall be renewed with the Department of Children and  
11 Families.

12 (b) Any regulation or order of the Commissioner of Children and  
13 Families regarding licensure of such facilities and agencies that is in  
14 effect on January 1, 2010, shall continue in force and effect as a

15 regulation or order of the Commissioner of Public Health until  
16 superseded by law.

17 Sec. 2. Section 17a-20 of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective January 1, 2010*):

19 (a) For the purposes of this section, "psychiatric clinic" means an  
20 organization licensed by the Department of [Children and Families]  
21 Public Health and staffed by psychiatrists, psychologists, social  
22 workers and such other professional, paraprofessional and clerical  
23 personnel as local circumstances may require, working in collaboration  
24 with other social service agencies, to provide mental health services  
25 that are designed to (1) effectively decrease the prevalence and  
26 incidence of mental illness, emotional disturbance and social  
27 disfunctioning, and (2) promote mental health in individuals, groups  
28 and institutions, and includes a general hospital with such clinic  
29 services. The Department of Children and Families shall develop and  
30 maintain a program of outpatient psychiatric clinics for children and  
31 youths and their families, provided such clinics are licensed by the  
32 Department of Public Health.

33 (b) For the purposes of this section, "child guidance clinic" means a  
34 subset of psychiatric clinics for children designated by the Department  
35 of Children and Families pursuant to this section to receive grant  
36 funds for the purpose of assisting the department to provide  
37 community-based psychiatric services for children, youths and  
38 families. In order to meet such mandate, the department shall  
39 designate a subset of outpatient psychiatric clinics for children to be  
40 known as child guidance clinics. The department shall provide grants  
41 to such child guidance clinics in accordance with the provisions of this  
42 section. Any town having a population of not less than forty thousand,  
43 as most recently determined by the Secretary of the Office of Policy  
44 and Management, or any combination of towns with a combined  
45 population of not less than forty thousand as similarly determined, or  
46 any nonprofit corporation organized or existing for the purpose of  
47 establishing or maintaining a psychiatric clinic for children and youths

48 or for children and youths and their families, or any clinic designated  
49 by the Department of Children and Families as of January 1, 1995, may  
50 apply to the Department of Children and Families for funds to be used  
51 to assist in establishing, maintaining or expanding a psychiatric clinic.  
52 The applications, and any grant of funds pursuant thereto, shall not be  
53 subject to the provisions of section 17a-476, except to the extent  
54 required by federal law. The department shall base any grant of funds  
55 on the services provided to children and youths under eighteen years  
56 of age and on the effectiveness of the services. No grant shall exceed  
57 two-thirds of the ordinary recurring operating expenses of the clinic,  
58 nor shall any grant be made to pay for any portion of capital  
59 expenditures for the clinic. No clinic in existence as of October 1, 1995,  
60 shall be eligible for grants of any funds under this section unless it has  
61 obtained a license within six months of the adoption of regulations  
62 under subsection (c) of this section. No clinic receiving funds under  
63 this section shall refuse services to any resident of this state solely  
64 because of his or her place of residence.

65 (c) The Department of [Children and Families] Public Health shall  
66 adopt regulations, in accordance with the provisions of chapter 54,  
67 defining the minimum requirements for outpatient psychiatric clinics  
68 for children to be eligible for licensure under this section [in] with  
69 regard to (1) qualification and number of staff members, (2) clinic  
70 operation including but not limited to physical plant, governing body  
71 and recordkeeping, (3) effectiveness of services, and (4) populations  
72 targeted for priority access. The regulations shall also govern the  
73 granting of the funds to assist in establishing, maintaining and  
74 expanding psychiatric clinics. The department shall, upon payment of  
75 a fee of three hundred dollars, issue to any qualifying clinic a license  
76 that shall be in force for twenty-four months from the date of issue and  
77 shall be renewable for additional twenty-four-month periods, upon  
78 payment of a fee of three hundred dollars for each such period,  
79 provided the clinic continues to meet conditions satisfactory to the  
80 department. Any regulation or order of the Commissioner of Children  
81 and Families issued pursuant to this subsection that is in effect on  
82 January 1, 2010, shall continue in force and effect as a regulation or

83 order of the Commissioner of Public Health until superseded by law.

84 (d) The [department] Department of Children and Families shall  
85 make available to child guidance clinics forms to be used in making  
86 application for available funds. Upon receipt of proper application, the  
87 department shall grant the funds, provided the plans for financing, the  
88 standards of operation and the effectiveness of services of the clinics  
89 are approved by the department in accordance with the provisions of  
90 this section. The grants shall be made on an annual basis.

91 Sec. 3. Section 17a-22g of the general statutes is repealed and the  
92 following is substituted in lieu thereof (*Effective January 1, 2010*):

93 (a) The Judicial Branch and each state agency, community-based  
94 program, organization or individual that provides behavioral health or  
95 substance abuse prevention and treatment programs that are operated  
96 [.] or funded [or licensed] by the Department of Children and Families,  
97 or licensed by the Department of Public Health pursuant to sections  
98 17a-20, as amended by this act, 17a-114, as amended by this act, 17a-  
99 145, as amended by this act, 17a-147, as amended by this act, 17a-149,  
100 as amended by this act, 17a-151, as amended by this act, 17a-152, as  
101 amended by this act, and 17a-154, as amended by this act, shall  
102 provide case specific information to the [department] Department of  
103 Children and Families for purposes directly connected with the  
104 administration of Connecticut Community KidCare in such form and  
105 manner as the [department] Department of Children and Families  
106 requests. The provisions of this section shall be subject to the  
107 confidentiality requirements as set forth in applicable federal law.

108 (b) No person shall solicit, disclose, receive or make use of, or  
109 authorize, knowingly permit, participate in or acquiesce in the use of,  
110 any list of the names of, or any information concerning, persons  
111 applying for or receiving assistance under the Connecticut Community  
112 KidCare program, directly or indirectly derived from the records,  
113 papers, files or communications of the state or its subdivisions or  
114 agencies, or acquired in the course of the performance of official  
115 duties. The Commissioner of Children and Families shall disclose case-

116 specific information to any authorized representative of the  
117 Commissioner of Social Services for purposes directly connected with  
118 the administration of Connecticut Community KidCare. No such  
119 representative shall disclose any information obtained pursuant to this  
120 section, except as specified in this section.

121 Sec. 4. Subsection (e) of section 17a-28 of the general statutes is  
122 repealed and the following is substituted in lieu thereof (*Effective*  
123 *January 1, 2010*):

124 (e) The commissioner shall, upon written request, disclose the  
125 following information concerning agencies licensed prior to January 1,  
126 2010, by the Department of Children and Families, except foster care  
127 parents, relatives of the child who are certified to provide foster care or  
128 prospective adoptive families: (1) The name of the licensee; (2) the date  
129 the original license was issued; (3) the current status of the license; (4)  
130 whether an agency investigation or review is pending or has been  
131 completed; and (5) any licensing action taken by the department at any  
132 time during the period such license was issued and the reason for such  
133 action, provided disclosure of such information will not jeopardize a  
134 pending investigation.

135 Sec. 5. Section 17a-38 of the general statutes is repealed and the  
136 following is substituted in lieu thereof (*Effective January 1, 2010*):

137 The Department of Children and Families shall develop or contract  
138 for home-based treatment programs designed to provide time-limited,  
139 home-based services to families where a child is in imminent danger of  
140 being removed from the home and placed in foster care, residential  
141 treatment or a psychiatric hospital setting. Such programs shall be  
142 designed to prevent the unnecessary separation of children by  
143 providing intensive in-home services when an acute crisis threatens  
144 the ability of the family to remain together. Intervention may include,  
145 but shall not be limited to, intensive family, individual and marriage  
146 counseling, training in communication and negotiation skills, training  
147 in home maintenance skills, behavioral management training, parent  
148 training, child development training, job readiness training, client

149 advocacy and arrangement for other services. On and after January 1,  
150 2010, each home-based treatment program developed or contracted for  
151 pursuant to this section shall be licensed by the Department of Public  
152 Health.

153 Sec. 6. Section 17a-93 of the general statutes is repealed and the  
154 following is substituted in lieu thereof (*Effective January 1, 2010*):

155 As used in sections 17a-90 to 17a-124, inclusive, and 17a-152:

156 [(a)] (1) "Child" means any person under eighteen years of age,  
157 except as otherwise specified, or any person under twenty-one years of  
158 age who is in full-time attendance in a secondary school, a technical  
159 school, a college or a state-accredited job training program;

160 [(b)] (2) "Parent" means natural or adoptive parent;

161 [(c)] (3) "Adoption" means the establishment by court order of the  
162 legal relationship of parent and child;

163 [(d)] (4) "Guardianship" means guardianship, unless otherwise  
164 specified, of the person of a minor and refers to the obligation of care  
165 and control, the right to custody and the duty and authority to make  
166 major decisions affecting such minor's welfare, including, but not  
167 limited to, consent determinations regarding marriage, enlistment in  
168 the armed forces and major medical, psychiatric or surgical treatment;

169 [(e)] (5) "Termination of parental rights" means the complete  
170 severance by court order of the legal relationship, with all its rights  
171 and responsibilities, between the child and his parent or parents so  
172 that the child is free for adoption except it shall not affect the right of  
173 inheritance of such child or the religious affiliation of such child;

174 [(f)] (6) "Statutory parent" means the Commissioner of Children and  
175 Families or that child-placing agency appointed by the court for the  
176 purpose of giving a minor child or minor children in adoption;

177 [(g)] (7) "Child-placing agency" means any agency within or without

178 the state of Connecticut licensed or approved by the Commissioner of  
179 [Children and Families] Public Health in accordance with sections 17a-  
180 149, as amended by this act, and 17a-151, as amended by this act, and  
181 in accordance with such standards which shall be established by  
182 regulations of the Department of [Children and Families] Public  
183 Health;

184 [(h)] (8) "Child care facility" means a congregate residential setting  
185 licensed by the Department of [Children and Families] Public Health  
186 for the out-of-home placement of children or youths under eighteen  
187 years of age, or any person under twenty-one years of age who is in  
188 full-time attendance in a secondary school, a technical school, a college  
189 or state accredited job training program and was placed in a  
190 congregate residential setting prior to such person's eighteenth  
191 birthday;

192 [(i)] (9) "Protective supervision" means a status created by court  
193 order following adjudication of neglect whereby a child's place of  
194 abode is not changed but assistance directed at correcting the neglect is  
195 provided at the request of the court through the Department of  
196 Children and Families or such other social agency as the court may  
197 specify;

198 [(j)] (10) "Receiving home" means a facility operated by the  
199 Department of Children and Families to receive and temporarily care  
200 for children in the guardianship or care of the commissioner;

201 [(k)] (11) "Protective services" means public welfare services  
202 provided after complaints of abuse, neglect or abandonment, but in the  
203 absence of an adjudication or assumption of jurisdiction by a court;

204 [(l)] (12) "Person responsible for the health, welfare or care of a child  
205 or youth" means a child's or a youth's parent, guardian or foster  
206 parent; an employee of a public or private residential home, agency or  
207 institution or other person legally responsible in a residential setting;  
208 or any staff person providing out-of-home care, including center-based  
209 child day care, family day care or group day care, as defined in section

210 19a-77;

211 [(m)] (13) "Foster family" means a person or persons, licensed or  
212 certified by the Department of Children and Families or approved by a  
213 licensed child-placing agency, for the care of a child or children in a  
214 private home;

215 [(n)] (14) "Prospective adoptive family" means a person or persons,  
216 licensed by the Department of Children and Families or approved by a  
217 licensed child-placing agency, who is awaiting the placement of, or  
218 who has a child or children placed in their home for the purposes of  
219 adoption;

220 [(o)] (15) "Person entrusted with the care of a child or youth" means  
221 a person given access to a child or youth by a person responsible for  
222 the health, welfare or care of a child or youth for the purpose of  
223 providing education, child care, counseling, spiritual guidance,  
224 coaching, training, instruction, tutoring or mentoring of such child or  
225 youth.

226 Sec. 7. Section 17a-113 of the general statutes is repealed and the  
227 following is substituted in lieu thereof (*Effective January 1, 2010*):

228 When application has been made for the removal of one or both  
229 parents as guardians or of any other guardian of the person of such  
230 child, or when an application has been made for the termination of the  
231 parental rights of any parties who may have parental rights with  
232 regard to any minor child, the superior court in which such proceeding  
233 is pending may, if it deems it necessary based on the best interests of  
234 the child, order the custody of such child to be given to the  
235 Commissioner of Children and Families or some proper person or to  
236 the board of managers of any child-caring institution or organization,  
237 or any children's home or similar institution licensed or approved by  
238 the Commissioner of Children and Families or the Commissioner of  
239 Public Health, pending the determination of the matter, and may  
240 enforce such order by a warrant directed to a proper officer  
241 commanding the officer to take possession of the child and to deliver

242 such child into the custody of the person, board, home or institution  
243 designated by such order; and said court may, if either or both parents  
244 are removed as guardians or if any other guardian of the person is  
245 removed, or if said parental rights are terminated, enforce its decree,  
246 awarding the custody of the child to the person or persons entitled  
247 thereto, by a warrant directed to the proper officer commanding the  
248 officer to take possession of the child and to deliver such child into the  
249 care and custody of the person entitled thereto. Such officer shall make  
250 returns to such court of such officer's doings under either warrant.  
251 Upon the issuance of such order giving custody of the child to the  
252 Commissioner of Children and Families, or not later than sixty days  
253 after the issuance of such order, the court shall make a determination  
254 whether the Department of Children and Families made reasonable  
255 efforts to keep the child with his or her parents or guardian prior to the  
256 issuance of such order and, if such efforts were not made, whether  
257 such reasonable efforts were not possible, taking into consideration the  
258 child's best interests, including the child's health and safety.

259 Sec. 8. Section 17a-145 of the general statutes is repealed and the  
260 following is substituted in lieu thereof (*Effective January 1, 2010*):

261 (a) No person or entity shall care for or board a child without a  
262 license obtained from the Commissioner of [Children and Families]  
263 Public Health, except: (1) When a child has been placed by a person or  
264 entity holding a license from the [commissioner] Commissioner of  
265 Public Health; (2) any residential educational institution exempted by  
266 the state Board of Education under the provisions of section 17a-152, as  
267 amended by this act; (3) residential facilities licensed by the  
268 Department of Developmental Services pursuant to section 17a-227; or  
269 (4) [facilities providing child day care services, as defined in section  
270 19a-77] foster families licensed by the Department of Children and  
271 Families under the provisions of section 17a-114; or (5) any home that  
272 houses students participating in a program described in subparagraph  
273 (B) of subdivision (8) of section 10a-29.

274 (b) The person or entity seeking a child-care facility license shall file

275 with the [commissioner] Commissioner of Public Health an application  
276 for a license, in such form as the commissioner furnishes, stating the  
277 location where it is proposed to care for such child, the number of  
278 children to be cared for, in the case of a corporation, the purpose of the  
279 corporation and the names of its chief officers and of the actual person  
280 responsible for the child. The Commissioner of [Children and Families]  
281 Public Health is authorized to fix the maximum number of children to  
282 be boarded and cared for in any such [home or institution or by any  
283 person or entity licensed by the commissioner] child-care facility. Each  
284 person or entity holding a child-care facility license under the  
285 provisions of this [section] subsection shall file annually, with the  
286 commissioner, a report stating the number of children received and  
287 removed during the year, the number of deaths and the causes of  
288 death, the average cost of support per capita and such other data as the  
289 commissioner may prescribe. If the population served at any facility [ ]  
290 or institution [or home] operated by any person or entity licensed  
291 under this [section] subsection changes after such license is issued,  
292 such person or entity shall file a new license application with the  
293 commissioner, and the commissioner shall notify the chief executive  
294 officer of the municipality in which the facility is located of such new  
295 license application, except that no confidential client information may  
296 be disclosed. The provisions of this subsection shall not apply to  
297 facilities providing child day care services, as defined in section 19a-77.

298 Sec. 9. Section 17a-147 of the general statutes is repealed and the  
299 following is substituted in lieu thereof (*Effective January 1, 2010*):

300 (a) For the purposes of this section and section 17a-22, "extended  
301 day treatment" means a supplementary care community-based  
302 program providing a comprehensive multidisciplinary approach to  
303 treatment and rehabilitation of emotionally disturbed, mentally ill,  
304 behaviorally disordered or multiply handicapped children and youths  
305 during the hours immediately before and after school while they  
306 reside with their parents or surrogate family. Extended day treatment  
307 programs, except any such program provided by a regional  
308 educational service center established in accordance with section 10-

309 66a, shall be licensed by the Department of [Children and Families]  
310 Public Health.

311 (b) The goal of extended day treatment is to improve the  
312 functioning of the child or youth as an individual and the family as a  
313 unit with the least possible interruption of beneficial relationships with  
314 the family and the community. An extended day treatment program  
315 (1) shall offer the broadest range of therapeutic services consistent with  
316 the needs of the children and youths it serves, including, but not  
317 limited to, (A) a therapeutic setting, (B) the integration of the family  
318 into the treatment and the treatment planning process, (C) support and  
319 emergency services to families designed to allow continued residence  
320 of the children and youths in their homes, (D) professional clinical  
321 services, (E) access to educational services, and (F) the coordination of  
322 community services in support of the treatment effort, or (2) if  
323 provided for children requiring special education by a regional  
324 educational service center, shall offer such services as are specified in  
325 the prescribed educational program for each such child in accordance  
326 with section 10-76d.

327 (c) The Commissioner of [Children and Families] Public Health shall  
328 adopt such regulations, in accordance with chapter 54, as are necessary  
329 to establish procedures and requirements for the licensure of extended  
330 day treatment programs, except any such program provided by a  
331 regional educational service center. Any regulation or order of the  
332 Commissioner of Children and Families issued pursuant to this section  
333 that is in effect on January 1, 2010, shall continue in force and effect as  
334 a regulation of the Commissioner of Public Health until superseded by  
335 law.

336 Sec. 10. Section 17a-149 of the general statutes is repealed and the  
337 following is substituted in lieu thereof (*Effective January 1, 2010*):

338 No person or entity except the Department of Children and  
339 Families, a parent, an adult relative as specified by section 17b-75 or  
340 guardian of any child shall place a child without a license obtained  
341 from the Commissioner of [Children and Families] Public Health.

342 Application for a child-placing license shall be in a form furnished by  
343 the commissioner, and shall state the location of the principal place of  
344 business of the applicant, its organization or corporate name, its  
345 purposes and the name, title and degree of professional training of  
346 each of its staff members engaged in carrying out its stated purposes.  
347 Any such applicant shall consent to such inspection, review and  
348 supervision of all acts in relation to child placing as are reasonably  
349 necessary to enable the commissioner to perform his duties under  
350 section 17a-151, as amended by this act. The provisions of this section  
351 with regard to the commissioner's authority to inspect, review and  
352 supervise all acts in relation to child placing under section 17a-151, as  
353 amended by this act, shall be limited to inspection, review and  
354 supervision of the applicant under this section and shall not include  
355 inspection, review or supervision of the homes in which a child is  
356 placed.

357 Sec. 11. Section 17a-150 of the general statutes is repealed and the  
358 following is substituted in lieu thereof (*Effective January 1, 2010*):

359 (a) The Commissioner of [Children and Families] Public Health  
360 shall adopt regulations in accordance with chapter 54 setting forth  
361 standards for licensing of persons or entities which place children. The  
362 regulations shall require a person or entity licensed on or after March  
363 9, 1984, to have a minimum of two staff persons who are qualified by a  
364 combination of education and work experience, and be a nonprofit  
365 organization qualified as a tax-exempt organization under Section  
366 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent  
367 corresponding internal revenue code of the United States, as from time  
368 to time amended.

369 (b) Said commissioner shall adopt regulations prescribing the  
370 minimum standards for [homes] child-care facilities in which children  
371 may be placed.

372 (c) Any regulation or order of the Commissioner of Children and  
373 Families issued pursuant to this section that is in effect on January 1,  
374 2010, shall continue in force and effect as a regulation or order of the

375 Commissioner of Public Health until superseded by law.

376 Sec. 12. Section 17a-151 of the general statutes is repealed and the  
377 following is substituted in lieu thereof (*Effective January 1, 2010*):

378 (a) The Commissioner of [Children and Families] Public Health  
379 shall investigate the conditions stated in each application made under  
380 the provisions of sections 17a-145, as amended by this act, and 17a-149,  
381 as amended by this act, and shall require any person identified on the  
382 application under said sections to submit to state and national criminal  
383 history records checks. The commissioner shall investigate the  
384 conditions in each application filed with such commissioner under the  
385 provisions of sections 17a-145, as amended by this act, and 17a-149, as  
386 amended by this act, and, if the commissioner finds such conditions  
387 suitable for the proper care of children, or for the placing out of  
388 children, under such standards for the promotion of the health, safety,  
389 morality and well-being of such children as the commissioner  
390 prescribes, shall issue such license as is required as promptly as  
391 possible, without expense to the licensee. If, after such investigation,  
392 the commissioner finds that the applicant, notwithstanding good faith  
393 efforts, is not able to fully comply with all the requirements the  
394 commissioner prescribes, but compliance can be achieved with  
395 minimal efforts, the commissioner may issue a provisional license for a  
396 period not to exceed sixty days. The provisional license may be  
397 renewed for additional sixty-day periods, but in no event shall the  
398 total of such periods be for longer than one year. Before issuing any  
399 license, the commissioner shall give to the selectmen of the town  
400 wherein such licensee proposes to carry on the licensed activity ten  
401 days' notice in writing that the issuance of such license is proposed,  
402 but such notice shall not be required in case of intention to issue such  
403 license to any corporation incorporated for the purpose of caring for or  
404 placing such children. Each license so issued shall specify whether it is  
405 granted for child-caring or child-placing purposes, shall state the  
406 number of children who may be cared for, shall be in force twenty-four  
407 months from date of issue, and shall be renewed for the ensuing  
408 twenty-four months, if conditions continue to be satisfactory to the

409 commissioner. The commissioner shall also provide such periodical  
410 inspections and review as shall safeguard the well-being, health and  
411 morality of all children cared for or placed under a license issued by  
412 the commissioner under this section and shall visit and consult with  
413 each such child and with the licensee as often as the commissioner  
414 deems necessary but at intervals of not more than ninety days. Each  
415 licensee under the provisions of this section shall file annually with the  
416 commissioner a report containing such information concerning its  
417 functions, services and operation, including financial data, as the  
418 commissioner requires. Any license issued under this section may be  
419 revoked, suspended or limited by the commissioner for cause, after  
420 notice given to the person or entity concerned and after opportunity  
421 for a hearing thereon. Any party whose application is denied or whose  
422 license is revoked, suspended or limited by the commissioner may  
423 appeal from such adverse decision in accordance with the provisions  
424 of section 4-183. Appeals under this section shall be privileged in  
425 respect to the order of trial assignment.

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

429 (c) The commissioner shall adopt regulations, in accordance with  
430 chapter 54, to establish a staggered schedule for the renewal of licenses  
431 issued pursuant to sections 17a-145, as amended by this act, and 17a-  
432 149, as amended by this act. Any regulation or order of the  
433 Commissioner of Children and Families issued pursuant to this  
434 subsection that is in effect on January 1, 2010, shall continue in force  
435 and effect as a regulation or order of the Commissioner of Public  
436 Health until superseded by law.

437 Sec. 13. Section 17a-152 of the general statutes is repealed and the  
438 following is substituted in lieu thereof (*Effective January 1, 2010*):

439 Any person or entity, before bringing or sending any child into the  
440 state for the purpose of placing or caring for such child in any home,  
441 except a foster home licensed under section 17a-114, or institution,

442 either free or for board, shall make application to the Commissioner of  
443 [Children and Families] Public Health, giving the name, the age and a  
444 personal description of such child, the name and address of the person,  
445 home or institution with which the child is to be placed, and such  
446 other information as may be required by the commissioner. Such  
447 person or institution shall be licensed by said commissioner under the  
448 provisions of section 17a-145, as amended by this act, and section 17a-  
449 151, as amended by this act. When the permission of said  
450 commissioner has been received for the placement of such child, the  
451 person or entity, before placing the child, shall undertake: (1) That if,  
452 prior to becoming eighteen years of age or being adopted, such child  
453 becomes a public charge, such person or entity will, within thirty days  
454 after notice requesting the child's removal has been given by the  
455 commissioner, remove the child from the state; (2) that such person or  
456 entity shall report annually, and more often if requested to do so by  
457 the commissioner, as to the location and condition of the child as long  
458 as the child remains in the state prior to such child's becoming  
459 eighteen years of age or prior to such child's legal adoption, and shall,  
460 at the discretion of the commissioner, execute and deliver to the  
461 commissioner a bond payable to the state, and in the penal sum of one  
462 thousand dollars, with surety or security acceptable to the Attorney  
463 General, conditioned on the performance of such undertaking. The  
464 provisions of this section shall not apply in the case of (A) the bringing  
465 of a child to the home of any relative who is a resident of this state, (B)  
466 any summer camp operating ninety days or less in any consecutive  
467 twelve months, or (C) any educational institution as determined by the  
468 State Board of Education.

469 Sec. 14. Section 17a-154 of the general statutes is repealed and the  
470 following is substituted in lieu thereof (*Effective January 1, 2010*):

471 (a) For purposes of this section and section 17a-155, as amended by  
472 this act, "permanent family residence" means a child care facility which  
473 meets the requirements of subsection (b) of this section and subsection  
474 (a) of section 17a-155, as amended by this act, and which is licensed as  
475 a permanent family residence by the Department of [Children and

476 Families] Public Health, hereinafter referred to as the department.

477 (b) To be licensed as a permanent family residence, a child care  
478 facility must meet the following requirements:

479 (1) The facility [must] shall be designed to provide permanent care  
480 to handicapped children in a home environment and family setting;

481 (2) At the time the initial license is issued, the permanent family care  
482 [must] shall be provided by two adult persons, hereinafter referred to  
483 as the parents, or upon the commissioner's approval, one adult whose  
484 principal residence is the permanent family residence, who may, but  
485 need not, have children other than foster children living with them;

486 (3) The parent or parents [must] shall occupy, as their principal  
487 residence, a building which is designed for residential use by one or  
488 two families and which is: (A) Owned or leased by the parent or  
489 parents, or (B) owned or leased by a nonstock corporation, one of  
490 whose purposes is to protect handicapped children by providing a  
491 home environment and family setting for handicapped children;

492 (4) The principal occupation of at least one parent and, in  
493 appropriate cases to be determined by the department, both parents,  
494 [must] shall be to provide direct and regular care to the foster children  
495 placed in their residence; and

496 (5) The parent or parents [must] shall have indicated their intent to  
497 provide permanent foster care to handicapped children placed in their  
498 home by the department or by other child-placing agencies.

499 (c) Permanent family residences licensed by the department  
500 pursuant to the provisions of this section and section 17a-155, as  
501 amended by this act, shall be deemed private dwellings occupied by  
502 one family by the [Commissioner of Public Health] department for  
503 purposes of compliance with the State Public Health Code and by the  
504 Commissioner of Public Safety for purposes of compliance with the  
505 State Building and Fire Safety Codes.

506 Sec. 15. Section 17a-155 of the general statutes is repealed and the  
507 following is substituted in lieu thereof (*Effective January 1, 2010*):

508 (a) [Within one year from May 23, 1980, the] The department shall  
509 [promulgate] adopt, in accordance with chapter 54, any necessary  
510 regulations establishing additional requirements for the licensure of  
511 permanent family residences. These regulations may limit the number  
512 of foster children which may be placed in a permanent family  
513 residence. The commissioner may in an appropriate case waive any  
514 requirements established in such regulations.

515 (b) Notwithstanding the provisions of section 29-292, the State Fire  
516 Marshal shall [, within two years after May 23, 1980,] adopt  
517 amendments to the Fire Safety Code in accordance with the provisions  
518 of chapter 54 concerning permanent family residences designed to care  
519 for seven or more handicapped children. [In developing the  
520 regulations the State Fire Marshal shall consult with the Department of  
521 Children and Families and any other interested persons.] The  
522 amendments to the Fire Safety Code may apply different standards to  
523 newly constructed and existing one and two-family dwellings,  
524 provided [, however,] the amendments shall not apply to permanent  
525 family residences licensed [by the Department of Children and  
526 Families] before the effective date of the amendments to the Fire Safety  
527 Code.

528 (c) After the effective date of the amendments to the Fire Safety  
529 Code as provided in subsection (b) of this section, the Department of  
530 [Children and Families] Public Health may not, except on a temporary  
531 or emergency basis, license any permanent family residence for seven  
532 or more handicapped foster children which it has not previously  
533 licensed unless the State Fire Marshal determines that such facility  
534 complies with the applicable provisions of the Fire Safety Code.

535 (d) Any regulation or order of the Commissioner of Children and  
536 Families issued pursuant to this section that is in effect on January 1,  
537 2010, shall continue in force and effect as a regulation or order of the  
538 Commissioner of Public Health until superseded by law.

539 Sec. 16. Section 17a-277 of the general statutes is repealed and the  
540 following is substituted in lieu thereof (*Effective January 1, 2010*):

541 The director of any state training school, regional facility or other  
542 facility for the care and training of persons with mental retardation  
543 may place any resident with mental retardation committed or  
544 admitted to such training school, regional facility or other facility  
545 provided for the care and training of persons with mental retardation,  
546 under the provisions of sections 17a-210 to 17a-247, inclusive, and 17a-  
547 273, in a private boarding home, group home or other residential  
548 facility to be cared for in accordance with the following conditions:

549 (1) Such resident shall, despite such transfer, remain subject to the  
550 control of the director of such training school, regional facility or other  
551 facility provided for the care and training of persons with mental  
552 retardation and the director may, at any time, order and provide for  
553 the return of any such resident to such training school, regional facility  
554 or other facility provided for the care and training of persons with  
555 mental retardation, subject to any limitations of the term of  
556 commitment contained in the order of commitment under which such  
557 resident was committed;

558 (2) When the transfer of any such resident has been authorized or  
559 when, having been transferred to a private boarding home, group  
560 home or other residential facility for persons with mental retardation,  
561 such resident has been returned to the training school, regional facility  
562 or other facility, the director of such training school, regional facility or  
563 other facility shall forthwith so notify the Commissioner of  
564 Developmental Services;

565 (3) Such private boarding home, group home or other residential  
566 facility shall be licensed by the Department of Developmental Services  
567 [the Department of Children and Families] or the Department of  
568 Public Health under such regulations as the departments adopt, in  
569 accordance with chapter 54; and

570 (4) The Commissioner of Developmental Services shall, upon

571 request, be given access to the complete record of any resident placed  
572 in a private boarding home, group home or other residential facility  
573 pursuant to this section.

574 Sec. 17. Section 8-3e of the general statutes is repealed and the  
575 following is substituted in lieu thereof (*Effective January 1, 2010*):

576 (a) No zoning regulation shall treat the following in a manner  
577 different from any single family residence: (1) Any community  
578 residence that houses six or fewer mentally retarded persons and  
579 necessary staff persons and that is licensed under the provisions of  
580 section 17a-227, (2) any child-care residential facility that houses six or  
581 fewer children with mental or physical disabilities and necessary staff  
582 persons and that is licensed under sections 17a-145 to 17a-151,  
583 inclusive, as amended this act, or (3) any community residence that  
584 houses six or fewer persons receiving mental health or addiction  
585 services and necessary staff persons paid for or provided by the  
586 Department of Mental Health and Addiction Services and that has  
587 been issued a license by the Department of Public Health under the  
588 provisions of section 19a-491, if a license is required.

589 (b) Any resident of a municipality in which such a community  
590 residence or child-care residential facility is located may, with the  
591 approval of the legislative body of such municipality, petition (1) the  
592 Commissioner of Developmental Services to revoke the license of such  
593 community residence on the grounds that such community residence  
594 is not in compliance with the provisions of any statute or regulation  
595 concerning the operation of such residences, (2) the Commissioner of  
596 [Children and Families] Public Health to revoke the license of such  
597 child-care residential facility on the grounds that such child-care  
598 residential facility is not in compliance with the provision of any  
599 general statute or regulation concerning the operation of such child-  
600 care residential facility, or (3) the Commissioner of Mental Health and  
601 Addiction Services to withdraw funding from such community  
602 residence on the grounds that such community residence is not in  
603 compliance with the provisions of any general statute or regulation

604 adopted thereunder concerning the operation of a community  
605 residence.

606 Sec. 18. Subsection (a) of section 10-253 of the general statutes is  
607 repealed and the following is substituted in lieu thereof (*Effective*  
608 *January 1, 2010*):

609 (a) Children placed out by the Commissioner of Children and  
610 Families or by other agencies or persons, including offices of a  
611 government of a federally recognized Native American tribe, private  
612 child-caring or child-placing agencies licensed by the Department of  
613 [Children and Families] Public Health, and eligible residents of  
614 facilities operated by the Department of Mental Health and Addiction  
615 Services or by the Department of Public Health who are eighteen to  
616 twenty-one years of age, shall be entitled to all free school privileges of  
617 the school district where they then reside as a result of such placement,  
618 except as provided in subdivision (4) of subsection (e) of section 10-  
619 76d. Except as provided in subsection (d) of this section and  
620 subdivision (4) of subsection (e) of section 10-76d, payment for such  
621 education shall be made by the board of education of the school  
622 district under whose jurisdiction such child would otherwise be  
623 attending school where such a school district is identified.

624 Sec. 19. Section 20-14i of the general statutes is repealed and the  
625 following is substituted in lieu thereof (*Effective January 1, 2010*):

626 Any provisions to the contrary notwithstanding, chapter 378 shall  
627 not prohibit the administration of medication to persons attending day  
628 programs, residing in residential facilities or receiving individual and  
629 family support, under the jurisdiction of the Departments of Children  
630 and Families, Correction, Developmental Services and Mental Health  
631 and Addiction Services, or being detained in juvenile detention centers  
632 or residing in residential facilities [dually licensed by the Department  
633 of Children and Families and] licensed by the Department of Public  
634 Health, when such medication is administered by trained persons,  
635 pursuant to the written order of a physician licensed under this  
636 chapter, a dentist licensed under chapter 379, an advanced practice

637 registered nurse licensed to prescribe in accordance with section 20-94a  
638 or a physician assistant licensed to prescribe in accordance with section  
639 20-12d, authorized to prescribe such medication. The provisions of this  
640 section shall not apply to institutions, facilities or programs licensed  
641 pursuant to chapter 368v.

642 Sec. 20. Subsection (g) of section 38a-488a of the general statutes is  
643 repealed and the following is substituted in lieu thereof (*Effective*  
644 *January 1, 2010*):

645 (g) In the case of benefits payable for the service of a licensed  
646 physician practicing as a psychiatrist or a licensed psychologist, under  
647 subsection (d) of this section, such benefits shall be payable for  
648 outpatient services rendered (1) in a nonprofit community mental  
649 health center, as defined by the Department of Mental Health and  
650 Addiction Services, in a nonprofit licensed adult psychiatric clinic  
651 operated by an accredited hospital or in a residential treatment facility;  
652 (2) under the supervision of a licensed physician practicing as a  
653 psychiatrist, a licensed psychologist, a licensed marital and family  
654 therapist, a licensed clinical social worker, a licensed or certified  
655 alcohol and drug counselor or a licensed professional counselor who is  
656 eligible for reimbursement under subdivisions (1) to (6), inclusive, of  
657 subsection (d) of this section; and (3) within the scope of the license  
658 issued to the center, [or] clinic or residential treatment facility by the  
659 Department of Public Health, [or to the residential treatment facility by  
660 the Department of Children and Families.]

661 Sec. 21. Subsection (g) of section 38a-514 of the general statutes is  
662 repealed and the following is substituted in lieu thereof (*Effective*  
663 *January 1, 2010*):

664 (g) In the case of benefits payable for the service of a licensed  
665 physician practicing as a psychiatrist or a licensed psychologist, under  
666 subsection (d) of this section, such benefits shall be payable for  
667 outpatient services rendered (1) in a nonprofit community mental  
668 health center, as defined by the Department of Mental Health and  
669 Addiction Services, in a nonprofit licensed adult psychiatric clinic

670 operated by an accredited hospital or in a residential treatment facility;  
671 (2) under the supervision of a licensed physician practicing as a  
672 psychiatrist, a licensed psychologist, a licensed marital and family  
673 therapist, a licensed clinical social worker, a licensed or certified  
674 alcohol and drug counselor, or a licensed professional counselor who  
675 is eligible for reimbursement under subdivisions (1) to (6), inclusive, of  
676 subsection (d) of this section; and (3) within the scope of the license  
677 issued to the center, [or] clinic or residential treatment facility by the  
678 Department of Public Health, [or to the residential treatment facility by  
679 the Department of Children and Families.]

680 Sec. 22. Subsection (d) of section 45a-607 of the general statutes is  
681 repealed and the following is substituted in lieu thereof (*Effective*  
682 *January 1, 2010*):

683 (d) If, after hearing, the court finds by a fair preponderance of the  
684 evidence (1) that the parent or other guardian has performed acts of  
685 omission or commission as set forth in section 45a-610, and (2) that,  
686 because of such acts, the minor child is suffering from serious physical  
687 illness or serious physical injury, or the immediate threat thereof, or is  
688 in immediate physical danger, so as to require that temporary custody  
689 be granted, the court may order the custody of the minor child to be  
690 given to one of the following, taking into consideration the standards  
691 set forth in section 45a-617: (A) The Commissioner of Children and  
692 Families; (B) the board of managers of any child-caring institution or  
693 organization; (C) any children's home or similar institution licensed or  
694 approved by the Commissioner of [Children and Families] Public  
695 Health; or (D) any other person. The fact that an order of temporary  
696 custody may have been issued ex parte under subsection (b) of this  
697 section shall be of no weight in a hearing held under this subsection.  
698 The burden of proof shall remain upon the applicant to establish the  
699 applicant's case. The court may issue the order without taking into  
700 consideration the standards set forth in this section and section 45a-610  
701 if the parent or other guardian consents to the temporary removal of  
702 the minor child, or the court finds that the minor child has no guardian  
703 of his or her person. Upon the issuance of an order giving custody of

704 the minor child to the Commissioner of Children and Families, or not  
705 later than sixty days after the issuance of such order, the court shall  
706 make a determination whether the Department of Children and  
707 Families made reasonable efforts to keep the minor child with his or  
708 her parent, parents or guardian prior to the issuance of such order and,  
709 if such efforts were not made, whether such reasonable efforts were  
710 not possible, taking into consideration the minor child's best interests,  
711 including the minor child's health and safety.

712 Sec. 23. Section 45a-619 of the general statutes is repealed and the  
713 following is substituted in lieu thereof (*Effective January 1, 2010*):

714 In any proceeding under sections 45a-603 to 45a-624, inclusive, in  
715 which the applicant has alleged that the minor has been abused or  
716 neglected, as those terms are defined in section 46b-120, or in which  
717 the probate judge has reason to believe that the minor may have been  
718 abused or neglected, the Court of Probate shall request the  
719 Commissioner of Children and Families or any licensed or approved  
720 organization, agency or individual licensed or approved by the  
721 [commissioner,] Department of Public Health to make an investigation  
722 and written report to it, [within] not later than ninety days [from] after  
723 the receipt of such request, unless the request concerns an application  
724 for immediate temporary custody or temporary custody, in which case  
725 the commissioner shall render the report by such date as is reasonably  
726 ordered by the court. The report shall indicate the physical, mental and  
727 emotional status of the minor and shall contain such facts as may be  
728 relevant to the court's determination of whether the proposed court  
729 action will be in the best interests of the minor, including the physical,  
730 social, mental, and financial condition of the parties, and such other  
731 factors which the commissioner or agency finds relevant to the court's  
732 determination of whether the proposed action will be in the best  
733 interests of the minor. In any other proceeding under sections 45a-603  
734 to 45a-624, inclusive, the court shall request an investigation and  
735 report unless this requirement is waived for cause shown. The report  
736 shall be admissible in evidence, subject to the right of any interested  
737 party to require that the person making it appear as a witness, if

738 available, and subject to examination.

739 Sec. 24. Section 45a-707 of the general statutes is repealed and the  
740 following is substituted in lieu thereof (*Effective January 1, 2010*):

741 As used in sections 45a-187, 45a-706 to 45a-709, inclusive, 45a-715 to  
742 45a-718, inclusive, as amended by this act, and 45a-724 to 45a-737,  
743 inclusive:

744 (1) "Adoption" means the establishment by court order of the legal  
745 relationship of parent and child;

746 (2) "Child care facility" means a congregate residential setting for the  
747 out-of-home placement of children or youths under eighteen years of  
748 age, licensed by the Department of [Children and Families] Public  
749 Health;

750 (3) "Child-placing agency" means any agency within or without the  
751 state of Connecticut licensed or approved by the Commissioner of  
752 [Children and Families] Public Health in accordance with sections  
753 17a-149, as amended by this act, and 17a-151, as amended by this act,  
754 and in accordance with standards established by regulations of the  
755 Commissioner of [Children and Families] Public Health;

756 (4) "Guardianship" means guardianship, unless otherwise specified,  
757 of the person of a minor and refers to the obligation of care and  
758 control, the right to custody and the duty and authority to make major  
759 decisions affecting the minor's welfare, including, but not limited to,  
760 consent determinations regarding marriage, enlistment in the armed  
761 forces and major medical, psychiatric or surgical treatment;

762 (5) "Parent" means a biological or adoptive parent;

763 (6) "Relative" means any person descended from a common  
764 ancestor, whether by blood or adoption, not more than three  
765 generations removed from the child;

766 (7) "Statutory parent" means the Commissioner of Children and

767 Families or the child-placing agency appointed by the court for the  
768 purpose of the adoption of a minor child or minor children;

769 (8) "Termination of parental rights" means the complete severance  
770 by court order of the legal relationship, with all its rights and  
771 responsibilities, between the child and the child's parent or parents so  
772 that the child is free for adoption except it shall not affect the right of  
773 inheritance of the child or the religious affiliation of the child.

774 Sec. 25. Subsection (a) of section 45a-715 of the general statutes is  
775 repealed and the following is substituted in lieu thereof (*Effective*  
776 *January 1, 2010*):

777 (a) Any of the following persons may petition the Court of Probate  
778 to terminate parental rights of all persons who may have parental  
779 rights regarding any minor child or for the termination of parental  
780 rights of only one parent provided the application so states: (1) Either  
781 or both parents, including a parent who is a minor; (2) the guardian of  
782 the child; (3) the selectmen of any town having charge of any  
783 foundling child; (4) a duly authorized officer of any child care facility  
784 or child-placing agency or organization or any children's home or  
785 similar institution approved by the Commissioner of [Children and  
786 Families] Public Health; (5) a relative of the child if the parent or  
787 parents have abandoned or deserted the child; and (6) the  
788 Commissioner of Children and Families, provided the custodial parent  
789 of such minor child has consented to the termination of parental rights  
790 and the child has not been committed to the commissioner, and no  
791 application for commitment has been made; provided in any case  
792 hereunder where the child with respect to whom the petition is  
793 brought has attained the age of twelve, the child shall join in the  
794 petition.

795 Sec. 26. Subsection (e) of section 45a-717 of the general statutes is  
796 repealed and the following is substituted in lieu thereof (*Effective*  
797 *January 1, 2010*):

798 (e) (1) The court may, and in any contested case shall, request the

799 Commissioner of Children and Families or any licensed child-placing  
800 agency [licensed by the commissioner] to make an investigation and  
801 written report to it, within ninety days from the receipt of such  
802 request. The report shall indicate the physical, mental and emotional  
803 status of the child and shall contain such facts as may be relevant to the  
804 court's determination of whether the proposed termination of parental  
805 rights will be in the best interests of the child, including the physical,  
806 mental, social and financial condition of the biological parents, and any  
807 other factors which the commissioner or such child-placing agency  
808 finds relevant to the court's determination of whether the proposed  
809 termination will be in the best interests of the child. (2) If such a report  
810 has been requested, upon the expiration of such ninety-day period or  
811 upon receipt of the report, whichever is earlier, the court shall set a day  
812 for a hearing not more than thirty days thereafter. The court shall give  
813 reasonable notice of such adjourned hearing to all parties to the first  
814 hearing, including the child, if over fourteen years of age, and to such  
815 other persons as the court shall deem appropriate. (3) The report shall  
816 be admissible in evidence, subject to the right of any interested party to  
817 require that the person making it appear as a witness, if available, and  
818 subject himself to examination.

819 Sec. 27. Subsection (a) of section 45a-763 of the general statutes is  
820 repealed and the following is substituted in lieu thereof (*Effective*  
821 *January 1, 2010*):

822 (a) An Adoption Review Board is established, to consist of the  
823 Commissioner of Children and Families or his designee, the Probate  
824 Court Administrator or his designee, and an officer of a child-placing  
825 agency which is located in the state and licensed by the Commissioner  
826 of [Children and Families] Public Health, who shall be appointed by  
827 the Governor to serve for a term of four years from the date of his  
828 appointment.

829 Sec. 28. Subsection (a) of section 46b-129 of the general statutes is  
830 repealed and the following is substituted in lieu thereof (*Effective*  
831 *January 1, 2010*):

832 (a) Any selectman, town manager, or town, city or borough welfare  
833 department, any probation officer, or the Commissioner of Social  
834 Services, the Commissioner of Children and Families or any child-  
835 caring institution or agency approved by the Commissioner of  
836 [Children and Families] Public Health, a child or such child's  
837 representative or attorney or a foster parent of a child, having  
838 information that a child or youth is neglected, uncared-for or  
839 dependent, may file with the Superior Court that has venue over such  
840 matter a verified petition plainly stating such facts as bring the child or  
841 youth within the jurisdiction of the court as neglected, uncared-for or  
842 dependent, within the meaning of section 46b-120, the name, date of  
843 birth, sex and residence of the child or youth, the name and residence  
844 of such child's parents or guardian, and praying for appropriate action  
845 by the court in conformity with the provisions of this chapter. Upon  
846 the filing of such a petition, except as otherwise provided in subsection  
847 (k) of section 17a-112, the court shall cause a summons to be issued  
848 requiring the parent or parents or the guardian of the child or youth to  
849 appear in court at the time and place named, which summons shall be  
850 served not less than fourteen days before the date of the hearing in the  
851 manner prescribed by section 46b-128, and the court shall further give  
852 notice to the petitioner and to the Commissioner of Children and  
853 Families of the time and place when the petition is to be heard not less  
854 than fourteen days prior to the hearing in question.

855 Sec. 29. Subsection (a) of section 46b-149 of the general statutes is  
856 repealed and the following is substituted in lieu thereof (*Effective*  
857 *January 1, 2010*):

858 (a) Any selectman, town manager, police officer or welfare  
859 department of any town, city or borough, any probation officer or  
860 superintendent of schools, the Commissioner of Children and Families,  
861 any child-caring institution or agency approved or licensed by the  
862 Commissioner of [Children and Families] Public Health, any youth  
863 service bureau, a parent or foster parent of a child, or a child or the  
864 child's representative or attorney, who believes that the acts or  
865 omissions of a child are such that the child is from a family with

866 service needs, may file a written complaint setting forth those facts  
867 with the Superior Court which has venue over the matter.

868 Sec. 30. Section 17a-3a of the general statutes is repealed and the  
869 following is substituted in lieu thereof (*Effective January 1, 2010*):

870 The Department of Children and Families shall ensure that the  
871 Connecticut Juvenile Training School:

872 (1) Completes health, mental health and educational assessments for  
873 each child admitted to the school not later than thirty days from the  
874 date of such child's admission;

875 (2) Completes a written individualized treatment plan for each child  
876 admitted to the school not later than thirty days from the date of such  
877 child's admission;

878 (3) Complies with the provisions of sections 46a-150 to 46a-154,  
879 inclusive, regarding the use of physical restraints, medication and  
880 seclusion of children at the school;

881 (4) Provides training to all staff at the school regarding their  
882 mandatory child abuse and neglect reporting obligations under section  
883 17a-101;

884 (5) Provides the opportunity for each child at the school to engage in  
885 at least one hour of physical exercise per day on weekdays and at least  
886 two hours of physical exercise per day on the weekends; and

887 (6) Obtains and maintains licensure from the Department of Public  
888 Health pursuant to section 1 of this act.

889 Sec. 31. Section 17a-32 of the general statutes is repealed and the  
890 following is substituted in lieu thereof (*Effective January 1, 2010*):

891 (a) (1) The name of the Department of Children and Families facility  
892 at Connecticut Valley Hospital shall be Riverview Hospital for  
893 Children and Youth.

894 [(b)] (2) The name of the Department of Children and Families  
 895 facility in the city of Middletown shall be the Connecticut Juvenile  
 896 Training School.

897 [(c)] (3) The name of the Department of Children and Families  
 898 facility in the town of East Windsor shall be the Connecticut Children's  
 899 Place.

900 [(d)] (4) The name of the Department of Children and Families  
 901 facility in the town of Hamden shall be High Meadows.

902 [(e)] (5) The name of the Department of Children and Families  
 903 facility in the town of Hartland shall be the Wilderness School.

904 (b) On and after January 1, 2010, the facilities named in subdivisions  
 905 (1) to (4), inclusive, of subsection (a) of this section shall be licensed by  
 906 the Department of Public Health pursuant to section 1 of this act.

907 Sec. 32. Section 17a-146 of the general statutes is repealed and the  
 908 following is substituted in lieu thereof (*Effective January 1, 2010*):

909 No later than April 1, 1975, the Commissioner of Children and  
 910 Families shall exercise and have all authority, rights, duties and  
 911 functions granted to or imposed upon the Commissioner of Social  
 912 Services in the general statutes in the area of adoption of children,  
 913 including, but not limited to, authority to license or approve agencies  
 914 under sections 17a-145, as amended by this act, 17a-148, 17a-149, as  
 915 amended by this act, and 17a-151, and to act as a statutory parent, as  
 916 defined in section 45a-707, as amended by this act, except that on and  
 917 after January 1, 2010, the Commissioner of Public Health shall have the  
 918 authority, rights, duties and functions to license or approve agencies  
 919 under said sections.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2010	New section
Sec. 2	January 1, 2010	17a-20

Sec. 3	January 1, 2010	17a-22g
Sec. 4	January 1, 2010	17a-28(e)
Sec. 5	January 1, 2010	17a-38
Sec. 6	January 1, 2010	17a-93
Sec. 7	January 1, 2010	17a-113
Sec. 8	January 1, 2010	17a-145
Sec. 9	January 1, 2010	17a-147
Sec. 10	January 1, 2010	17a-149
Sec. 11	January 1, 2010	17a-150
Sec. 12	January 1, 2010	17a-151
Sec. 13	January 1, 2010	17a-152
Sec. 14	January 1, 2010	17a-154
Sec. 15	January 1, 2010	17a-155
Sec. 16	January 1, 2010	17a-277
Sec. 17	January 1, 2010	8-3e
Sec. 18	January 1, 2010	10-253(a)
Sec. 19	January 1, 2010	20-14i
Sec. 20	January 1, 2010	38a-488a(g)
Sec. 21	January 1, 2010	38a-514(g)
Sec. 22	January 1, 2010	45a-607(d)
Sec. 23	January 1, 2010	45a-619
Sec. 24	January 1, 2010	45a-707
Sec. 25	January 1, 2010	45a-715(a)
Sec. 26	January 1, 2010	45a-717(e)
Sec. 27	January 1, 2010	45a-763(a)
Sec. 28	January 1, 2010	46b-129(a)
Sec. 29	January 1, 2010	46b-149(a)
Sec. 30	January 1, 2010	17a-3a
Sec. 31	January 1, 2010	17a-32
Sec. 32	January 1, 2010	17a-146

**Statement of Legislative Commissioners:**

In section 4, new reference to the Commissioner of Public Health was removed since the section deals with records of the Department of Children and Families and the phrase "prior to January 1, 2010," was added for clarity and accuracy since the records covered by the section would be ones held by DCF prior to the transfer of licensing responsibilities to the Department of Public Health.

**KID**

*Joint Favorable Subst. C/R*

HS

*HS*      *Joint Favorable Subst. C/R*  
*PH*      *Joint Favorable Subst.-LCO*

*PH*

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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Children & Families, Dept.	GF - Savings	Significant	Significant
Public Health, Dept.	GF - Cost	Significant	Significant
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	GF - Cost	Significant	Significant

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

Passage of this bill will result in a significant net cost to the state. Its provisions will lead to significant savings for the Department of Children and Families (DCF) and significant costs for the Department of Public Health (DPH).

Effective 1/1/10, the bill

- transfers regulatory authority for certain entities currently licensed by DCF to DPH;
- establishes a new licensure program for home-based treatment services utilized by DCF; and
- mandates DPH licensure of four DCF-operated state

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller on an actual cost basis. The following is provided for estimated costs associated with additional personnel. The estimated non-pension fringe benefit rate as a percentage of payroll is 25.43%. Fringe benefit costs for new positions do not initially include pension costs as the state's pension contribution is based upon the 6/30/08 actuarial valuation for the State Employees Retirement System (SERS) which certifies the contribution for FY 10 and FY 11. Therefore, new positions will not impact the state's pension contribution until FY 12 after the next scheduled certification on 6/30/2010.

institutions.

### **TRANSFER OF LICENSING FUNCTIONS**

DCF currently licenses 261 child caring and child placing entities, and approves 106 out-of-state child placing agencies for placement of children with Connecticut families. These functions are performed by 9 full-time-equivalent (FTE) staff, at an annual cost of approximately \$950,000.

Transfer of the licensure responsibilities will lead to a net cost to the state, associated with moving DCF records and upgrading DPH's computer infrastructure. Further expenditure differentials may also result to reflect differences in each agency's regulatory policies and protocols.

sHB 6365 (the FY 10 - FY 11 Biennial Appropriations Act, as favorably reported by the Appropriations Committee) does not make any budget adjustments to reflect the transfer of these licensure functions.

### **LICENSURE OF HOME-BASED PROGRAMS**

An FY 10 cost to the state of approximately \$239,312 will result from initiation of licensure of home-based treatment programs, effective 1/1/10. This includes \$192,314 to support the partial year salaries of 2 Nurse Consultants, 1 Office Assistant, 0.5 Supervising Nurse Consultant, and 0.5 Administrative Hearings Attorney under the Department of Public Health, as well as costs of associated equipment and other expenses. Also included is \$46,998 in fringe benefit costs.

The annualized state cost of this initiative will be approximately \$344,975 in FY 11 and subsequent years (\$276,048 DPH; \$68,927 fringe benefits).

Cost estimates are based upon licensure of 67 home-based treatment programs. No funding has been included within sHB 6365 to implement the new licensure program.

---

## LICENSURE OF DCF-OPERATED INSTITUTIONS

The bill establishes a licensure program for four state-operated facilities under the oversight of the DCF, effective 1/1/10. These include Connecticut Children's Place, the Connecticut Juvenile Training School, High Meadows and Riverview Hospital for Children and Youth.

The DPH does not currently license these institutions, and there are no existing regulations pertaining to their operation. Should the DPH choose on an interim basis to draw from already defined health care facility standards (e.g., "hospitals for mentally ill persons") and/or DCF regulations specific to private child caring facilities, an FY 10 state cost of approximately \$173,200 (\$139,100 DPH; \$34,100 fringe benefits) would be incurred to support the partial year salaries of 2.5 staff (2 Nurse Consultants, 0.5 Office Assistant), associated other expenses and one-time equipment needs.

If the DPH instead elects to develop standards that are unique to these facilities, it is expected that regulations could be adopted no earlier than 4/1/10. Under this scenario, the estimated FY 10 cost would be \$90,450 (\$72,300 DPH; \$18,150 fringe benefits). On an annualized basis, the cost associated with the staffing expansion would be approximately \$221,650 (\$177,750 DPH; \$43,900 fringe benefits).

It cannot be determined at this time how the new licensure program will impact DCF's budget, as it will depend upon the licensure standards adopted by the DPH and the extent to which each facility meets those standards.

No funding has been included within sHB 6365 to implement the new licensure program.<sup>2</sup>

---

<sup>2</sup> It should be noted that the Governor has called for the closing of High Meadows. The expansion in DPH's staffing needs would be reduced accordingly if the facility is closed.

### ***The Out Years***

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

*Sources: 2/19/09 Public Hearing Testimony; File 298 of the 2006 Legislative Session; Department of Children and Families personnel roster, licensure database; Department of Public Health.*

**OLR Bill Analysis****sSB 879*****AN ACT CONCERNING REORGANIZATION OF THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill transfers licensing authority from the Department of Children and Families (DCF) to the Department of Public Health (DPH) for most contractors who provide services to DCF-involved families and families in DCF's voluntary services program. It also requires DPH, by January 1, 2010, to license the facilities DCF operates: the Children's Place; the Connecticut Juvenile Training School; High Meadows; Riverview Hospital; and the Wilderness School, which are not currently licensed. DCF retains the authority to license foster families (presumably, foster parents).

EFFECTIVE DATE: January 1, 2010

**AFFECTED PROVIDERS**

The bill transfers to DPH licensing authority for the following types of providers who provide services under contract with DCF:

1. psychiatric clinics;
2. child guidance clinics and home-based treatment programs, which are currently considered licensed only if they are affiliated with a licensed psychiatric facility;
3. residential treatment facilities;
4. child-care facilities (group homes);
5. extended day treatment facilities;

6. substance abuse providers (currently licensed by both DCF and DPH);
7. children's homes (which appears to be an obsolete term);
8. temporary shelters; and
9. permanent family residences.

**COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Substitute Change of Reference  
Yea 11 Nay 0 (03/03/2009)

Human Services Committee

Joint Favorable Substitute Change of Reference  
Yea 12 Nay 6 (03/12/2009)

Public Health Committee

Joint Favorable  
Yea 22 Nay 8 (03/23/2009)