



General Assembly

January Session, 2009

Raised Bill No. 6451

LCO No. 3215

03215_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE COMMISSION ON CHILD PROTECTION
AND THE CHIEF CHILD PROTECTION ATTORNEY.**

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

1 Section 1. Section 46b-123c of the general statutes is amended by
2 adding subsection (j) as follows (*Effective July 1, 2009*):

3 (NEW) (j) (1) If an appeal is taken by a party represented by an
4 attorney pursuant to subdivision (1) of subsection (a) of section 46b-
5 123d, as amended by this act, the commission shall only be required to
6 pay the cost of one transcript and one additional transcript for each
7 party to the appeal who was provided with legal services pursuant to
8 said subdivision (1).

9 (2) If an appeal is taken by the Attorney General on behalf of the
10 Department of Children and Families or an intervening party, the
11 commission shall only be required to pay the cost of one copy for each
12 appellee who is provided legal services pursuant to subdivision (1) of
13 subsection (a) of section 46b-123d, as amended by this act.

14 Sec. 2. Section 46b-123d of the general statutes is repealed and the

15 following is substituted in lieu thereof (*Effective July 1, 2009*):

16 (a) The Chief Child Protection Attorney appointed under section
17 46b-123c, as amended by this act, shall:

18 (1) Establish a system to provide (A) legal services and guardians ad
19 litem to children, youths and indigent respondents in family relations
20 matters in which the state has been ordered to pay the cost of such
21 legal services and guardians ad litem, provided legal services shall be
22 provided to indigent respondents pursuant to this subparagraph only
23 in paternity proceedings and contempt proceedings, and (B) legal
24 services and guardians ad litem to children, youths and indigent legal
25 parties in proceedings before the superior court for juvenile matters,
26 other than legal services for children in delinquency matters. To carry
27 out the requirements of this section, the Chief Child Protection
28 Attorney may contract with (i) appropriate not-for-profit legal services
29 agencies, and (ii) individual lawyers or private law firms for the
30 delivery of legal services to represent children and indigent legal
31 parties in such proceedings;

32 (2) Establish a system to ensure that (A) attorneys providing legal
33 services pursuant to this section are assigned to cases in a manner that
34 will avoid conflicts of interest, as defined by the Rules of Professional
35 Conduct, and (B) each child subject to a petition for the termination of
36 parental rights or a petition alleging that the child is neglected or
37 uncared for receive independent legal counsel; and

38 (3) Establish training, practice and caseload standards for the
39 representation of children, youths, indigent respondents and indigent
40 legal parties pursuant to subdivision (1) of this subsection. Such
41 standards shall apply to each attorney who represents children,
42 youths, indigent respondents or indigent legal parties pursuant to this
43 section and shall be designed to ensure a high quality of legal
44 representation. The training standards for attorneys required by this
45 subdivision shall be designed to ensure proficiency in the procedural
46 and substantive law related to such matters and to establish a

47 minimum level of proficiency in relevant subject areas, including, but
48 not limited to, family violence, child development, behavioral health,
49 educational disabilities and cultural competence.

50 (b) Any contract entered into pursuant to subdivision (1) of
51 subsection (a) of this section may include terms encouraging or
52 requiring the use of a multidisciplinary agency model of legal
53 representation.

54 Sec. 3. (NEW) (*Effective July 1, 2009*) Any social worker or other
55 mandated reporter, as defined in section 17a-101 of the general
56 statutes, who is employed by an attorney providing legal services
57 pursuant to section 46b-123d of the general statutes, as amended by
58 this act, to a parent or child subject to a Department of Children and
59 Families investigation or a petition brought by the Department of
60 Children and Families (1) shall maintain information as confidential in
61 the same manner as required of the attorney pursuant to attorney-
62 client privilege as provided in the Rules of Professional Conduct, and
63 (2) shall not be subject to the requirements of sections 17a-101 to 17a-
64 101d, inclusive, of the general statutes, as amended by this act.

65 Sec. 4. Section 17a-101a of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective July 1, 2009*):

67 Any mandated reporter, as defined in section 17a-101, who in the
68 ordinary course of such person's employment or profession has
69 reasonable cause to suspect or believe that any child under the age of
70 eighteen years (1) has been abused or neglected, as defined in section
71 46b-120, (2) has had nonaccidental physical injury, or injury which is at
72 variance with the history given of such injury, inflicted upon such
73 child, or (3) is placed at imminent risk of serious harm, shall report or
74 cause a report to be made in accordance with the provisions of sections
75 17a-101b to 17a-101d, inclusive, except that no report shall be required
76 of a mandated reporter who is employed by an attorney as provided in
77 section 3 of this act. Any person required to report under the
78 provisions of this section who fails to make such report shall be fined

79 not less than five hundred dollars nor more than two thousand five
80 hundred dollars and shall be required to participate in an educational
81 and training program pursuant to subsection (d) of section 17a-101.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	46b-123c
Sec. 2	<i>July 1, 2009</i>	46b-123d
Sec. 3	<i>July 1, 2009</i>	New section
Sec. 4	<i>July 1, 2009</i>	17a-101a

Statement of Purpose:

To: (1) Limit the number of transcripts the Commission on Child Protection is required to pay for in an appeal, (2) provide that mandated reporters who are hired by certain child protection attorneys comply with attorney-client privilege standards, (3) provide independent legal counsel for any child who is alleged to be neglected or uncared for or subject to a termination of parental rights petition, and (4) make a conforming change to clarify the Chief Child Protection Attorney's ability to contract with private law firms.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]