Senate

General Assembly

File No. 241

February Session, 2010

Senate Bill No. 154

Senate, April 1, 2010

The Committee on Human Services reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT AUTHORIZING A DIFFERENTIAL RESPONSE BY THE DEPARTMENT OF CHILDREN AND FAMILIES TO REPORTS OF CHILD ABUSE.

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

Section 1. Section 17a-101g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) Upon receiving a report of child abuse or neglect, as provided in sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which the alleged perpetrator is (1) a person responsible for such child's health, welfare or care, (2) a person given access to such child by such responsible person, or (3) a person entrusted with the care of a child, the Commissioner of Children and Families, or the commissioner's designee, shall cause the report to be classified and evaluated immediately. If the report contains sufficient information to warrant an investigation, the commissioner shall make the commissioner's best efforts to commence an investigation of a report concerning an imminent risk of physical harm to a child or other emergency within

two hours of receipt of the report and shall commence an investigation of all other reports within seventy-two hours of receipt of the report. A report classified as lower risk may be referred for family assessment and services pursuant to subsection (g) of this section. Any such report may thereafter be referred for standard child protective services if safety concerns for the child become evident. A report referred for standard child protective services may be referred for family assessment and services at any time if the department determines there is a lower risk to the child. The department shall complete any such investigation not later than forty-five calendar days after the date of receipt of the report. If the report is a report of child abuse or neglect in which the alleged perpetrator is not a person specified in subdivision (1), (2) or (3) of this subsection, the Commissioner of Children and Families shall refer the report to the appropriate local law enforcement authority for the town in which the child resides or in which the alleged abuse or neglect occurred.

(b) The investigation shall include a home visit at which the child and any siblings are observed, if appropriate, a determination of the nature, extent and cause or causes of the reported abuse or neglect, a determination of the person or persons suspected to be responsible for such abuse or neglect, the name, age and condition of other children residing in the same household and an evaluation of the parents and the home. The report of such investigation shall be in writing. The investigation shall also include, but not be limited to, a review of criminal conviction information concerning the person or persons alleged to be responsible for such abuse or neglect and previous allegations of abuse or neglect relating to the child or other children residing in the household or relating to family violence. After an investigation into a report of abuse or neglect has been completed, the commissioner shall determine, based upon a standard of reasonable cause, whether a child has been abused or neglected, as defined in section 46b-120. If the commissioner determines that abuse or neglect has occurred, the commissioner shall also determine whether: (1) There is an identifiable person responsible for such abuse or neglect; and (2) such identifiable person poses a risk to the health, safety or

well-being of children and should be recommended by the commissioner for placement on the child abuse and neglect registry established pursuant to section 17a-101k. If the commissioner has made the determinations in subdivisions (1) and (2) of this subsection, the commissioner shall issue notice of a recommended finding to the person suspected to be responsible for such abuse or neglect in accordance with section 17a-101k.

(c) Except as provided in subsection (d) of this section, no entry of the recommended finding shall be made on the child abuse or neglect registry and no information concerning the finding shall be disclosed by the commissioner pursuant to a check of the child abuse or neglect registry or request for information by a public or private entity for employment, licensure, or reimbursement for child care purposes pursuant to programs administered by the Department of Social Services or pursuant to any other general statute that requires a check of the child abuse or neglect registry until the exhaustion or waiver of all administrative appeals available to the person suspected to be responsible for the abuse or neglect, as provided in section 17a-101k.

(d) If the child abuse or neglect resulted in or involves (1) the death of a child; (2) the risk of serious physical injury or emotional harm of a child; (3) the serious physical harm of a child; (4) the arrest of a person due to abuse or neglect of a child; (5) a petition filed by the commissioner pursuant to section 17a-112 or 46b-129; or (6) sexual abuse of a child, entry of the recommended finding may be made on the child abuse or neglect registry and information concerning the finding may be disclosed by the commissioner pursuant to a check of the child abuse or neglect registry or request for information by a public or private entity for employment, licensure, or reimbursement for child care purposes pursuant to programs administered by the Department of Social Services or pursuant to any other general statute that requires a check of the child abuse or neglect registry, prior to the exhaustion or waiver of all administrative appeals available to the person suspected to be responsible for the abuse or neglect as provided in section 17a-101k.

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

(f) The removal of a child pursuant to subsection (e) of this section shall not exceed ninety-six hours. During the period of such removal, the commissioner, or the commissioner's designee, shall provide the child with all necessary care, including medical care, which may include an examination by a physician or mental health professional with or without the consent of the child's parents, guardian or other person responsible for the child's care, provided reasonable attempts have been made to obtain consent of the child's parents or guardian or other person responsible for the care of such child. During the course of a medical examination, a physician may perform diagnostic tests and procedures necessary for the detection of child abuse or neglect. If the child is not returned home within such ninety-six-hour period, with or without protective services, the department shall proceed in accordance with section 46b-129.

<u>(g) (1) Notwithstanding the provisions of subsections (a) to (f), inclusive, of this section, the commissioner may establish a program of differential response to reports of child abuse and neglect whereby the report may be referred to appropriate community providers for family assessment and services without an investigation or at any time during an investigation, provided there has been an initial safety assessment of the circumstances of a family and child and criminal background checks have been performed on all adults involved in the report.</u>

(2) The commissioner may adopt regulations in accordance with the provisions of chapter 54 to establish a method for the department to monitor the progress of the child and family referred to a community provider pursuant to subdivision (1) of this subsection and to set standards for reopening an investigation pursuant to this section.

(3) Consistent with the provisions of section 17a-28, the department shall disclose all relevant information in its possession concerning the child and family, including prior child protection activity, to each provider to whom a report has been referred for use by the provider in the assessment, diagnosis and treatment of unique needs of the family and the prevention of future reports. Each provider who has received a report of child abuse or neglect referred pursuant to this subsection shall disclose to the department, consistent with the provisions of said section 17a-28, all relevant information gathered during assessment, diagnosis and treatment of the child and family. The department may use such information solely to monitor and ensure the continued safety and well-being of the child or children.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2010*	17a-101g

KID *Joint Favorable C/R* HS

HS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 $	FY 12 $
Children & Families, Dept.	GF - Potential Cost	up to $4 - $5 million	up to $4 - $5 million
Children & Families, Dept.	GF - Savings	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

It is anticipated that the Commissioner of Children and Families will exercise the discretionary authority granted in the bill only when resources are available to establish a differential response system. Costs of statewide implementation of new community-based service contracts are estimated at $4 - $5 million ($0.75 - $1 million per region). No funding has been included within sHB 5018 (as favorably reported by the Appropriations Committee) for such contracts.

Savings in direct services and/or state personnel may result should differential response programming successfully mitigate child abuse and neglect and divert families from the child welfare system. Any such savings would depend upon the scope and timing of implementation.

The Out Years

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

OLR Bill Analysis
SB 154

AN ACT AUTHORIZING A DIFFERENTIAL RESPONSE BY THE DEPARTMENT OF CHILDREN AND FAMILIES TO REPORTS OF CHILD ABUSE.

SUMMARY:

This bill allows the children and families (DCF) commissioner to establish a program of differential response (DRP). The program is for child abuse or neglect reports involving children who are not in imminent risk of physical harm that the department concludes can be safely referred to community providers rather than subject to a full investigation, which is the only option she has under current law. Before the referral, DCF must conduct a safety assessment of the child and family's circumstances and criminal background checks on all adults involved in the report.

The program includes family assessments and services.

EFFECTIVE DATE: July 1, 2010

TRANSFERS BETWEEN INVESTIGATION AND REFERRAL PROGRAM

Under the bill, cases the commissioner refers for community services may be transferred back to DCF for a full investigation if safety concerns become evident. Conversely, where a full investigation has begun, DCF can refer cases to DRP whenever the department determines the child should be classified as lower-risk.

Regulations

The bill permits the DCF commissioner to adopt regulations to establish a method for monitoring the child and family's progress while in DRP. The regulations may also set standards for reopening

referred cases.

INFORMATION SHARING

Under the bill, DCF must disclose to providers accepting referred cases all relevant information in its possession concerning the child and family, including prior child protection activity. A provider can use this otherwise-confidential information in (1) assessing, diagnosing, and treating the family's unique needs and (2) preventing future reports.

The provider must disclose to DCF all relevant and otherwise-confidential information gathered during its assessment, diagnosis, and treatment. DCF may use the information only to monitor and assure the child's continued safety and well-being.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference
Yea 12 Nay 0 (03/09/2010)

Human Services Committee

Joint Favorable
Yea 19 Nay 0 (03/18/2010)