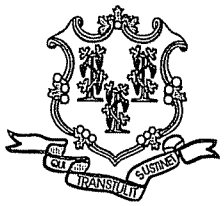
STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES



Public Hearing Testimony of
Commissioner Joette Katz

Select Committee on Children
February 3, 2011

S B. No. 844 - AN ACT ADOPTING A FOSTER PARENT BILL OF RIGHTS

The Department of Children and Families appreciates the intent behind S.B. No. 844 - An Act Adopting a Foster Parent Bill of Rights, but has some concerns regarding the language of the bill as written.

While we support the spirit behind this legislation, but do have concerns that enacting this language in state law can subject the state to litigation in which plaintiffs assert that the state is legally responsible to provide the services that support the specific provisions of this legislation.

S B. No. 845 - AN ACT REQUIRING THE DEPARTMENT OF CHILDREN AND FAMILIES TO NOTIFY NONCUSTODIAL PARENTS OF CERTAIN ABUSE AND NEGLECT INVESTIGATIONS

The Department of Children and Families is generally supportive of S.B. No. 845 - An Act Requiring the Department of Children and Families to Notify Noncustodial Parents of Certain Abuse and Neglect Investigations.

While the language on lines 19- 24 provides important safeguards to protect persons from risk of physical harm, given the legislature's focus on domestic violence issues, there may be a need to further refine this language and the Department will be happy to participate in further discussions with the proponents of this legislation.

S. B. No. 846 - AN ACT CONCERNING THE TRANSFER OF EDUCATIONAL CREDITS

The Department of Children and Families **supports** S. B. No. 846 - An Act Concerning the Transfer of Educational Credits. This proposal is part of DCF's legislative package this year and we thank the Committee for raising the bill.

This bill builds upon Public Act 09-82 - An Act Concerning the Readmission of Students, by extending the same provisions regarding the transfer of education credit that currently exists for Unified School District # 1 (Department of Correction) to Unified School District # 2 (Department of Children and Families). Unified School District # 2 provides educational services in the three DCF-operated facilities: Riverview Hospital; Connecticut Children's Place; and the Connecticut Juvenile Training School and we want to ensure that the children and youth who transition from our care receive the appropriate education credit when they transfer to other school districts.

We suggest a minor amendment on line 7 to change "enrolls" to "registers" for the purpose of consistency with the current statute.

H. B. No. 6225 - AN ACT REQUIRING A RESULTS-BASED ACCOUNTABILITY REPORT CARD ON OUT-OF-STATE RESIDENTIAL TREATMENT OF CHILDREN

The Department of Children and Families **supports** H. B. No. 6225 - An Act Requiring a Results-Based Accountability Report Card on Out-of-State Residential Treatment of Children.

DCF is committed to implementing RBA principles throughout Department operations and has no objection to preparing a report card concerning out-of-state residential treatment by February 1, 2012. Currently, DCF has over 350 children placed in out-of-state facilities at an annual cost of approximately $37.6 million for out-of-state behavioral health residential treatment centers and approximately $4.8 million for out-of-state juvenile justice residential treatment centers.

The Department is committed be reducing the number of children placed out-of-state and believes that the report card will be of assistance in this endeavor.

H. B. No. 6226 - AN ACT CONCERNING CROSS-REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY

The Department of Children and Families **supports** H. B. No. 6226 - An Act Concerning Cross-Reporting of Child Abuse and Animal Cruelty.

The American Humane Association has published a considerable amount of information documenting the correlation between animal abuse, family violence and other forms of community violence. As some of you may be aware, the American Humane Association is, in addition to its advocacy regarding the protection of animals, a national leader in the child welfare arena. In fact, DCF has worked with American Humane on our differential response initiative.

We do endorse adding animal control officers as mandated reporters of child abuse or neglect under section 17a-101 of the General Statutes. DCF provides training free of charge to mandated reporters to provide them with a better understanding of the child abuse and neglect reporting process in Connecticut. The program contains information on:

- Connecticut law addressing child abuse and neglect;
- Definitions;
- Key indicators to look for in recognizing cases of suspected child abuse and neglect;
- Legal issues and concerns about mandatory reporting;
- Procedures for making a report of abuse or neglect; and
- An explanation of what happens when a report is made.

The Department provides over 300 training sessions annually with approximately 8,000 to 10,000 participants.

H. B. No. 6227 - AN ACT CONCERNING CHANGES TO THE GENERAL STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families **supports** H. B. No. 6227 - An Act Concerning Changes to the General Statutes Concerning the Department of Children and Families. This bill would repeal several obsolete reporting requirements and various advisory boards and commissions. It would also make various modifications to DCF statutes. This proposal is part of DCF's legislative package this year and we thank the Committee for raising the bill.

Section 1 repeals a reporting requirement in § 17a-98a regarding the Kinship Navigator Program. The Department participated in the establishment of the Kinship Navigation Program with the Department of Social Services and did submit the initial required report on January 1, 2008; however, we are not the custodian of the data maintained by the 211 Infoline, which operates the program. While we believe that it was important to submit the initial report, we do not think that it makes sense going forward. Please note we are not recommending repeal of the program, only the reporting requirement.

Section 2 amends § 17a-6b to add "a review of safety and security issues which affect" Middletown to the responsibility of the Connecticut Juvenile Training School (CJTS) Advisory Board. Section 6 deletes a requirement of a separate CJTS Public Safety Committee contained in § 17a-27f, which we believe is a responsibility that can be handled capably by the CJTS Advisory Board.

Section 3 amends § 17a-101h to clarify that DCF has the authority to interview a child without the consent of a parent when "neglect" by that parent or a member of the household is suspected. The existing statute only permits an interview without the consent of a parent when "abuse" is suspected. The Department believes, and national data supports, that many incidents of child neglect can be even more harmful to the physical well-being of a child than incidents of physical abuse. It is important to note that the protections of the existing statute remain: consent will continue to be required if the parent is not the suspected perpetrator, and interviews conducted without consent will occur in the presence of a disinterested party, except in cases of emergency.

Section 4 amends § 17a-126 to make technical modifications to DCF's subsidized guardianship program. The Department **requests the committee's consideration of substitute language (attached to this testimony)** which contains additional modifications to the statute necessary for compliance with federal requirements allowing maximization of federal revenue for subsidized guardianship expenses.

Section 5 simply removes a reference to § 17a-91, which is recommended for repeal in section 6 of the bill.

Section 6 includes the elimination of the following obsolete mandated reports or advisory bodies:

- § 17a-22m - annual evaluation of Behavioral Health Partnership;
- § 17a-27f - a committee that is currently required to make quarterly reviews of safety and security issues at CJTS that affect Middletown (the responsibility of this committee is incorporated into the CJTS Advisory Board in section 2); and
- § 17a-91 - report on the status, (1) as of the January first preceding, of all children committed to the commissioner's custody, including in such report the date of commitment with respect to each child, and (2) of the central registry and monitoring system.

PROPOSED SUBSTITUTE LANGUAGE

Section 4 of H. B. No. 6227 - An Act Concerning Changes to the General Statutes Concerning the Department of Children and Families.

Section 4. Section 17a-126 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) As used in this section, (1) "relative caregiver" means a person who is caring for a child related to such person because the parent of the child has died or become otherwise unable to care for the child for reasons that make reunification with the parent and adoption not viable options within the foreseeable future, and (2) "commissioner" means the Commissioner of Children and Families.

(b) The commissioner, shall establish a program of subsidized guardianship for the benefit of children in foster care who have been living with relative caregivers, who are licensed foster care providers pursuant to section 17a-114, and who have been in foster care [~~or certified relative care~~] for not less than six consecutive months. A relative caregiver may request a guardianship subsidy from the commissioner.

(c) If a relative caregiver who is receiving a guardianship subsidy for a related child is also caring for the child's sibling who is not related to the caregiver, the commissioner shall provide a guardianship subsidy to such relative caregiver [~~if the sibling has been in foster care for not less than eighteen months, and the commissioner shall, within available appropriations, provide a guardianship subsidy to such relative caregiver~~] in accordance with regulations adopted by the commissioner pursuant to subsection (e) of this section. For purposes of this subsection, "child's sibling" includes a stepbrother, stepsister, a half-brother or a half-sister.

(d) The commissioner shall provide the following subsidies under the subsidized guardianship program in accordance with this section and the regulations adopted pursuant to subsection (e) of this section: (1) A special-need subsidy, which shall be a lump sum payment for one-time expenses resulting from the assumption of care of the child and shall not exceed two thousand dollars; (2) a medical subsidy comparable to the medical subsidy to children in the subsidized adoption program [~~if the child lacks private health insurance~~]. The subsidized guardianship program shall also provide a monthly subsidy on behalf of the child payable to the relative caregiver that is based on the circumstances of the relative caregiver and the needs of the child and shall not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in licensed foster care.

(e) The commissioner shall adopt regulations, in accordance with chapter 54, implementing the subsidized guardianship program established under this section. Such regulations shall include all federal requirements necessary to maximize federal reimbursement available to the state, including, but not limited to, (1) eligibility for the program, (2) the maximum age at which a child is no longer eligible for a guardianship subsidy, including the maximum age, for purposes of claiming federal reimbursement under Title IV-E of the Social Security Act, at which a child is no longer eligible for a guardianship subsidy, and (3) a procedure for determining the types and amounts of the subsidies.

(f) At a minimum, the guardianship subsidy provided under this section shall continue until the child reaches the age of eighteen or the age of twenty-one if such child is in full time attendance at a secondary school, technical school or college or is in a state accredited job training program or otherwise meets the criteria set forth in federal law. Annually, the subsidized guardian shall submit to the commissioner a sworn statement that the child is still living with and receiving support from the guardian. The parent of any child receiving assistance through the subsidized guardianship program shall remain liable for the support of the child as required by the general statutes.

(g) A guardianship subsidy shall not be included in the calculation of household income in determining eligibility for benefits of the relative caregiver of the subsidized child or other persons living within the household of the relative caregiver.

(h) Payments for guardianship subsidies shall be made from moneys available from any source to the commissioner for child welfare purposes. The commissioner shall develop and implement a plan that: (1) Maximizes use of the subsidized guardianship program to decrease the number of children in the legal custody of the commissioner and to reduce the number of children who would otherwise be placed into nonrelative foster care when there is a family member willing to provide care; (2) maximizes federal reimbursement for the costs of the subsidized guardianship program, provided whatever federal maximization method is employed shall not result in the relative caregiver of a child being subject to work requirements as a condition of receipt of benefits for the child or the benefits restricted in time or scope other than as specified in subsection (c) of this section; and (3) ensures necessary transfers of funds between agencies and interagency coordination in program implementation. The commissioner shall seek all federal waivers and reimbursement as are necessary and appropriate to implement this plan.

(i) In the case of the death, severe disability or serious illness of a relative caregiver who is receiving a guardianship subsidy, the commissioner may transfer the guardianship subsidy to a new relative caregiver who meets the Department of Children and Families foster care safety requirements and is appointed as legal guardian by a court of competent jurisdiction.

(j) Nothing in this section shall prohibit the commissioner from continuing to pay guardianship subsidies to those relative caregivers who entered into written subsidy agreements with the Department of Children and Families prior to October 5, 2009.