

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-240—sSB 1199
Human Services Committee

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' DIFFERENTIAL RESPONSE AND POVERTY EXEMPTION AND A REPORT ON EPISODES OF UNAUTHORIZED ABSENCES OF CHILDREN AND YOUTH IN THE DEPARTMENT'S CARE

SUMMARY: This act authorizes the Department of Children and Families (DCF) commissioner to establish a “differential response program” for cases that the department classifies as lower-risk. Accordingly, it allows the commissioner or a designee, when the department receives reports of alleged child abuse or neglect, to refer to community providers for family assessments and services, rather than investigate, those cases that it classifies as presenting a lower risk. It permits the DCF commissioner to establish such a differential response system for the type of referral the act authorizes. Under the act, when warranted, cases referred for family assessments can be referred for standard child protection services and vice versa.

The act prohibits DCF from finding a child or youth neglected solely because his or her parents are impoverished. It also eliminates children or youth who have been abused from the definition of “neglect.”

The act also changes the definition of “abuse” of children and youth by providing that a child or youth can be found to be abused, rather than deemed to be abused, if he or she is found to have statutorily specified adverse conditions.

The act also removes the definition of “dependent” children in the law governing petitions for commitment to DCF and makes technical changes in this law.

Finally, the act requires DCF, in its annual report on children and youth in its custody, to include specific information about children and youth who have unauthorized absences from DCF’s care.

EFFECTIVE DATE: July 1, 2011, except for the duplicate definitions sections that were revised as part of 2009 changes to the juvenile justice (“raising the age”) law, which are effective July 1, 2012.

DIFFERENTIAL RESPONSE TO LOWER RISK CASES

Referrals to Family Assessments

By law, DCF classifies and immediately evaluates reports it receives of child abuse or neglect and the alleged perpetrator is a person (1) responsible for the child’s health, welfare, or care; (2) given access to the child by the person responsible for the child; or (3) entrusted with the child’s care.

If a report contains sufficient information to warrant an investigation and indicates that there is imminent risk of physical harm to the child or some other

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emergency, DCF must begin the investigation within two hours. For all other reports, it has 72 hours to start investigating.

Under the act, if the DCF commissioner or her designee classifies a report as lower-risk, it can refer the case for family assessment and services and not investigate (see below). But such reports can be referred any time after that for standard child protective services (presumably, after an investigation) if concerns for the child's safety are evident. Reports referred for standard child protective services can likewise be referred for family assessment and services at any time DCF determines that there is a lower risk to the child.

Differential Response Program

The act permits the commissioner to establish a differential response program in which DCF, when it receives reports of child abuse and neglect, can make referrals to appropriate community providers for family assessment and services, either when DCF decides not to investigate a case that it classifies as presenting a lower risk or, if it decides to investigate, at any time during the investigation. These referrals can only occur when there has been an initial safety assessment of the family's circumstances and criminal background checks have been performed on all adults involved in the report.

The commissioner may adopt regulations to establish a method for DCF to (1) monitor the progress of the children and families referred to community providers and (2) set standards for reopening investigations. (The act appears to require the regulations to set standards for reopening any DCF investigation, not just those related to differential response cases.)

Disclosure of Records

The act requires DCF, subject to the law governing the confidentiality of its records, to disclose all relevant information it possesses concerning the child and family, including previous child protection activity, to each provider that receives a report from DCF for use in assessing, diagnosing, and treating the family's unique needs and the prevention of future reports.

Each provider receiving a report, consistent with the records confidentiality law, must disclose to DCF all relevant information it gathers during this process. DCF may use the information only to monitor and ensure the child's or children's continued safety and well-being.

In general, records maintained by DCF are confidential and may not be disclosed unless the department receives written consent from the person named in the record. But the law permits disclosure without consent in a number of situations.

REVISING AND ELIMINATING CERTAIN DEFINITIONS

Neglected

Previously, children or youth could be found to be "neglected" if they were (1) abandoned; (2) denied proper care and attention; (3) allowed to live under conditions, circumstances, or associations injurious to their well-being; or (4)

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abused. The act eliminates abuse as a possible basis for finding a child or youth neglected (existing law has a separate definition of abuse). And it provides that no child or youth can be found neglected solely because the child or youth is impoverished.

Dependent

The act removes the statutory definition of a “dependent” child or youth in juvenile court matters. These children and youth were defined in prior law as those whose home was a suitable one for them except for the financial inability of their parent, guardian, or other person maintaining the home to provide for the child’s or youth’s specialized care needs. This change appears to eliminate DCF authority over claims of dependency unless they also satisfy the definition of either abuse or neglect.

ANNUAL REPORT ON CHILDREN AND YOUTH

By law, the DCF commissioner must submit an annual report to the Human Services and Children’s committees indicating, for the preceding calendar year, a variety of information about children and youth in out-of-home care. Previously, the report had to include (1) the number and age of children and youth who were runaways or homeless and the (2) number of days that each child or youth had been a runaway or homeless. The act eliminates the second requirement and instead requires that the report also include:

1. the number of episodes of unauthorized absence from DCF care for a full day or more;
2. the total number of children and youth involved in such episodes and of these, how many have one, two, three, or more episodes;
3. the average number of children and youth who, without authorization, are absent from DCF care each day;
4. the number of children and youth without such authorization by the following age ranges: (a) under six, (b) six to nine, (c) 10 to 12, (d) 13 to 15, and (e) 16 and 17; and
5. the number of unauthorized absences according to the duration of absences as follows: (a) less than two days, (b) three to seven days, (c) eight to 14 days, (d) 15 to 30 days, (e) 31 to 60 days, (f) 61 to 120 days, (g) 121 to 180 days, and (h) more than 180 days.

The act also requires the report to include a description of strategies DCF employs and policies it implements to address runaways and homelessness and reduce the number and duration of absences.

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