



House of Representatives

General Assembly

File No. 345

February Session, 2012

Substitute House Bill No. 5185

House of Representatives, April 11, 2012

The Committee on Human Services reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING INTERVIEWS IN CHILD ABUSE AND NEGLECT CASES.

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

1 Section 1. Section 17a-101h of the 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2012*):

4 Notwithstanding any provision of the general statutes, any person
5 authorized to conduct an investigation of abuse or neglect shall
6 coordinate investigatory activities in order to minimize the number of
7 interviews of any child and share information with other persons
8 authorized to conduct an investigation of child abuse or neglect, as
9 appropriate. A person reporting child abuse or neglect shall provide
10 any person authorized to conduct an investigation of child abuse or
11 neglect with all information related to the investigation that is in the
12 possession or control of the person reporting child abuse or neglect,
13 except as expressly prohibited by state or federal law. The
14 commissioner shall obtain the consent of parents or guardians or other

15 persons responsible for the care of the child to any interview with a
 16 child, except that such consent shall not be required when the
 17 department has a documented compelling reason to believe [such
 18 parent or guardian or other person responsible for the care of the child
 19 or member of the child's household is the perpetrator of the alleged
 20 abuse] that seeking such consent would place the child at imminent
 21 risk of physical harm. If consent is not required to conduct the
 22 interview, such interview shall be conducted in the presence of a
 23 disinterested adult unless immediate access to the child is necessary to
 24 protect the child from imminent risk of physical harm and a
 25 disinterested adult is not available after reasonable search. For
 26 purposes of this section, a "documented compelling reason" includes,
 27 but is not limited to, criminal conviction information concerning the
 28 person or persons alleged to be responsible for such abuse or neglect
 29 and previous allegations of abuse or neglect relating to the child or
 30 other children residing in the household or relating to family violence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	17a-101h

KID *Joint Favorable Subst. 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:** None**Municipal Impact:** None**Explanation**

There is no fiscal impact to the Department of Children and Families associated with the expansion of “documented compelling reasons” for not seeking parental/guardian/responsible persons’ consent to interviewing a child in child abuse and neglect cases.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 5185*****AN ACT CONCERNING INTERVIEWS IN CHILD ABUSE AND NEGLECT CASES.*****SUMMARY:**

By law, any person authorized to conduct investigations of alleged child abuse or neglect must coordinate investigatory activities to minimize the number of interviews of any child. Under current law, the Department of Children and Families (DCF) commissioner must obtain the consent of the child's parents, guardians, or another responsible person to any interview with the child unless DCF has reason to believe that the adult or a member of the child's household perpetrated the alleged abuse (but not neglect). Under this bill, DCF must instead have a documented, compelling reason to believe that seeking such consent would place the child at imminent risk of physical harm.

Under the bill, a documented, compelling reason could include criminal conviction information concerning the alleged perpetrator and previous allegations of abuse or neglect relating to the child or other children in the household or family violence.

EFFECTIVE DATE: October 1, 2012

BACKGROUND***Related Bill***

sHB 5363, favorably reported by the Judiciary Committee, is virtually identical to this bill. It does not define a "documented compelling reason."

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 12 Nay 0 (03/13/2012)

Human Services Committee

Joint Favorable
Yea 16 Nay 0 (03/22/2012)