



House of Representatives

General Assembly

File No. 383

February Session, 2012

Substitute House Bill No. 5217

House of Representatives, April 12, 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 REVISIONS TO STATUTES CONCERNING
THE DEPARTMENT OF CHILDREN AND FAMILIES.***

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

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2 the general statutes is repealed and the following is substituted in lieu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

4 (3) "Advisory committee" means the Children's Behavioral Health
5 Advisory Committee; [to the council;]

6 Sec. 2. Subsection (a) of section 17a-4 of the 2012 supplement to the
7 general statutes is repealed and the following is substituted in lieu
8 thereof (*Effective October 1, 2012*):

9 (a) There shall be a State Advisory Council on Children and
10 Families which shall consist of nineteen members as follows: (1)
11 Thirteen members appointed by the Governor, including at least [five]
12 two persons who are child care professionals, two persons eighteen to

13 twenty-five years of age, inclusive, served by the Department of
14 Children and Families, one child psychiatrist licensed to practice
15 medicine in this state and at least one attorney who has expertise in
16 legal issues related to children and youth [The balance of the advisory
17 council] and seven persons who shall be representative of young
18 persons, parents and others interested in the delivery of services to
19 children and youths, including child protection, behavioral health,
20 juvenile justice and prevention services₂ [No less than fifty per cent of
21 the council's members shall be parents, foster parents or family
22 members of children who have received, or are receiving, behavioral
23 health services, child welfare services or juvenile services and] at least
24 four of whom shall be parents, foster parents or family members of
25 children who have received, or are receiving, behavioral health
26 services, child welfare services or juvenile services; and (2) six
27 members representing the regional advisory councils established
28 pursuant to section 17a-30, appointed one each by the members of each
29 council. On and after October 1, 2014, no more than half the members
30 of the council shall be persons who receive income from a private
31 practice or any public or private agency that delivers mental health,
32 substance abuse, child abuse prevention and treatment, child welfare
33 services or juvenile services. Members of the council shall serve
34 without compensation, except for necessary expenses incurred in the
35 performance of their duties. The Department of Children and Families
36 shall provide the council with funding to facilitate the participation of
37 those members representing families and youth, as well as for other
38 administrative support services. Members shall serve on the council
39 for terms of two years each and no member shall serve for more than
40 [two] three consecutive terms. The commissioner shall be an ex-officio
41 member of the council without vote and shall attend its meetings. Any
42 member who fails to attend three consecutive meetings or fifty per cent
43 of all meetings during any calendar year shall be deemed to have
44 resigned. The council shall elect a chairperson and vice-chairperson to
45 act in the chairperson's absence.

46 Sec. 3. Section 17a-4a of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2012*):

48 (a) There is established a Children's Behavioral Health Advisory
49 Committee [to the State Advisory Council on Children and Families]
50 which shall promote and enhance the provision of behavioral health
51 services for all children in this state.

52 (b) The Children's Behavioral Health Advisory Committee shall be
53 composed of the following ex-officio voting members: (1) The
54 Commissioner of Children and Families or the commissioner's
55 designee; (2) the Commissioner of Social Services or the
56 commissioner's designee; (3) the Executive Director of the Children's
57 Health Council or said director's designee; (4) the Chief Court
58 Administrator or said administrator's designee; (5) the Commissioner
59 of Education or the commissioner's designee; (6) the Commissioner of
60 Mental Health and Addiction Services or the commissioner's designee;
61 (7) the Commissioner of Developmental Services or the commissioner's
62 designee; (8) the executive director of the Office of Protection and
63 Advocacy for Persons with Disabilities or the director's designee; and
64 the following public members: (A) Two members appointed by the
65 Governor, one of whom shall be a parent of a child who receives
66 behavioral health services and one of whom shall be a provider of
67 behavioral health services; (B) six members, one of whom shall be
68 appointed by the president pro tempore of the Senate, one of whom
69 shall be appointed by the speaker of the House of Representatives, one
70 of whom shall be appointed by the majority leader of the Senate, one
71 of whom shall be appointed by the majority leader of the House of
72 Representatives, one of whom shall be appointed by the minority
73 leader of the Senate and one of whom shall be appointed by the
74 minority leader of the House of Representatives, and all of whom shall
75 be knowledgeable on issues relative to children in need of behavioral
76 health services and family supports; and (C) sixteen members
77 appointed by the [chairperson of the State Advisory Council on]
78 Commissioner of Children and Families. The membership of the
79 advisory committee shall fairly and adequately represent parents of
80 children who have a serious emotional disturbance. At least fifty-one
81 per cent of the members of the advisory committee shall be persons
82 who are parents or relatives of a child who has or had a serious

83 emotional disturbance or persons who had a serious emotional
84 disturbance as children and no more than half the members of the
85 committee shall be persons who receive income from a private practice
86 or any public or private agency that delivers behavioral health
87 services.

88 (c) All appointments to the advisory committee shall be made no
89 later than sixty days after July 1, 2000. Any vacancy shall be filled by
90 the appointing authority. Members shall serve two-year terms and no
91 public member shall serve for more than two consecutive terms.

92 (d) The advisory committee shall elect two cochairpersons from
93 among its members, one of whom shall be the parent of a child with a
94 serious emotional disturbance. The advisory committee shall meet at
95 least bimonthly. Members of the advisory committee shall serve
96 without compensation, except for necessary expenses incurred in the
97 performance of their duties.

98 (e) Not later than October first of each year, the advisory committee
99 shall submit a status report on local systems of care and practice
100 standards for state-funded behavioral health programs to the
101 Commissioner of Children and Families and the State Advisory
102 Council on Children and Families.

103 (f) Not later than October first of each odd-numbered year, the
104 advisory committee shall submit recommendations concerning the
105 provision of behavioral health services for all children in the state to
106 the Commissioner of Children and Families and the State Advisory
107 Council on Children and Families. The recommendations shall
108 address, but shall not be limited to, the following: (1) The target
109 population for children with behavioral health needs, and assessment
110 and benefit options for children with such needs; (2) the
111 appropriateness and quality of care for children with behavioral health
112 needs; (3) the coordination of behavioral health services provided
113 under the HUSKY Plan with services provided by other publicly-
114 funded programs; (4) performance standards for preventive services,
115 family supports and emergency service training programs; (5)

116 assessments of community-based and residential care programs; (6)
117 outcome measurements by reviewing provider practice; and (7) a
118 medication protocol and standards for the monitoring of medication
119 and after-care programs.

120 Sec. 4. Subsection (d) of section 17a-28 of the 2012 supplement to the
121 general statutes is repealed and the following is substituted in lieu
122 thereof (*Effective October 1, 2012*):

123 (d) Any information disclosed from a person's record shall not be
124 further disclosed to another individual or entity without the written
125 consent of the person, except [pursuant to] (1) pursuant to section 19a-
126 80 or 19a-80f, provided such disclosure is otherwise permitted
127 pursuant to subsections (b) and (c) of this section, [or] (2) pursuant to
128 the order of a court of competent jurisdiction, or (3) as otherwise
129 provided by law.

130 Sec. 5. Subsection (g) of section 17a-28 of the 2012 supplement to the
131 general statutes is repealed and the following is substituted in lieu
132 thereof (*Effective October 1, 2012*):

133 (g) The department shall disclose records, subject to subsections (b)
134 and (c) of this section, without the consent of the person who is the
135 subject of the record, to:

136 (1) The person named in the record or such person's authorized
137 representative, provided such disclosure shall be limited to
138 information (A) contained in the record about such person or about
139 such person's biological or adoptive minor child, if such person's
140 parental rights to such child have not been terminated; and (B)
141 information identifying an individual who reported abuse or neglect of
142 the person, including any tape recording or an oral report pursuant to
143 section 17a-103, as amended by this act, if a court determines that there
144 is reasonable cause to believe the reporter knowingly made a false
145 report or that the interests of justice require disclosure;

146 (2) An employee of the department for any purpose reasonably

147 related to the business of the department;

148 (3) A guardian ad litem or attorney appointed to represent a child or
149 youth in litigation affecting the best interests of the child or youth;

150 (4) The Attorney General, any assistant attorney general or any
151 other legal counsel retained to represent the department during the
152 course of a legal proceeding involving the department or an employee
153 of the department;

154 (5) The Child Advocate or the Child Advocate's designee;

155 (6) The Chief Public Defender or the Chief Public Defender's
156 designee for purposes of ensuring competent representation by the
157 attorneys with whom the Chief Public Defender contracts to provide
158 legal and guardian ad litem services to the subjects of such records and
159 for ensuring accurate payments for services rendered by such
160 attorneys;

161 (7) The Chief State's Attorney or the Chief State's Attorney's
162 designee for purposes of investigating or prosecuting an allegation [of]
163 related to child abuse or neglect, provided such prosecuting authority
164 shall have access to records of a delinquency defendant, who is not
165 being charged with an offense related to child abuse, only while the
166 case is being prosecuted and after obtaining a release;

167 (8) A state or federal law enforcement officer for purposes of
168 investigating an allegation [of] related to child abuse or neglect;

169 (9) Any foster or prospective adoptive parent, if the records pertain
170 to a child or youth currently placed with the foster or prospective
171 adoptive parent, or a child or youth being considered for placement
172 with the foster or prospective adoptive parent, and the records are
173 necessary to address the social, medical, psychological or educational
174 needs of the child or youth, provided no information identifying a
175 biological parent is disclosed without the permission of such biological
176 parent;

177 (10) The Governor, when requested in writing in the course of the
178 Governor's official functions, the Legislative Program Review and
179 Investigations Committee, the joint standing committees of the General
180 Assembly having cognizance of matters relating to human services and
181 the judiciary and the select committee of the General Assembly having
182 cognizance of matters relating to children, when requested in writing
183 in the course of said committees' official functions, and upon a
184 majority vote of said committees, provided no names or other
185 identifying information is disclosed unless it is essential to the
186 gubernatorial or legislative purpose;

187 (11) The Department of Public Health for the purpose of (A)
188 determining the suitability of a person to care for children in a facility
189 licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining
190 the suitability of such person for licensure; or (C) an investigation
191 conducted pursuant to section 19a-80f;

192 (12) The Department of Developmental Services, to allow said
193 department to determine eligibility, facilitate enrollment and plan for
194 the provision of services to a child who is a client of said department
195 and who is applying to enroll in or is enrolled in said department's
196 voluntary services program. At the time that a parent or guardian
197 completes an application for enrollment of a child in the Department of
198 Developmental Services' voluntary services program, or at the time
199 that said department updates a child's annual individualized plan of
200 care, said department shall notify such parent or guardian that the
201 Department of Children and Families may provide records to the
202 Department of Developmental Services for the purposes specified in
203 this subdivision without the consent of such parent or guardian;

204 (13) A state agency that licenses or certifies a person to educate or
205 care for children or youth;

206 (14) A judge or employee of a probate court who requires access to
207 such records in order to perform such judge's or employee's official
208 duties;

209 (15) A judge of the Superior Court for purposes of determining the
210 appropriate disposition of a child convicted as delinquent or a child
211 who is a member of a family with service needs, or a judge of the
212 Superior Court in a criminal prosecution for purposes of in-camera
213 inspection whenever (A) the court has ordered that the record be
214 provided to the court; or (B) a party to the proceeding has issued a
215 subpoena for the record;

216 (16) A judge of the Superior Court and all necessary parties in a
217 family violence proceeding when such records concern family violence
218 with respect to the child who is the subject of the proceeding or the
219 parent of such child who is the subject of the proceeding;

220 (17) The Auditors of Public Accounts, or their representative,
221 provided no information identifying the subject of the record is
222 disclosed unless such information is essential to an audit conducted
223 pursuant to section 2-90;

224 (18) A local or regional board of education, provided the records are
225 limited to educational records created or obtained by the state or
226 Connecticut Unified School District #2, established pursuant to section
227 17a-37;

228 (19) The superintendent of schools for any school district for the
229 purpose of determining the suitability of a person to be employed by
230 the local or regional board of education for such school district
231 pursuant to subsection (a) of section 10-221d;

232 [(19)] (20) The Department of Motor Vehicles for the purpose of
233 criminal history records checks pursuant to subsection (e) of section
234 14-44, provided information disclosed pursuant to this subdivision
235 shall be limited to [information obtained in an investigation conducted
236 pursuant to section 17a-101g and information contained in the abuse
237 and neglect registry pursuant to section 17a-101k] information
238 included on the Department of Children and Families child abuse and
239 neglect registry established pursuant to section 17a-101k, subject to the
240 provisions of sections 17a-101g and 17a-101k concerning the

241 nondisclosure of findings of responsibility for abuse and neglect; [and]

242 [(20)] (21) The Department of Mental Health and Addiction Services
243 for the purpose of treatment planning for young adults who have
244 transitioned from the care of the Department of Children and Families;
245 and

246 (22) The superintendent of a public school district or the executive
247 director or other head of a public or private institution for children
248 providing care for children or a private school pursuant to sections
249 17a-101b, 17a-101c and 17a-101i, as amended by this act.

250 Sec. 6. Section 17a-32 of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective October 1, 2012*):

252 (a) The name of the Department of Children and Families facility at
253 Connecticut Valley Hospital [shall be Riverview Hospital for Children
254 and Youth] in the city of Middletown shall be the Albert J. Solnit
255 Children's Center - South Campus.

256 (b) The name of the Department of Children and Families facility in
257 the city of Middletown shall be the Connecticut Juvenile Training
258 School.

259 (c) The name of the Department of Children and Families facility in
260 the town of East Windsor shall be the [Connecticut Children's Place]
261 Albert J. Solnit Children's Center - North Campus.

262 [(d) The name of the Department of Children and Families facility in
263 the town of Hamden shall be High Meadows.]

264 [(e)] (d) The name of the Department of Children and Families
265 facility in the town of Hartland shall be the Wilderness School.

266 Sec. 7. Section 17b-221a of the general statutes is repealed and the
267 following is substituted in lieu thereof (*Effective October 1, 2012*):

268 For the fiscal year ending June 30, 2002, and each fiscal year
269 thereafter, revenue received by the Department of Administrative

270 Services-Financial Services Center/Collections from Medicaid care
271 management plans for services performed at [Riverview Hospital]
272 Albert J. Solnit Children's Center - South Campus shall be deposited in
273 the General Fund and credited to a nonlapsing account in the
274 Department of Social Services and shall be available for expenditure by
275 the Department of Social Services for the payment of Medicaid claims.

276 Sec. 8. Section 17a-101 of the 2012 supplement to the general statutes
277 is repealed and the following is substituted in lieu thereof (*Effective*
278 *October 1, 2012*):

279 (a) The public policy of this state is: To protect children whose
280 health and welfare may be adversely affected through injury and
281 neglect; to strengthen the family and to make the home safe for
282 children by enhancing the parental capacity for good child care; to
283 provide a temporary or permanent nurturing and safe environment for
284 children when necessary; and for these purposes to require the
285 reporting of suspected child abuse or neglect, investigation of such
286 reports by a social agency, and provision of services, where needed, to
287 such child and family.

288 (b) The following persons shall be mandated reporters: Any
289 physician or surgeon licensed under the provisions of chapter 370, any
290 resident physician or intern in any hospital in this state, whether or not
291 so licensed, any registered nurse, licensed practical nurse, medical
292 examiner, dentist, dental hygienist, psychologist, a school employee, as
293 defined in section 53a-65, social worker, police officer, juvenile or adult
294 probation officer, juvenile or adult parole officer, member of the clergy,
295 pharmacist, physical therapist, optometrist, chiropractor, podiatrist,
296 mental health professional or physician assistant, any person who is a
297 licensed or certified emergency medical services provider, any person
298 who is a licensed or certified alcohol and drug counselor, any person
299 who is a licensed marital and family therapist, any person who is a
300 sexual assault counselor or a battered women's counselor as defined in
301 section 52-146k, any person who is a licensed professional counselor,
302 any person who is a licensed foster parent, any person paid to care for

303 a child in any public or private facility, child day care center, group
304 day care home or family day care home licensed by the state, any
305 employee of the Department of Children and Families, any employee
306 of the Department of Public Health who is responsible for the licensing
307 of child day care centers, group day care homes, family day care
308 homes or youth camps, the Child Advocate and any employee of the
309 Office of the Child Advocate and any family relations counselor,
310 family relations counselor trainee or family services supervisor
311 employed by the Judicial Department.

312 (c) The Commissioner of Children and Families shall develop an
313 educational training program and refresher training program for the
314 accurate and prompt identification and reporting of child abuse and
315 neglect. Such training program and refresher training program shall be
316 made available to all persons mandated to report child abuse and
317 neglect at various times and locations throughout the state as
318 determined by the Commissioner of Children and Families. Such
319 training program shall be provided to all new school employees, as
320 defined in section 53a-65, within available appropriations.

321 [(d) Any mandated reporter, as defined in subsection (b) of this
322 section, who fails to report to the Commissioner of Children and
323 Families pursuant to section 17a-101a shall be required to participate in
324 an educational and training program established by the commissioner.
325 The program may be provided by one or more private organizations
326 approved by the commissioner, provided the entire costs of the
327 program shall be paid from fees charged to the participants, the
328 amount of which shall be subject to the approval of the commissioner.]

329 [(e)] (d) On or before October 1, 2011, the Department of Children
330 and Families, in consultation with the Department of Education, shall
331 develop a model mandated reporting policy for use by local and
332 regional boards of education. Such policy shall state applicable state
333 law regarding mandated reporting and any relevant information that
334 may assist school districts in the performance of mandated reporting.
335 Such policy shall include, but not be limited to, the following

336 information: (1) Those persons employed by the local or regional board
337 of education who are required pursuant to this section to be mandated
338 reporters, (2) the type of information that is to be reported, (3) the time
339 frame for both written and verbal mandated reports, (4) a statement
340 that the school district may conduct its own investigation into an
341 allegation of abuse or neglect by a school employee, provided such
342 investigation does not impede an investigation by the Department of
343 Children and Families, and (5) a statement that retaliation against
344 mandated reporters is prohibited. Such policy shall be updated and
345 revised as necessary.

346 Sec. 9. Section 17a-101a of the 2012 supplement to the general
347 statutes is repealed and the following is substituted in lieu thereof
348 (*Effective October 1, 2012*):

349 (a) Any mandated reporter, as defined in section 17a-101, as
350 amended by this act, who in the ordinary course of such person's
351 employment or profession has reasonable cause to suspect or believe
352 that any child under the age of eighteen years (1) has been abused or
353 neglected, as defined in section 46b-120, (2) has had nonaccidental
354 physical injury, or injury which is at variance with the history given of
355 such injury, inflicted upon such child, or (3) is placed at imminent risk
356 of serious harm, shall report or cause a report to be made in
357 accordance with the provisions of sections 17a-101b to 17a-101d,
358 inclusive.

359 (b) Any person required to report under the provisions of this
360 section who fails to make such report or fails to make such report
361 within the time period prescribed in sections 17a-101b to 17a-101d,
362 inclusive, and section 17a-103, as amended by this act, shall be fined
363 not less than five hundred dollars or more than two thousand five
364 hundred dollars and shall be required to participate in an educational
365 and training program. [pursuant to subsection (d) of section 17a-101]
366 The program may be provided by one or more private organizations
367 approved by the commissioner, provided the entire cost of the
368 program shall be paid from fees charged to the participants, the

369 amount of which shall be subject to the approval of the commissioner.

370 (c) The Commissioner of Children and Families, or the
371 commissioner's designee, shall promptly notify the Chief State's
372 Attorney when there is reason to believe that any such person has
373 failed to make a report in accordance with this section.

374 Sec. 10. Section 17a-101e of the general statutes is repealed and the
375 following is substituted in lieu thereof (*Effective October 1, 2012*):

376 (a) No employer shall discharge, or in any manner discriminate or
377 retaliate against, any employee who in good faith makes a report
378 pursuant to sections 17a-101a to 17a-101d, inclusive, as amended by
379 this act, and 17a-103, as amended by this act, testifies or is about to
380 testify in any proceeding involving child abuse or neglect. The
381 Attorney General may bring an action in Superior Court against an
382 employer who violates this subsection. The court may assess a civil
383 penalty of not more than two thousand five hundred dollars and may
384 order such other equitable relief as the court deems appropriate.

385 (b) Any person, institution or agency which, in good faith, makes, or
386 in good faith does not make, the report pursuant to sections 17a-101a
387 to 17a-101d, inclusive, as amended by this act, and 17a-103, as
388 amended by this act, shall be immune from any liability, civil or
389 criminal, which might otherwise be incurred or imposed and shall
390 have the same immunity with respect to any judicial proceeding which
391 results from such report provided such person did not perpetrate or
392 cause such abuse or neglect.

393 (c) Any person who is alleged to have knowingly made a false
394 report of child abuse or neglect pursuant to sections 17a-101a to 17a-
395 101d, inclusive, as amended by this act, and 17a-103, as amended by
396 this act, shall be referred to the office of the Chief State's Attorney for
397 purposes of a criminal investigation.

398 [(c)] (d) Any person who knowingly makes a false report of child
399 abuse or neglect pursuant to sections 17a-101a to 17a-101d, inclusive,

400 as amended by this act, and 17a-103, as amended by this act, shall be
401 fined not more than two thousand dollars or imprisoned not more
402 than one year or both.

403 Sec. 11. Subsection (e) of section 17a-101i of the 2012 supplement to
404 the general statutes is repealed and the following is substituted in lieu
405 thereof (*Effective October 1, 2012*):

406 (e) On or before February 1, 2012, each local and regional board of
407 education shall adopt a written policy, in accordance with the
408 provisions of subsection [(e)] (d) of section 17a-101, as amended by this
409 act, regarding the reporting by school employees, as defined in section
410 53a-65, of suspected child abuse in accordance with sections 17a-101a
411 to 17a-101d, inclusive, as amended by this act, and 17a-103, as
412 amended by this act. Such policy shall be distributed annually to all
413 school employees employed by the local or regional board of
414 education. The local or regional board of education shall document
415 that all such school employees have received such written policy and
416 completed the training and refresher training programs required by
417 subsection (c) of section 17a-101, as amended by this act.

418 Sec. 12. Subsection (b) of section 17a-101o of the 2012 supplement to
419 the general statutes is repealed and the following is substituted in lieu
420 thereof (*Effective October 1, 2012*):

421 (b) The Department of Children and Families shall develop a policy
422 for the investigation of delayed reports by mandated reporters. Such
423 policy shall include, but not be limited to, when referrals to the
424 appropriate law enforcement agency for delayed reporting are
425 required and when the department shall require mandated reporters
426 who have been found to have delayed making a report to participate in
427 the educational and training program pursuant to subsection [(d)] (b)
428 of section [17a-101] 17a-101a, as amended by this act.

429 Sec. 13. Subsection (a) of section 17a-103 of the general statutes is
430 repealed and the following is substituted in lieu thereof (*Effective*
431 *October 1, 2012*):

432 (a) Any mandated reporter acting outside his professional capacity
433 and any other person having reasonable cause to suspect or believe
434 that any child under the age of eighteen is in danger of being abused,
435 or has been abused or neglected, as defined in section 46b-120, may
436 cause a written or oral report to be made to the Commissioner of
437 Children and Families or his representative or a law enforcement
438 agency. The Commissioner of Children and Families or his
439 representative shall use his best efforts to obtain the name and address
440 of a person who causes a report to be made pursuant to this section. In
441 the case of an oral report, such report shall be recorded on tape and the
442 commissioner or his representative shall announce to the person
443 making such report that such report is being recorded and shall state
444 the penalty for knowingly making a false report of child abuse or
445 neglect under subsection [(c)] (d) of section 17a-101e, as amended by
446 this act.

447 Sec. 14. Subsection (a) of section 52-259a of the general statutes is
448 repealed and the following is substituted in lieu thereof (*Effective*
449 *October 1, 2012*):

450 (a) Any member of the Division of Criminal Justice or the Division
451 of Public Defender Services, any employee of the Judicial Department,
452 acting in the performance of such employee's duties, the Attorney
453 General, an assistant attorney general, the Consumer Counsel, any
454 attorney employed by the Office of Consumer Counsel within the
455 Department of Energy and Environmental Protection, the Department
456 of Revenue Services, the Commission on Human Rights and
457 Opportunities, the Freedom of Information Commission, the Board of
458 Labor Relations, the Office of Protection and Advocacy for Persons
459 with Disabilities, the Office of the Victim Advocate, [or] the
460 Department of Social Services or the Department of Children and
461 Families, or any attorney appointed by the court to assist any of them
462 or to act for any of them in a special case or cases, while acting in such
463 attorney's official capacity or in the capacity for which such attorney
464 was appointed, shall not be required to pay the fees specified in
465 sections 52-258, 52-259, and 52-259c, subsection (a) of section 52-356a,

466 subsection (a) of section 52-361a, section 52-367a, subsection (b) of
467 section 52-367b and subsection (n) of section 46b-231.

468 Sec. 15. Section 17a-107 of the general statutes is repealed and the
469 following is substituted in lieu thereof (*Effective from passage*):

470 On or before February 1, 1987, the Commissioner of [Youth
471 Services] Children and Families shall adopt such regulations, in
472 accordance with the provisions of chapter 54, as are necessary to carry
473 out the provisions of [subsection (e) of section 17a-101] section 17a-
474 101g.

475 Sec. 16. Subsection (a) of section 30 of public act 99-26, as amended
476 by section 19 of public act 05-279 and section 3 of public act 09-4 of the
477 September special session, is repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	17a-1(3)
Sec. 2	October 1, 2012	17a-4(a)
Sec. 3	October 1, 2012	17a-4a
Sec. 4	October 1, 2012	17a-28(d)
Sec. 5	October 1, 2012	17a-28(g)
Sec. 6	October 1, 2012	17a-32
Sec. 7	October 1, 2012	17b-221a
Sec. 8	October 1, 2012	17a-101
Sec. 9	October 1, 2012	17a-101a
Sec. 10	October 1, 2012	17a-101e
Sec. 11	October 1, 2012	17a-101i(e)
Sec. 12	October 1, 2012	17a-101o(b)
Sec. 13	October 1, 2012	17a-103(a)
Sec. 14	October 1, 2012	52-259a(a)
Sec. 15	<i>from passage</i>	17a-107
Sec. 16	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

In section 2, "On or after October 1, 2014," was changed to "On and after October 1, 2014," for accuracy and in section 9(b) a technical change was made for clarity.

KID	<i>Joint Favorable Subst. C/R</i>	HS
HS	<i>Joint Favorable Subst.-LCO</i>	

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 (DCF), the state, or municipalities associated with various changes to statutes concerning DCF.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5217*****AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING
THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill makes several changes in the law governing the Department of Children and Families (DCF). It:

1. changes the appointing authority and composition of the State Advisory Council on Children and Families and increases the number of consecutive terms members may serve;
2. directs the DCF commissioner, instead of the council, to appoint certain members of the Children's Behavioral Health Advisory Committee;
3. allows additional DCF records to be disclosed without the consent of the person who is the subject of the record, and places additional limits on how DCF records that are legally disclosable can be further disclosed;
4. requires individuals who falsely report child abuse or neglect to be referred to the chief state's attorney for criminal investigation; and
5. exempts DCF attorneys from having to pay certain court fees.

The bill also renames:

1. Riverview Hospital for Children and Youth (which is on the campus of Connecticut Valley Hospital in Middletown) the Albert J. Solnit Children's Center—South Campus and
2. Connecticut Children's Place in East Windsor the Albert J. Solnit

Children's Center – North Campus (§ 6).

The bill repeals the law conveying DCF-owned property to the City of Middletown. The property was part of the now-closed Long Lane School.

Finally, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2012, except that the conveyance provision and a technical change related to DCF regulations for reports of child abuse and neglect are effective upon passage.

ADVISORY COUNCIL ON CHILDREN AND FAMILIES (§ 2)

By law, this council is composed of 19 members. The bill decreases the number of gubernatorial appointments and gives these appointments to DCF Regional Advisory Councils (which advise the DCF commissioner on service development and delivery in those areas). It also makes changes to the council's composition, as shown in Table 1.

Table 1: State Advisory Council on Children and Families

<i>Composition</i>	<i>Current Law</i>	<i>The Bill</i>
Gubernatorial appointments	19	13
Representatives of young people, parents, and others interested in service delivery to children and youth	Balance of council after at least nine designated appointments	7
Child care professionals	At least 5	At least 2 (practically speaking, it cannot be more

		than two)
Parents, foster parents, or family members of children receiving DCF behavioral health, child welfare, or juvenile services	50% of council	4
Regional Advisory Council appointments		
Members representing the councils	0	6

The bill also increases from two to three the number of consecutive two-year terms council members may serve.

Under current law, no more than half of the council can be members who receive income from the practice of, or any public agency that delivers, mental health, substance abuse, child abuse prevention and treatment, or child welfare or juvenile services. Under the bill, this limitation does not apply between the October 1, 2012 and October 1, 2014.

CHILDREN’S BEHAVIORAL HEALTH ADVISORY COMMITTEE (§ 3)

A children’s behavioral health advisory committee promotes and enhances the provision of children’s behavioral health services in the state. Its members include state agency heads and public members appointed by the governor and legislative leaders. Currently, the State Advisory Council on Children and Families appoints 16 members. The bill directs the DCF commissioner to make these appointments instead.

The bill also requires the council to submit its (1) annual report on local systems of care and practice standards for state-funded behavioral health programs and (2) biennial (in odd-numbered years)

recommendations concerning children's behavioral health to the DCF commissioner as well as the State Advisory Council on Children and Families.

DCF RECORDS (§§ 4 & 5)

Additional Disclosures

DCF records are generally confidential but can be disclosed with the consent of the person who is the subject of them and without consent under certain circumstances. Under current law, when records are legally disclosed, they cannot be further disclosed except (1) when the disclosure pertains to the licensure of a child care facility and is otherwise permitted by DCF law or (2) by a court order. The bill also allows further disclosure when the law otherwise provides for it.

Disclosures Allowed Without Consent

The law requires disclosure without the person's consent to the chief public defender (CPD) or her designee. The bill provides that such disclosures are allowed for purposes of competent representation by the attorneys with whom the CPD contracts to provide legal and guardian ad litem services to the records' subjects and for ensuring accurate payments for services these attorneys provide. (Currently, the office of the CPD is consolidating the operations of the former Commission on Child Protection, whose duties included hiring attorneys to represent families in these proceedings and which was eliminated per PA 11-51, into that agency.)

The bill also requires DCF to disclose this information to school superintendents for the purpose of determining a potential employee's suitability for a job in a public school. By law, applicants for public school positions must submit to both criminal history records and in most cases, DCF child abuse registry checks. The bill also requires such disclosures to public school superintendents, the executive director or other head of a public or private institution for children providing care to children, or a private school with respect to the laws governing alleged child abuse or neglect involving school personnel (see BACKGROUND).

Under current law, DCF can disclose information without consent to DMV for the purpose of conducting criminal history background checks (which include checks of the DCF abuse registry) for prospective school bus drivers. The information she may disclose includes that related to abuse or neglect investigations and information in the child abuse and neglect registry. The bill permits DCF to disclose information in the registry only, provided the disclosure is made in accordance with the law, which generally prohibits disclosure until an alleged perpetrator of abuse or neglect has exhausted appeals of a child abuse or neglect substantiation.

FALSE REPORTS OF ABUSE OR NEGLECT (§ 10)

By law, anyone who knowingly makes a false report of child abuse or neglect can be fined up to \$2,000, imprisoned for up to one year, or both. The bill requires that anyone who is alleged to have made such a false report be referred to the office of the chief state's attorney for purposes of a criminal investigation. Reports of child abuse and neglect typically go either to DCF's hotline or local police.

DCF EXEMPT FROM PAYING COPY FEES (§ 14)

The bill exempts DCF attorneys from having to pay a variety of court filing fees. Current law already exempts other enumerated state agencies' attorneys from paying these fees.

REPEAL OF CONVEYANCE TO CITY OF MIDDLETOWN (§ 16)

The bill repeals a conveyance of DCF property to the City of Middletown. In 1999, the legislature conveyed property (formerly part of DCF's now-closed Long Lane School) to the City of Middletown as part of the construction of the Connecticut Juvenile Training School (most of the Long Lane property was sold or transferred to Wesleyan University).

BACKGROUND

PA 11-93

This act expanded the law governing the reporting and investigation of suspected child abuse and neglect, with particular

focus on school employees who are the alleged perpetrators and the response of local or regional school districts and private schools and facilities.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 8 Nay 0 (03/08/2012)

Human Services Committee

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