
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	50% of council	4

children receiving DCF behavioral health, child welfare, or juvenile services		
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)