



House of Representatives

General Assembly

File No. 123

January Session, 2013

Substitute House Bill No. 6346

House of Representatives, March 25, 2013

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REVISING VARIOUS 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. Subsection (a) of section 17a-4 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (a) There shall be a State Advisory Council on Children and
5 Families which shall consist of nineteen members as follows: (1)
6 Thirteen members appointed by the Governor, including [at least] two
7 persons who are child care professionals, two persons eighteen to
8 twenty-five years of age, inclusive, served by the Department of
9 Children and Families, one child psychiatrist licensed to practice
10 medicine in this state and [at least] one attorney who has expertise in
11 legal issues related to children and youth and seven persons who shall
12 be representative of young persons, parents and others interested in
13 the delivery of services to children and youths, including child
14 protection, behavioral health, juvenile justice and prevention services,

15 at least four of whom shall be parents, foster parents or family
16 members of children who have received, or are receiving, behavioral
17 health services, child welfare services or juvenile services; and (2) six
18 members representing the regional advisory councils established
19 pursuant to section 17a-30, appointed one each by the members of each
20 council. On and after October 1, 2014, no more than half the members
21 of the council shall be persons who receive income from a private
22 practice or any public or private agency that delivers mental health,
23 substance abuse, child abuse prevention and treatment, child welfare
24 services or juvenile services. Members of the council shall serve
25 without compensation, except for necessary expenses incurred in the
26 performance of their duties. The Department of Children and Families
27 shall provide the council with funding to facilitate the participation of
28 those members representing families and youth, as well as for other
29 administrative support services. Members shall serve on the council
30 for terms of two years each and no member shall serve for more than
31 three consecutive terms. The commissioner shall be an ex-officio
32 member of the council without vote and shall attend its meetings. Any
33 member who fails to attend three consecutive meetings or fifty per cent
34 of all meetings during any calendar year shall be deemed to have
35 resigned. The council shall elect a chairperson and vice-chairperson to
36 act in the chairperson's absence.

37 Sec. 2. Section 17a-28 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2013*):

39 (a) As used in this section:

40 (1) "Person" means (A) any individual named in a record,
41 maintained by the department, who (i) is presently or at any prior time
42 was a ward of or committed to the commissioner for any reason; (ii)
43 otherwise received services, voluntarily or involuntarily, from the
44 department; or (iii) is presently or was at any prior time the subject of
45 an investigation by the department; (B) a parent whose parental rights
46 have not been terminated or current guardian of an individual
47 described in subparagraph (A) of this subdivision, if such individual is

48 a minor; or (C) the authorized representative of an individual
49 described in subparagraph (A) of this subdivision, if such individual is
50 deceased;

51 (2) "Attorney" means the licensed attorney authorized to assert the
52 confidentiality of or right of access to records of a person;

53 (3) "Authorized representative" means a parent, guardian, guardian
54 ad litem, attorney, conservator or other individual authorized to assert
55 the confidentiality of or right of access to records of a person;

56 (4) "Consent" means permission given in writing by a person, such
57 person's attorney or authorized representative to disclose specified
58 information, within a limited time period, regarding the person to
59 specifically identified individuals or entities;

60 (5) "Records" means information created or obtained in connection
61 with the department's child protection activities or other activities
62 related to a child while in the care or custody of the department,
63 including information in the registry of reports to be maintained by the
64 commissioner pursuant to section 17a-101k;

65 (6) "Disclose" means (A) to provide an oral summary of records
66 maintained by the department to an individual, agency, corporation or
67 organization, or (B) to allow an individual, agency, corporation or
68 organization to review or obtain copies of such records in whole, part
69 or summary form;

70 (7) "Near fatality" means an act that places a child in serious or
71 critical condition.

72 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,
73 records maintained by the department shall be confidential and shall
74 not be disclosed, unless the department receives written consent from
75 the person or as provided in this section, section 17a-101g or section
76 17a-101k. Any unauthorized disclosure shall be punishable by a fine of
77 not more than one thousand dollars or imprisonment for not more
78 than one year, or both. Any employee of the department who in the

79 ordinary course of such person's employment has reasonable cause to
80 suspect or believe that another employee has engaged in the
81 unauthorized disclosure of records shall report in writing such
82 unauthorized disclosure of records to the commissioner. The report
83 shall include the name of the person disclosing the information and the
84 nature of the information disclosed and to whom it was disclosed, if
85 known.

86 (c) Records that (1) contain privileged communications, or (2) are
87 confidential pursuant to any federal law or regulation shall not be
88 disclosed except as authorized by law.

89 (d) Any information disclosed from a person's record shall not be
90 further disclosed to another individual or entity without the written
91 consent of the person, except (1) pursuant to section 19a-80 or 19a-80f,
92 provided such disclosure is otherwise permitted pursuant to
93 subsections (b) and (c) of this section, (2) pursuant to the order of a
94 court of competent jurisdiction, or (3) as otherwise provided by law.

95 (e) The commissioner shall, upon written request, disclose the
96 following information concerning agencies licensed by the Department
97 of Children and Families, except foster care parents, relatives of the
98 child who are licensed to provide foster care or prospective adoptive
99 families: (1) The name of the licensee; (2) the date the original license
100 was issued; (3) the current status of the license; (4) whether an agency
101 investigation or review is pending or has been completed; and (5) any
102 licensing action taken by the department at any time during the period
103 such license was issued and the reason for such action, provided
104 disclosure of such information will not jeopardize a pending
105 investigation.

106 (f) The name of any individual who reports suspected abuse or
107 neglect of a child or youth or cooperates with an investigation of child
108 abuse or neglect shall be kept confidential upon request or upon
109 determination by the department that disclosure of such information
110 may be detrimental to the safety or interests of the individual, except
111 the name of any such individual shall be disclosed pursuant to

112 subparagraph (B) of subdivision (1) of subsection (g) of this section to
113 (1) an employee of the department for reasons reasonably related to
114 the business of the department; (2) a law enforcement officer for
115 purposes of investigating abuse or neglect of a child or youth; (3) a
116 state's attorney for purposes of investigating or prosecuting abuse or
117 neglect of a child or youth; (4) an assistant attorney general or other
118 legal counsel representing the department; (5) a judge of the Superior
119 Court and all necessary parties in a court proceeding pursuant to
120 section 17a-112 or 46b-129, or a criminal prosecution involving child
121 abuse or neglect; (6) a state child care licensing agency; or (7) the
122 executive director of any institution, school or facility or
123 superintendent of schools pursuant to section 17a-101i.

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

127 (1) The person named in the record or such person's authorized
128 representative, provided such disclosure shall be limited to
129 information (A) contained in the record about such person or about
130 such person's biological or adoptive minor child, if such person's
131 parental rights to such child have not been terminated; and (B)
132 identifying an individual who reported abuse or neglect of the person,
133 including any tape recording of an oral report pursuant to section 17a-
134 103, if a court determines that there is reasonable cause to believe the
135 reporter knowingly made a false report or that the interests of justice
136 require disclosure;

137 (2) An employee of the department for any purpose reasonably
138 related to the performance of such employee's duties;

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

141 (4) The Attorney General, any assistant attorney general or any
142 other legal counsel retained to represent the department during the
143 course of a legal proceeding involving the department or an employee

144 of the department;

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

146 (6) The Chief Public Defender or the Chief Public Defender's
147 designee for purposes of ensuring competent representation by the
148 attorneys with whom the Chief Public Defender contracts to provide
149 legal and guardian ad litem services to the subjects of such records and
150 for ensuring accurate payments for services rendered by such
151 attorneys;

152 (7) The Chief State's Attorney or the Chief State's Attorney's
153 designee for purposes of investigating or prosecuting an allegation
154 related to child abuse or neglect, provided such prosecuting authority
155 shall have access to records of a child charged with the commission of
156 a delinquent act, who is not being charged with an offense related to
157 child abuse, only while the case is being prosecuted and after
158 obtaining a release;

159 (8) A state or federal law enforcement officer for purposes of
160 investigating an allegation related to child abuse or neglect;

161 (9) Any foster or prospective adoptive parent, if the records pertain
162 to a child or youth currently placed with the foster or prospective
163 adoptive parent, or a child or youth being considered for placement
164 with the foster or prospective adoptive parent, and the records are
165 necessary to address the social, medical, psychological or educational
166 needs of the child or youth, provided no information identifying a
167 biological parent is disclosed without the permission of such biological
168 parent;

169 (10) The Governor, when requested in writing in the course of the
170 Governor's official functions, the Legislative Program Review and
171 Investigations Committee, the joint standing committee of the General
172 Assembly having cognizance of matters relating to human services, the
173 joint standing committee of the General Assembly having cognizance
174 of matters relating to the judiciary or the select committee of the

175 General Assembly having cognizance of matters relating to children,
176 when requested in writing in the course of said committee's official
177 functions, and upon a majority vote of said committee, provided no
178 name or other identifying information is disclosed unless such
179 information is essential to the gubernatorial or legislative purpose;

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

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

197 (13) A state agency that licenses or certifies an individual to educate
198 or care for children or youth;

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

202 (15) A judge of the Superior Court for purposes of determining the
203 appropriate disposition of a child convicted as delinquent or a child
204 who is a member of a family with service needs;

205 (16) A judge of the Superior Court in a criminal prosecution for

206 purposes of in-camera inspection whenever (A) the court has ordered
207 that the record be provided to the court; or (B) a party to the
208 proceeding has issued a subpoena for the record;

209 (17) A judge of the Superior Court and all necessary parties in a
210 family violence proceeding when such records concern family violence
211 with respect to the child who is the subject of the proceeding or the
212 parent of such child who is the subject of the proceeding;

213 (18) The Auditors of Public Accounts, or their representative,
214 provided no information identifying the subject of the record is
215 disclosed unless such information is essential to an audit conducted
216 pursuant to section 2-90;

217 (19) A local or regional board of education, provided the records are
218 limited to educational records created or obtained by the state or
219 Connecticut Unified School District #2, established pursuant to section
220 17a-37;

221 (20) The superintendent of schools for any school district for the
222 purpose of determining the suitability of a person to be employed by
223 the local or regional board of education for such school district
224 pursuant to subsection (a) of section 10-221d;

225 (21) The Department of Motor Vehicles for the purpose of criminal
226 history records checks pursuant to subsection (e) of section 14-44,
227 provided information disclosed pursuant to this subdivision shall be
228 limited to information included on the Department of Children and
229 Families child abuse and neglect registry established pursuant to
230 section 17a-101k, subject to the provisions of sections 17a-101g and
231 17a-101k concerning the nondisclosure of findings of responsibility for
232 abuse and neglect;

233 (22) The Department of Mental Health and Addiction Services for
234 the purpose of treatment planning for young adults who have
235 transitioned from the care of the Department of Children and Families;
236 [and]

237 (23) The superintendent of a public school district or the executive
238 director or other head of a public or private institution for children
239 providing care for children or a private school pursuant to sections
240 17a-101b, 17a-101c and 17a-101i; and

241 (24) The Department of Social Services for the purpose of (A)
242 determining the suitability of a person for payment from the
243 Department of Social Services for providing child care; (B) promoting
244 the health, safety and welfare of the child or youth; or (C) investigating
245 allegations of fraud provided no information identifying the subject of
246 the record is disclosed unless such information is essential to any such
247 investigation.

248 (h) The department may, subject to subsections (b) and (c) of this
249 section, disclose records without the consent of the person who is the
250 subject of the record, to:

251 (1) An employee or former employee of the department or such
252 employee or former employee's authorized representative for purposes
253 of participating in any court, administrative or disciplinary
254 proceeding, provided such disclosure shall be limited to records that
255 are necessary to the proceeding, as determined by the department;

256 (2) Multidisciplinary teams, as described in section 17a-106a;

257 (3) A provider of professional services for a child, youth or parent
258 referred to such provider, provided such disclosure is limited to
259 information necessary to provide services to the child, youth or parent;

260 (4) An individual or agency under contract with the department for
261 the purposes of identifying and assessing a potential foster or adoptive
262 home for a child or youth, provided no information identifying a
263 biological parent of a child or youth is disclosed without the
264 permission of such biological parent;

265 [(5) The Department of Social Services for the purpose of (A)
266 determining the suitability of a person for payment from the
267 Department of Social Services for providing child care; or (B)

268 promoting the health, safety and welfare of the child or youth;]

269 [(6)] (5) A physician examining a child with respect to whom abuse
270 or neglect is suspected and who is authorized pursuant to section 17a-
271 101f to keep the child in the custody of a hospital when such physician
272 requires the information in a record of the department to determine
273 whether to keep the child in protective custody;

274 [(7)] (6) An individual who reports child abuse or neglect pursuant
275 to sections 17a-101a to 17a-101c, inclusive, or section 17a-103, who
276 made a report of abuse or neglect, provided the information disclosed
277 is limited to (A) the status of the investigation conducted pursuant to
278 section 17a-101g resulting from the individual's report; and (B) in
279 general terms, the action taken by the department as a result of such
280 investigation;

281 [(8)] (7) An individual or organization engaged in the business of
282 medical, psychological or psychiatric diagnosis and treatment and who
283 is treating an individual who has perpetrated abuse or neglect, as
284 determined in an investigation conducted pursuant to section 17a-
285 101g, or who is unwilling or unable to protect a child or youth from
286 abuse or neglect, as determined in an investigation conducted
287 pursuant to section 17a-101g, when the commissioner, or the
288 commissioner's designee, determines that the disclosure is necessary to
289 accomplish the objectives of diagnosis or treatment;

290 [(9)] (8) A court or public agency in another state or a federally
291 recognized Indian tribe, that is responsible for investigating child
292 abuse or neglect, preventing child abuse and neglect or providing
293 services to families at risk for child abuse or neglect, for the purpose of
294 such investigation, prevention or providing services to such families;

295 [(10)] (9) An individual conducting bona fide research, provided no
296 information identifying the subject of the record is disclosed unless (A)
297 such information is essential to the purpose of the research; and (B) the
298 department has given written approval for the use of such
299 information;

300 [(11)] (10) An individual or agency involved in the collection of fees
301 for services, provided such information is limited to the name and
302 address of the person who received the services and the fees for
303 services, except as provided in section 17b-225. In cases where a
304 dispute arises over such fees or claims or where additional information
305 is needed to substantiate the fee or claim, the Department of Children
306 and Families may disclose the following: (A) That the person was, in
307 fact, provided services by the department; (B) the dates and duration
308 of such services; and (C) a general description of the types of services,
309 including evidence that a service or treatment plan exists and has been
310 carried out and evidence to substantiate the necessity for admission
311 and length of stay in an institution or facility;

312 [(12)] (11) A law enforcement officer or state's attorney if there is
313 reasonable cause to believe that a child or youth is being abused or
314 neglected or at risk of being abused or neglected as a result of any
315 suspected criminal activity by any individual;

316 [(13)] (12) Any individual interviewed as part of an investigation
317 conducted pursuant to section 17a-101g, who is not otherwise entitled
318 to such information, provided such disclosure is limited to: (A) The
319 general nature of the allegations contained in the reports; (B) the
320 identity of the child or youth alleged to have been abused or neglected;
321 and (C) information necessary to effectively conduct the investigation;

322 [(14)] (13) Any individual, when information concerning an incident
323 of child abuse or neglect has been made public or the commissioner
324 reasonably believes publication of such information is likely, provided
325 such disclosure is limited to: (A) Whether the department has received
326 any report in accordance with sections 17a-101a to 17a-101c, inclusive,
327 or section 17a-103; (B) in general terms, any action taken by the
328 department, provided: (i) Names or other individually identifiable
329 information of the child or other family members is not disclosed,
330 regardless of whether such individually identifiable information is
331 otherwise available, and (ii) the name or other individually identifiable
332 information of the person suspected to be responsible for the abuse or

333 neglect is not disclosed unless such person has been arrested for a
334 crime due to such abuse or neglect; (C) confirmation or denial of the
335 accuracy of information that has been made public; and (D)
336 notwithstanding the provisions of section 46b-124, in general terms,
337 the legal status of the case;

338 [(15)] (14) Any individual for the purpose of locating such
339 individual's missing parent, child or youth, provided such disclosure is
340 limited to information that assists in locating such missing parent,
341 child or youth;

342 [(16)] (15) Any individual, when the information [concern] concerns
343 an incident of abuse or neglect that resulted in a child or youth fatality
344 or near fatality of a child or youth, provided disclosure of such
345 information is in general terms and does not jeopardize a pending
346 investigation;

347 [(17)] (16) A judge of a court of competent jurisdiction whenever an
348 employee of the department is subpoenaed and ordered to testify
349 about such records for purposes of in-camera inspection if (A) the
350 court has ordered that such records be provided to the court; or (B) a
351 party to the proceeding has issued a subpoena for such records;

352 [(18)] (17) An individual who is not employed by the department
353 who arranges, performs or assists in performing functions or activities
354 on behalf of the department, including, but not limited to, data
355 analysis, processing or administration, utilization reviews, quality
356 assurance, practice management, consultation, data aggregation and
357 accreditation services.

358 (i) Notwithstanding the provisions of subsections (e) to (h),
359 inclusive, of this section, the department may refuse to disclose records
360 to any individual, provided the department gives such individual
361 notice (1) that records are being withheld; (2) of the general nature of
362 the records being withheld; (3) of the department's reason for refusing
363 to disclose the records; and (4) of the individual's right to judicial relief
364 pursuant to subsection (j) of this section.

365 (j) (1) Any person or individual aggrieved by a violation of
366 subsection (b) or (d), subsections (f) to (h), inclusive, or subsection (k)
367 of this section, or a person's authorized representative, may seek
368 judicial relief in the manner prescribed in section 52-146j.

369 (2) Any person, individual or authorized representative denied
370 access to records by the commissioner under subdivision (i) of this
371 section may petition the superior court for the venue district provided
372 in section 46b-142 in which the person resides for an order requiring
373 the commissioner to permit access to those records, and the court, after
374 a hearing and an in camera review of the records in question, shall
375 issue such an order unless it determines that permitting disclosure of
376 all or any portion of the record (A) would be contrary to the best
377 interests of the person or the person's authorized representative; (B)
378 could reasonably result in the risk of harm to any individual; or (C)
379 would contravene the public policy of the state.

380 (k) All written records disclosed to an individual who is not the
381 subject of the record, an agency, an entity or an organization shall bear
382 a stamp requiring confidentiality in accordance with the provisions of
383 this section. Such records shall not be disclosed to another individual,
384 agency, entity or an organization without the written consent of the
385 person who is the subject of the record or as provided by this section.
386 A copy of the consent form, specifying to whom and for what specific
387 use the record is disclosed or a statement setting forth any other
388 statutory authorization for disclosure and the limitations imposed on
389 such disclosure, shall accompany the record. In cases where the
390 disclosure is made orally, the individual disclosing the information
391 shall inform the recipient that such information is governed by the
392 provisions of this section.

393 (l) Whenever any person, attorney or authorized representative,
394 having obtained access to any record, believes there are factually
395 inaccurate entries or materials contained in such record, such person,
396 attorney or authorized representative may add a statement to the
397 record setting forth what such person, attorney or authorized

398 representative believes to be an accurate statement of those facts and
399 such statement shall become a permanent part of the record.

400 Sec. 3. Section 17a-93 of the general statutes is repealed and the
401 following is substituted in lieu thereof (*Effective October 1, 2013*):

402 As used in sections 17a-90 to 17a-124, inclusive, and [17a-152]
403 sections 17a-145 to 17a-153, inclusive:

404 [(a)] (1) "Child" means any person under eighteen years of age,
405 except as otherwise specified, or any person under twenty-one years of
406 age who is in full-time attendance in a secondary school, a technical
407 school, a college or a state-accredited job training program;

408 [(b)] (2) "Parent" means natural or adoptive parent;

409 [(c)] (3) "Adoption" means the establishment by court order of the
410 legal relationship of parent and child;

411 [(d)] (4) "Guardianship" means guardianship, unless otherwise
412 specified, of the person of a minor and refers to the obligation of care
413 and control, the right to custody and the duty and authority to make
414 major decisions affecting such minor's welfare, including, but not
415 limited to, consent determinations regarding marriage, enlistment in
416 the armed forces and major medical, psychiatric or surgical treatment;

417 [(e)] (5) "Termination of parental rights" means the complete
418 severance by court order of the legal relationship, with all its rights
419 and responsibilities, between the child and his parent or parents so
420 that the child is free for adoption except it shall not affect the right of
421 inheritance of such child or the religious affiliation of such child;

422 [(f)] (6) "Statutory parent" means the Commissioner of Children and
423 Families or that child-placing agency appointed by the court for the
424 purpose of giving a minor child or minor children in adoption;

425 [(g)] (7) "Child-placing agency" means any agency within or without
426 the state of Connecticut licensed or approved by the Commissioner of

427 Children and Families in accordance with sections 17a-149 and 17a-
428 151, and in accordance with such standards which shall be established
429 by regulations of the Department of Children and Families;

430 [(h)] (8) "Child care facility" means a congregate residential setting
431 licensed by the Department of Children and Families for the out-of-
432 home placement of children or youths under eighteen years of age, or
433 any person under twenty-one years of age who is in full-time
434 attendance in a secondary school, a technical school, a college or state
435 accredited job training program;

436 [(i)] (9) "Protective supervision" means a status created by court
437 order following adjudication of neglect whereby a child's place of
438 abode is not changed but assistance directed at correcting the neglect is
439 provided at the request of the court through the Department of
440 Children and Families or such other social agency as the court may
441 specify;

442 [(j)] (10) "Receiving home" means a facility operated by the
443 Department of Children and Families to receive and temporarily care
444 for children in the guardianship or care of the commissioner;

445 [(k)] (11) "Protective services" means public welfare services
446 provided after complaints of abuse, neglect or abandonment, but in the
447 absence of an adjudication or assumption of jurisdiction by a court;

448 [(l)] (12) "Person responsible for the health, welfare or care of a child
449 or youth" means a child's or a youth's parent, guardian or foster
450 parent; an employee of a public or private residential home, agency or
451 institution or other person legally responsible in a residential setting;
452 or any staff person providing out-of-home care, including center-based
453 child day care, family day care or group day care, as defined in section
454 19a-77;

455 [(m)] (13) "Foster family" means a person or persons, licensed or
456 certified by the Department of Children and Families or approved by a
457 licensed child-placing agency, for the care of a child or children in a

458 private home;

459 [(n)] (14) "Prospective adoptive family" means a person or persons,
460 licensed by the Department of Children and Families or approved by a
461 licensed child-placing agency, who is awaiting the placement of, or
462 who has a child or children placed in their home for the purposes of
463 adoption;

464 [(o)] (15) "Person entrusted with the care of a child or youth" means
465 a person given access to a child or youth by a person responsible for
466 the health, welfare or care of a child or youth for the purpose of
467 providing education, child care, counseling, spiritual guidance,
468 coaching, training, instruction, tutoring or mentoring of such child or
469 youth.

470 Sec. 4. Section 17a-114b of the general statutes is repealed and the
471 following is substituted in lieu thereof (*Effective October 1, 2013*):

472 [(a)] The Commissioner of Children and Families, pursuant to the
473 federal [Fair and Accurate Credit Transactions] Child and Family
474 Services Improvement and Innovation Act, shall request, annually, a
475 free credit report on behalf of each youth sixteen years of age or older
476 who is in the custody of the commissioner and placed in foster care.
477 [The commissioner shall make the first such request not later than
478 fifteen days after the youth reaches the age of sixteen years or, for
479 youth age sixteen years of age or older who are in the custody of the
480 commissioner and placed in foster care on or before July 1, 2010, the
481 commissioner shall make the first such request not later than July 31,
482 2010.] Upon receipt of each credit report, the commissioner or a
483 designee of the commissioner shall review the report for evidence of
484 identity theft, as defined in section 53a-129a and provide a copy of the
485 report to the youth's attorney or guardian ad litem, if any. Upon
486 receipt of the credit report, if feasible, such attorney or guardian ad
487 litem shall review the report for evidence of identity theft, as defined
488 in section 53a-129a, and, in conjunction with the commissioner or
489 designee, shall assist the youth in interpreting such report and
490 resolving any inaccuracies contained in such report. If the

491 commissioner or the commissioner's designee finds evidence of
492 identity theft, not later than five business days after receipt of the
493 credit report, the commissioner shall report such findings to the office
494 of the Chief State's Attorney.

495 [(b) The Commissioner of Children and Families shall review the
496 most recent annual credit report obtained pursuant to subsection (a) of
497 this section, if any, at the time the commissioner reviews the written
498 plan for care, treatment and permanent placement pursuant to section
499 17a-15. If the commissioner found evidence of identity theft in the
500 youth's credit report and reported such finding pursuant to subsection
501 (a) of this section, the commissioner shall advise the youth, the youth's
502 foster parent, the youth's caseworker and any legal representative of
503 the youth of such finding at the time the commissioner reviews the
504 plan.]

505 Sec. 5. Subsection (c) of section 17a-115a of the general statutes is
506 repealed and the following is substituted in lieu thereof (*Effective*
507 *October 1, 2013*):

508 (c) No later than [fifteen] five calendar days after the date such
509 name-based search is performed pursuant to subsection (b) of this
510 section, the department shall request the State Police Bureau of
511 Identification to perform a state and national criminal history records
512 check in accordance with section 29-17a of any person residing in the
513 home. Such criminal history records checks shall be deemed as
514 required by this section for purposes of said section 29-17a and the
515 department may request that such records checks be performed in
516 accordance with subsection (c) of section 29-17a. The results of such
517 criminal history records checks shall be provided to the department. If
518 any person refuses to provide fingerprints or other positive identifying
519 information for purposes of such checks when requested, the
520 department shall immediately remove the child from the home.

521 Sec. 6. Section 17a-96 of the general statutes is repealed and the
522 following is substituted in lieu thereof (*Effective October 1, 2013*):

523 The institutions having custody of such children and the agencies
524 and persons licensed by authority of sections 17a-90 to 17a-124,
525 inclusive, 17a-145 to [17a-155] 17a-153, inclusive, 17a-175 to 17a-182,
526 inclusive, and 17a-185 shall make such reports to the Commissioner of
527 Children and Families at such reasonable times and in such form and
528 covering such data as the commissioner directs. The commissioner and
529 his deputy and agents shall supervise the placing of such children in
530 foster homes. The commissioner may place children who have not
531 been properly placed in homes suitable for their care and protection. In
532 placing any child in a foster home, the commissioner shall, if
533 practicable, select a home of like religious faith to that of the parent or
534 parents of such child, if such faith is known or ascertainable by the
535 exercise of reasonable care.

536 Sec. 7. Subsection (a) of section 4b-1c of the general statutes is
537 repealed and the following is substituted in lieu thereof (*Effective*
538 *October 1, 2013*):

539 (a) (1) Wherever the term "Commissioner of Public Safety" is used in
540 the following general statutes, the term "Commissioner of
541 Construction Services" shall be substituted in lieu thereof; and (2)
542 wherever the term "Department of Public Safety" is used in the
543 following general statutes, the term "Department of Construction
544 Services" shall be substituted in lieu thereof: 10a-91d, 10a-109ff, [17a-
545 154,] 21a-86f, 29-109, 29-117, 29-127, 29-191, 29-192, 29-199, 29-200, 29-
546 201, 29-204, 29-221, 29-222, 29-224b, 29-232, 29-233, 29-234, 29-235, 29-
547 236, 29-237, 29-238, 29-239, 29-240, 29-244, 29-251, 29-251a, 29-251b, 29-
548 251c, 29-252, 29-252a, 29-254b, 29-256, 29-256a, 29-256b, 29-258, 29-261,
549 29-262, 29-262a, 29-263, 29-269a, 29-298a, 29-313, 29-315, 29-317, 29-319,
550 29-320, 29-321, 29-322, 29-325, 29-331, 29-332, 29-333, 29-337, 29-338, 29-
551 339, 29-344, 29-345, 29-346, 29-349, 29-355, 29-359, 29-367, 29-401, 29-402
552 and 29-403.

553 Sec. 8. Subsection (h) of section 26-30 of the general statutes is
554 repealed and the following is substituted in lieu thereof (*Effective*
555 *October 1, 2013*):

556 (h) The Commissioner of Energy and Environmental Protection may
557 issue a group fishing license to any tax-exempt organization qualified
558 under Section 501(c)(3) of the Internal Revenue Code of 1986, or any
559 subsequent corresponding internal revenue code of the United States,
560 as amended from time to time, for the purpose of conducting a group
561 fishing event or events for persons: (1) With a service-related or other
562 disability who receive services at a facility of the United States
563 Department of Veterans Affairs Connecticut Healthcare System, (2)
564 who receive mental health or addiction services from: (A) The
565 Department of Mental Health and Addiction Services, (B) state-
566 operated facilities, as defined in section 17a-458, or (C) programs or
567 facilities funded by the Department of Mental Health and Addiction
568 Services, as provided for in sections 17a-468b, 17a-469, 17a-673 and
569 17a-676, (3) with intellectual disability or diagnosed with autism
570 spectrum disorder who receive services from the Department of
571 Developmental Services, as provided for in section 17a-217, or from
572 facilities licensed by the Department of Developmental Services, as
573 provided for in section 17a-227, or (4) receiving care from the
574 Department of Children and Families, as provided for in section 17a-
575 94, or from programs or child-care facilities licensed pursuant to
576 section 17a-145 [.] or 17a-147. [or 17a-154.] Any such organization shall
577 conduct not more than fifty such events, including marine and inland
578 water events, in any calendar year and each such event shall be limited
579 to not more than fifty persons. Application for such a group fishing
580 license shall be submitted once per calendar year on a form prescribed
581 by the commissioner and with the necessary fee and shall provide such
582 information as required by the commissioner. All fishing activities
583 conducted pursuant to such group license shall be supervised by staff
584 or volunteers of the organization conducting the event or events. Such
585 staff or volunteers shall possess such group fishing license at the site of
586 any such event or events. Each such staff member or volunteer shall
587 have a license to fish. Such organization shall, not later than ten days
588 after such group fishing event, report to the commissioner, on forms
589 provided by the commissioner, information on the results of such
590 event. Such information shall include, but not be limited to, the total:

591 (i) Number of participants, (ii) hours fished, (iii) number of each
592 species caught, and (iv) number of each species not released. Such
593 organization shall not charge a fee to any person that participates in
594 any such group fishing event conducted pursuant to such group
595 fishing license and any such group fishing event shall not be used by
596 such organization as a fund raising event.

597 Sec. 9. Subsection (e) of section 10-76d of the general statutes is
598 repealed and the following is substituted in lieu thereof (*Effective*
599 *October 1, 2013*):

600 (e) (1) Any local or regional board of education which provides
601 special education pursuant to any mandates in this section shall
602 provide transportation, to and from, but not beyond the curb of, the
603 residence of the child, unless otherwise agreed upon by the board and
604 the parent or guardian of the child, tuition, room and board and other
605 items necessary to the provision of such special education except for
606 children who are placed in a residential facility because they need
607 services other than educational services, in which case the financial
608 responsibility of the school district and payment to such district shall
609 be limited to the reasonable costs of special education instruction as
610 defined in the regulations of the State Board of Education. If a hearing
611 board, pursuant to subsection (d) of section 10-76h, rejects the
612 educational program prescribed by the local or regional board of
613 education and determines that a placement by a parent or guardian
614 was appropriate, the local or regional board of education shall
615 reimburse the parent or guardian for the reasonable costs incurred for
616 the provision of special education pursuant to this section from the
617 initiation of review procedures as provided by said section 10-76h.

618 (2) For purposes of this subdivision, "public agency" includes the
619 offices of a government of a federally recognized Native American
620 tribe. Notwithstanding any other provisions of the general statutes, for
621 the fiscal year ending June 30, 1987, and each fiscal year thereafter,
622 whenever a public agency, other than a local or regional board of
623 education, the State Board of Education or the Superior Court acting

624 pursuant to section 10-76h, places a child in a foster home, group
625 home, hospital, state institution, receiving home, custodial institution
626 or any other residential or day treatment facility, and such child
627 requires special education, the local or regional board of education
628 under whose jurisdiction the child would otherwise be attending
629 school or, if no such board can be identified, the local or regional board
630 of education of the town where the child is placed, shall provide the
631 requisite special education and related services to such child in
632 accordance with the provisions of this section. Within one business day
633 of such a placement by the Department of Children and Families or
634 offices of a government of a federally recognized Native American
635 tribe, said department or offices shall orally notify the local or regional
636 board of education responsible for providing special education and
637 related services to such child of such placement. The department or
638 offices shall provide written notification to such board of such
639 placement within two business days of the placement. Such local or
640 regional board of education shall convene a planning and placement
641 team meeting for such child within thirty days of the placement and
642 shall invite a representative of the Department of Children and
643 Families or offices of a government of a federally recognized Native
644 American tribe to participate in such meeting. (A) The local or regional
645 board of education under whose jurisdiction such child would
646 otherwise be attending school shall be financially responsible for the
647 reasonable costs of such special education and related services in an
648 amount equal to the lesser of one hundred per cent of the costs of such
649 education or the average per pupil educational costs of such board of
650 education for the prior fiscal year, determined in accordance with the
651 provisions of subsection (a) of section 10-76f. The State Board of
652 Education shall pay on a current basis, except as provided in
653 subdivision (3) of this subsection, any costs in excess of such local or
654 regional board's basic contributions paid by such board of education in
655 accordance with the provisions of this subdivision. (B) Whenever a
656 child is placed pursuant to this subdivision, on or after July 1, 1995, by
657 the Department of Children and Families and the local or regional
658 board of education under whose jurisdiction such child would

659 otherwise be attending school cannot be identified, the local or
660 regional board of education under whose jurisdiction the child
661 attended school or in whose district the child resided at the time of
662 removal from the home by said department shall be responsible for the
663 reasonable costs of special education and related services provided to
664 such child, for one calendar year or until the child is committed to the
665 state pursuant to section 46b-129 or 46b-140 or is returned to the child's
666 parent or guardian, whichever is earlier. If the child remains in such
667 placement beyond one calendar year the Department of Children and
668 Families shall be responsible for such costs. During the period the local
669 or regional board of education is responsible for the reasonable cost of
670 special education and related services pursuant to this subparagraph,
671 the board shall be responsible for such costs in an amount equal to the
672 lesser of one hundred per cent of the costs of such education and
673 related services or the average per pupil educational costs of such
674 board of education for the prior fiscal year, determined in accordance
675 with the provisions of subsection (a) of section 10-76f. The State Board
676 of Education shall pay on a current basis, except as provided in
677 subdivision (3) of this subsection, any costs in excess of such local or
678 regional board's basic contributions paid by such board of education in
679 accordance with the provisions of this subdivision. The costs for
680 services other than educational shall be paid by the state agency which
681 placed the child. The provisions of this subdivision shall not apply to
682 the school districts established within the Department of Children and
683 Families, pursuant to section 17a-37, the Department of Correction,
684 pursuant to section 18-99a, or the Department of Developmental
685 Services, pursuant to section 17a-240, provided in any case in which
686 special education is being provided at a private residential institution,
687 including the residential components of regional educational service
688 centers, to a child for whom no local or regional board of education
689 can be found responsible under subsection (b) of this section, Unified
690 School District #2 shall provide the special education and related
691 services and be financially responsible for the reasonable costs of such
692 special education instruction for such children. Notwithstanding the
693 provisions of this subdivision, for the fiscal years ending June 30, 2004,

694 to June 30, 2007, inclusive, and for the fiscal years ending June 30, 2010,
695 to June 30, 2013, inclusive, the amount of the grants payable to local or
696 regional boards of education in accordance with this subdivision shall
697 be reduced proportionately if the total of such grants in such year
698 exceeds the amount appropriated for the purposes of this subdivision
699 for such year.

700 (3) Payment for children who require special education and who
701 reside on state-owned or leased property, [or in permanent family
702 residences as defined in section 17a-154,] and who are not the
703 educational responsibility of the unified school districts established
704 pursuant to section 17a-37, section 17a-240 or section 18-99a, shall be
705 made in the following manner: The State Board of Education shall pay
706 to the school district which is responsible for providing instruction for
707 each such child pursuant to the provisions of this subsection one
708 hundred per cent of the reasonable costs of such instruction. In the
709 fiscal year following such payment, the State Board of Education shall
710 deduct from the special education grant due the local or regional board
711 of education under whose jurisdiction the child would otherwise be
712 attending school, where such board has been identified, the amount
713 for which such board would otherwise have been financially
714 responsible pursuant to the provisions of subdivision (2) of this
715 subsection. No such deduction shall be made for any school district
716 which is responsible for providing special education instruction for
717 children whose parents or legal guardians do not reside within such
718 district. The amount deducted shall be included as a net cost of special
719 education by the Department of Education for purposes of the state's
720 special education grant calculated pursuant to section 10-76g, as
721 amended by this act. [A school district otherwise eligible for
722 reimbursement under the provisions of this subdivision for the costs of
723 education of a child residing in a permanent family residence shall
724 continue to be so eligible in the event that a person providing foster
725 care in such residence adopts the child.] Notwithstanding the
726 provisions of this subdivision, for the fiscal years ending June 30, 2004,
727 and June 30, 2005, and for the fiscal years ending June 30, 2012, and
728 June 30, 2013, the amount of the grants payable to local or regional

729 boards of education in accordance with this subdivision shall be
730 reduced proportionately if the total of such grants in such year exceeds
731 the amount appropriated for the purposes of this subdivision for such
732 year.

733 (4) Notwithstanding any other provision of this section, the
734 Department of Mental Health and Addiction Services shall provide
735 regular education and special education and related services to eligible
736 residents in facilities operated by the department who are eighteen to
737 twenty-one years of age. In the case of a resident who requires special
738 education, the department shall provide the requisite identification
739 and evaluation of such resident in accordance with the provisions of
740 this section. The department shall be financially responsible for the
741 provision of educational services to eligible residents. The
742 Departments of Mental Health and Addiction Services, Children and
743 Families and Education shall develop and implement an interagency
744 agreement which specifies the role of each agency in ensuring the
745 provision of appropriate education services to eligible residents in
746 accordance with this section. The Department of Mental Health and
747 Addiction Services shall be responsible for one hundred per cent of the
748 reasonable costs of such educational services provided to eligible
749 residents of such facilities.

750 (5) Application for the grant to be paid by the state for costs in
751 excess of the local or regional board of education's basic contribution
752 shall be made by such board of education by filing with the State
753 Board of Education, in such manner as prescribed by the
754 Commissioner of Education, annually on or before December first a
755 statement of the cost of providing special education, as defined in
756 subdivision (2) of this subsection, for a child of the board placed by a
757 state agency in accordance with the provisions of said subdivision or,
758 where appropriate, a statement of the cost of providing educational
759 services other than special educational services pursuant to the
760 provisions of subsection (b) or (g) of section 10-253, provided a board
761 of education may submit, not later than March first, claims for
762 additional children or costs not included in the December filing.

763 Payment by the state for such excess costs shall be made to the local or
764 regional board of education as follows: Seventy-five per cent of the
765 cost in February and the balance in May. The amount due each town
766 pursuant to the provisions of this subsection and the amount due to
767 each town as tuition from other towns pursuant to this section shall be
768 paid to the treasurer of each town entitled to such aid, provided the
769 treasurer shall treat such grant or tuition received, or a portion of such
770 grant or tuition, which relates to special education expenditures
771 incurred pursuant to subdivisions (2) and (3) of this subsection in
772 excess of such board's budgeted estimate of such expenditures, as a
773 reduction in expenditures by crediting such expenditure account,
774 rather than town revenue. The state shall notify the local or regional
775 board of education when payments are made to the treasurer of the
776 town pursuant to this subdivision.

777 Sec. 10. Subsection (b) of section 10-76g of the general statutes is
778 repealed and the following is substituted in lieu thereof (*Effective*
779 *October 1, 2013*):

780 (b) Any local or regional board of education which provides special
781 education pursuant to the provisions of sections 10-76a to 10-76g,
782 inclusive, as amended by this act, for any exceptional child described
783 in subparagraph (A) of subdivision (5) of section 10-76a, under its
784 jurisdiction, excluding (1) children placed by a state agency for whom
785 a board of education receives payment pursuant to the provisions of
786 subdivision (2) of subsection (e) of section 10-76d, as amended by this
787 act, and (2) children who require special education, who reside on
788 state-owned or leased property, [or in permanent family residences, as
789 defined in section 17a-154,] and who are not the educational
790 responsibility of the unified school districts established pursuant to
791 sections 17a-37, 17a-240 and 18-99a, shall be financially responsible for
792 the reasonable costs of special education instruction, as defined in the
793 regulations of the State Board of Education, in an amount equal to (A)
794 for any fiscal year commencing prior to July 1, 2005, five times the
795 average per pupil educational costs of such board of education for the
796 prior fiscal year, determined in accordance with the provisions of

797 subsection (a) of section 10-76f, and (B) for the fiscal year commencing
798 July 1, 2005, and each fiscal year thereafter, four and one-half times
799 such average per pupil educational costs of such board of education.
800 The State Board of Education shall pay on a current basis any costs in
801 excess of the local or regional board's basic contribution paid by such
802 board in accordance with the provisions of this subsection. Any
803 amounts paid by the State Board of Education on a current basis
804 pursuant to this subsection shall not be reimbursable in the subsequent
805 year. Application for such grant shall be made by filing with the
806 Department of Education, in such manner as prescribed by the
807 commissioner, annually on or before December first a statement of the
808 cost of providing special education pursuant to this subsection,
809 provided a board of education may submit, not later than March first,
810 claims for additional children or costs not included in the December
811 filing. Payment by the state for such excess costs shall be made to the
812 local or regional board of education as follows: Seventy-five per cent of
813 the cost in February and the balance in May. The amount due each
814 town pursuant to the provisions of this subsection shall be paid to the
815 treasurer of each town entitled to such aid, provided the treasurer shall
816 treat such grant, or a portion of the grant, which relates to special
817 education expenditures incurred in excess of such town's board of
818 education budgeted estimate of such expenditures, as a reduction in
819 expenditures by crediting such expenditure account, rather than town
820 revenue. Such expenditure account shall be so credited no later than
821 thirty days after receipt by the treasurer of necessary documentation
822 from the board of education indicating the amount of such special
823 education expenditures incurred in excess of such town's board of
824 education budgeted estimate of such expenditures.

825 Sec. 11. Subsections (c) and (d) of section 17a-11 of the general
826 statutes are repealed and the following is substituted in lieu thereof
827 (*Effective October 1, 2013*):

828 (c) Not more than one hundred twenty days after admitting a child
829 or youth on a voluntary basis, the department shall petition the
830 probate court for the district in which a parent or guardian of the child

831 or youth resides for a determination as to whether continuation in care
832 is in the child's or youth's best interest and, if so, whether there is an
833 appropriate case service or permanency plan. A case service plan shall
834 be required for all children and youths receiving services voluntarily
835 from the department who are not in an out-of-home placement. A
836 permanency plan shall be required for all children and youths
837 voluntarily admitted to the department and placed by the department
838 in a foster home licensed pursuant to section 17a-114 or a facility
839 licensed pursuant to section 17a-145, [or 17a-154.] Upon receipt of such
840 application, the court shall set a time and place for hearing to be held
841 within thirty days of receipt of the application, unless continued by the
842 court for cause shown. The court shall order notice of the hearing to be
843 given by first class mail at least five days prior to the hearing to the
844 Commissioner of Children and Families, and by first class mail at least
845 five days prior to the hearing to the parents or guardian of the child
846 and the minor, if over twelve years of age. If the whereabouts of the
847 parent or guardian are unknown, or if delivery cannot reasonably be
848 effected, then notice shall be ordered to be given by publication. In
849 making its determination, the court shall consider the items specified
850 in subsection (d) of this section. The court shall possess continuing
851 jurisdiction in proceedings under this section.

852 (d) (1) Ten months after admitting a child or youth on a voluntary
853 basis and annually thereafter if the child or youth remains in the
854 custody of the commissioner and remains placed in a foster home
855 licensed pursuant to section 17a-114 or a facility licensed pursuant to
856 section 17a-145, [or 17a-154,] the commissioner shall file a motion for
857 review of a permanency plan. A hearing on such motion shall be held
858 not later than thirty days after the filing of such motion. The court shall
859 provide notice to the child or youth and such child's or youth's parent
860 or guardian of the time and place of the hearing on such motion not
861 less than ten days prior to the date of such hearing.

862 (2) At a permanency hearing held in accordance with the provisions
863 of subdivision (1) of this subsection, the court shall approve a
864 permanency plan that is in the best interests of the child or youth and

865 takes into consideration the child's or youth's need for permanency.
866 The health and safety of the child or youth shall be of paramount
867 concern in formulating such plan. At such hearing, the court shall
868 consider among other things: (A) The appropriateness of the
869 department's plan for service to the child or youth and his or her
870 family; (B) the treatment and support services that have been offered
871 and provided to the child or youth to strengthen and reunite the
872 family; (C) if return home is not likely for the child or youth, the efforts
873 that have been made or should be made to evaluate and plan for other
874 modes of care; and (D) any further efforts which have been or will be
875 made to promote the best interests of the child or youth.

876 (3) The permanency plan pursuant to subdivision (2) of this
877 subsection may include the goal of (A) placement of the child or youth
878 with the parent or guardian, (B) transfer of guardianship, (C) long-
879 term foster care with a relative licensed as a foster parent or certified as
880 a relative caregiver, (D) termination of parental rights and adoption, or
881 (E) such other planned permanent living arrangement ordered by the
882 court provided the commissioner has documented a compelling reason
883 why it would not be in the best interest of the child or youth for the
884 permanency plan to include the goals in subparagraphs (A) to (D),
885 inclusive, of this subdivision. Such other planned permanent living
886 arrangement may include, but not be limited to, placement of a child
887 or youth in an independent living program or long-term foster care
888 with an identified foster parent.

889 (4) At a permanency hearing, the court shall review the status of the
890 child or youth and the progress being made to implement the
891 permanency plan, determine a timetable for attaining the permanency
892 prescribed by the plan and determine whether the commissioner has
893 made reasonable efforts to achieve the permanency plan. At the
894 conclusion of the hearing, the court may: (A) Direct that the services
895 being provided, or the placement of the child or youth and
896 reunification efforts, be continued if the court, after hearing,
897 determines that continuation of the child or youth in services or
898 placement is in the child's or youth's best interests, or (B) direct that the

899 child's or youth's services or placement be modified to reflect the
900 child's or youth's best interest.

901 Sec. 12. Subsection (a) of section 17a-22g of the general statutes is
902 repealed and the following is substituted in lieu thereof (*Effective*
903 *October 1, 2013*):

904 (a) The Judicial Branch and each state agency, community-based
905 program, organization or individual that provides behavioral health or
906 substance abuse prevention and treatment programs that are operated,
907 funded or licensed by the Department of Children and Families
908 pursuant to sections 17a-20, 17a-114, 17a-145, 17a-147, 17a-149, 17a-151
909 [.] and 17a-152 [and 17a-154] shall provide case specific information to
910 the department for purposes directly connected with the
911 administration of Connecticut Community KidCare in such form and
912 manner as the department requests. The provisions of this section shall
913 be subject to the confidentiality requirements as set forth in applicable
914 federal law.

915 Sec. 13. Subsection (f) of section 5-259 of the general statutes is
916 repealed and the following is substituted in lieu thereof (*Effective*
917 *October 1, 2013*):

918 (f) The Comptroller, with the approval of the Attorney General and
919 of the Insurance Commissioner, shall arrange and procure a group
920 hospitalization and medical and surgical insurance plan or plans for
921 any person who adopts a child from the state foster care system, any
922 person who has been a foster parent for the Department of Children
923 and Families for six months or more, [a parent in a permanent family
924 residence for six months or more,] and any dependent of such
925 adoptive parent [.] or foster parent [or parent in a permanent family
926 residence] who elects coverage under such plan or plans. The
927 Comptroller may also arrange for inclusion of such person and any
928 such dependent in an existing group hospitalization and medical and
929 surgical insurance plan offered by the state. Any adoptive parent [.] or
930 foster parent [or a parent in a permanent family residence] and any
931 dependent who elects coverage shall pay one hundred per cent of the

932 premium charged for such coverage directly to the insurer, provided
 933 such adoptive parent [] or foster parent [or parent] and all such
 934 dependents shall be included in such group hospitalization and
 935 medical and surgical insurance plan. A person and his dependents
 936 electing coverage pursuant to this subsection shall be eligible for such
 937 coverage until no longer an adoptive parent [] or a foster parent [or a
 938 parent in a permanent family residence.] An adoptive parent shall be
 939 eligible for such coverage until the coverage anniversary date on or
 940 after whichever of the following occurs first, the date on which the
 941 child: Becomes covered under a group health plan through the
 942 dependent's own employment; or attains the age of twenty-six. As
 943 used in this section "dependent" means a spouse or natural or adopted
 944 child if such child is wholly or partially dependent for support upon
 945 the adoptive parent [] or foster parent [or parent in a permanent
 946 family residence.]

947 Sec. 14. Sections 17a-154 and 17a-155 of the general statutes are
 948 repealed. (*Effective October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	17a-4(a)
Sec. 2	<i>October 1, 2013</i>	17a-28
Sec. 3	<i>October 1, 2013</i>	17a-93
Sec. 4	<i>October 1, 2013</i>	17a-114b
Sec. 5	<i>October 1, 2013</i>	17a-115a(c)
Sec. 6	<i>October 1, 2013</i>	17a-96
Sec. 7	<i>October 1, 2013</i>	4b-1c(a)
Sec. 8	<i>October 1, 2013</i>	26-30(h)
Sec. 9	<i>October 1, 2013</i>	10-76d(e)
Sec. 10	<i>October 1, 2013</i>	10-76g(b)
Sec. 11	<i>October 1, 2013</i>	17a-11(c) and (d)
Sec. 12	<i>October 1, 2013</i>	17a-22g(a)
Sec. 13	<i>October 1, 2013</i>	5-259(f)
Sec. 14	<i>October 1, 2013</i>	Repealer section

Statement of Legislative Commissioners:

Section 13 was added to make conforming changes and a duplicate section was deleted.

KID *Joint Favorable Subst.*

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) to: (1) disclose certain records to the Department of Social Services under certain circumstances, (2) request, within five rather than 15 calendar days, the State Police Bureau of Identification to perform a state and national criminal history records check of anyone living in a home where DCF has made an emergency placement and (3) provide a copy of the free credit report obtained for youth 16 or older in foster care to the youth's attorney or guardian ad litem. The bill also makes technical changes to eliminate statutory language associated with an obsolete category of child care facilities which likewise does not result in a fiscal impact.

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

OLR Bill Analysis**sHB 6346*****AN ACT REVISING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill makes various changes in the statutes concerning the Department of Children and Families (DCF). Specifically, the bill:

1. requires, instead of allows, DCF to disclose records without the subject's consent to the Department of Social Services (DSS) in certain circumstances;
2. requires (a) DCF to provide a copy of a foster youth's credit report to his or her attorney or guardian ad litem (GAL) and (b) the attorney or GAL, if feasible, to review the report for identity theft evidence and, in conjunction with DCF, help the youth interpret and resolve any inaccuracies;
3. shortens, from 15 to five calendar days, the timeframe in which DCF must ask the State Police Bureau of Identification to perform a state and national criminal history records check of anyone living in a home where the department has made an emergency placement of a child; and
4. eliminates the (a) definition of permanent family residences, an obsolete category of child care facilities that provide permanent care to handicapped children; and (b) licensing and regulatory requirements for such facilities.

The bill also makes several conforming changes.

EFFECTIVE DATE: October 1, 2013

§ 2 — DCF RECORDS DISCLOSURES

By law, DCF may not disclose its records to anyone unless (1) state law or federal regulations require or allow the disclosure or (2) the subject of the record or his or her authorized representative consents to the disclosure. Under current law, DCF may disclose a record without the subject's consent to DSS for (1) determining the person's suitability for payment from DSS for providing child care or (2) promoting the child's or youth's health, safety and welfare. This bill requires, instead of allows, DCF to make such a disclosure. It also requires DCF to disclose a record to DSS without the subject's consent for DSS fraud allegation investigations, provided no identifying information is disclosed unless it is essential to the investigation.

Additionally, under current law, DCF may disclose a record without the subject's consent to a court of competent jurisdiction whenever a department employee is subpoenaed and ordered to testify about the record. The bill instead allows DCF to make such a disclosure to a judge for *in camera* (private) inspection purposes if the court ordered the department to provide the records or a party to the proceeding subpoenaed the records.

§ 3 — DCF-LICENSED CHILD CARE FACILITIES AND CHILD PLACING AGENCIES

The bill extends the definitions in the child welfare statutes to cover the provisions governing DCF-licensed child care facilities and child-placing agencies.

§ 4 — CREDIT REPORTS FOR FOSTER YOUTH

By law, DCF must annually (1) request a free credit report for each foster youth age 16 and older, (2) review the report for evidence of identity theft, and (3) report any such evidence to the Chief State's Attorney within five business days of receiving the credit report.

The bill requires the DCF commissioner to provide a copy of the credit report to the youth's attorney or guardian ad litem (GAL), if any. The attorney or GAL, if feasible, must review the report for

evidence of identity theft and, in conjunction with DCF, help the youth interpret the report and resolve any inaccuracies.

The bill also eliminates statutory provisions requiring the DCF commissioner to:

1. request the first credit report no more than 15 days after the youth turns 16;
2. review a foster youth's most recent annual credit report when reviewing his or her treatment and permanent placement plan (at least every six months); and
3. advise the youth and his or her foster parent, case worker, and legal representative, if any, when reviewing the youth's treatment and permanent placement plan, if she found evidence of identity theft and reported it to the chief state's attorney.

§ 5 — EMERGENCY PLACEMENTS

The law authorizes DCF to request a federal name-based criminal history search from a criminal justice agency for anyone living in the home where a child has been placed as a result of the sudden unavailability of his or her primary caretaker. These emergency placements include private homes of the child's neighbors, friends, or relatives.

Under current law, within 15 calendar days after the name-based search is performed, DCF must ask the State Police Bureau of Identification to perform a full state and national criminal history records check of anyone living in the home. The bill shortens this timeframe from 15 to five calendar days. By law, if any person refuses to provide fingerprints or other identifying information for such checks when requested, the department must immediately remove the child from the home.

§§ 6-14 — PERMANENT FAMILY RESIDENCES

The bill eliminates the statutory definition of permanent family

residences, an obsolete category of child care facilities licensed by DCF to provide permanent care to handicapped children. Under the bill, the department will no longer license or regulate such residences. The bill also makes several conforming changes. (There are currently two such residences licensed in the state, but there are no residents at either location.)

BACKGROUND

Related Bill

SB 898, favorably reported by the Public Safety Committee, also shortens, from 15 to five calendar days, the timeframe for requiring the state and national criminal history records check.

COMMITTEE ACTION

Children Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/07/2013)