



# House of Representatives

**File No. 790**

General Assembly

January Session, 2013

**(Reprint of File No. 123)**

Substitute House Bill No. 6346  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 10, 2013

**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2 repealed and the following is substituted in lieu thereof (*Effective*  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 to determine  
350 if such records may be disclosed pursuant to this section if (A) the  
351 court has ordered that such records be provided to the court; or (B) a  
352 party to the proceeding has issued a subpoena for such records;

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

359 (i) Notwithstanding the provisions of subsections (e) to (h),  
360 inclusive, of this section, the department may refuse to disclose records  
361 to any individual, provided the department gives such individual

362 notice (1) that records are being withheld; (2) of the general nature of  
363 the records being withheld; (3) of the department's reason for refusing  
364 to disclose the records; and (4) of the individual's right to judicial relief  
365 pursuant to subsection (j) of this section.

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

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

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

394 (l) Whenever any person, attorney or authorized representative,  
395 having obtained access to any record, believes there are factually  
396 inaccurate entries or materials contained in such record, such person,  
397 attorney or authorized representative may add a statement to the  
398 record setting forth what such person, attorney or authorized  
399 representative believes to be an accurate statement of those facts and  
400 such statement shall become a permanent part of the record.

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

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

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

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

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

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

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

423 [(f)] (6) "Statutory parent" means the Commissioner of Children and

424 Families or that child-placing agency appointed by the court for the  
425 purpose of giving a minor child or minor children in adoption;

426 [(g)] (7) "Child-placing agency" means any agency within or without  
427 the state of Connecticut licensed or approved by the Commissioner of  
428 Children and Families in accordance with sections 17a-149 and 17a-  
429 151, and in accordance with such standards which shall be established  
430 by regulations of the Department of Children and Families;

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

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

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

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

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

455 19a-77;

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

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

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

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

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

487 receipt of the credit report, if feasible, such attorney or guardian ad  
488 litem shall review the report for evidence of identity theft, as defined  
489 in section 53a-129a, and, in conjunction with the commissioner or  
490 designee, shall assist the youth in interpreting such report and  
491 resolving any inaccuracies contained in such report. If the  
492 commissioner or the commissioner's designee finds evidence of  
493 identity theft, not later than five business days after receipt of the  
494 credit report, the commissioner shall report such findings to the office  
495 of the Chief State's Attorney.

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

506 Sec. 5. Subsection (c) of section 17a-115a of the general statutes is  
507 repealed and the following is substituted in lieu thereof (*Effective from*  
508 *passage*):

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

520 information for purposes of such checks when requested, the  
521 department shall immediately remove the child from the home.

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

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

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

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

552 339, 29-344, 29-345, 29-346, 29-349, 29-355, 29-359, 29-367, 29-401, 29-402  
553 and 29-403.

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

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

586 staff or volunteers shall possess such group fishing license at the site of  
587 any such event or events. Each such staff member or volunteer shall  
588 have a license to fish. Such organization shall, not later than ten days  
589 after such group fishing event, report to the commissioner, on forms  
590 provided by the commissioner, information on the results of such  
591 event. Such information shall include, but not be limited to, the total:  
592 (i) Number of participants, (ii) hours fished, (iii) number of each  
593 species caught, and (iv) number of each species not released. Such  
594 organization shall not charge a fee to any person that participates in  
595 any such group fishing event conducted pursuant to such group  
596 fishing license and any such group fishing event shall not be used by  
597 such organization as a fund raising event.

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

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

619 (2) For purposes of this subdivision, "public agency" includes the  
620 offices of a government of a federally recognized Native American  
621 tribe. Notwithstanding any other provisions of the general statutes, for  
622 the fiscal year ending June 30, 1987, and each fiscal year thereafter,  
623 whenever a public agency, other than a local or regional board of  
624 education, the State Board of Education or the Superior Court acting  
625 pursuant to section 10-76h, places a child in a foster home, group  
626 home, hospital, state institution, receiving home, custodial institution  
627 or any other residential or day treatment facility, and such child  
628 requires special education, the local or regional board of education  
629 under whose jurisdiction the child would otherwise be attending  
630 school or, if no such board can be identified, the local or regional board  
631 of education of the town where the child is placed, shall provide the  
632 requisite special education and related services to such child in  
633 accordance with the provisions of this section. Within one business day  
634 of such a placement by the Department of Children and Families or  
635 offices of a government of a federally recognized Native American  
636 tribe, said department or offices shall orally notify the local or regional  
637 board of education responsible for providing special education and  
638 related services to such child of such placement. The department or  
639 offices shall provide written notification to such board of such  
640 placement within two business days of the placement. Such local or  
641 regional board of education shall convene a planning and placement  
642 team meeting for such child within thirty days of the placement and  
643 shall invite a representative of the Department of Children and  
644 Families or offices of a government of a federally recognized Native  
645 American tribe to participate in such meeting. (A) The local or regional  
646 board of education under whose jurisdiction such child would  
647 otherwise be attending school shall be financially responsible for the  
648 reasonable costs of such special education and related services in an  
649 amount equal to the lesser of one hundred per cent of the costs of such  
650 education or the average per pupil educational costs of such board of  
651 education for the prior fiscal year, determined in accordance with the  
652 provisions of subsection (a) of section 10-76f. The State Board of  
653 Education shall pay on a current basis, except as provided in

654 subdivision (3) of this subsection, any costs in excess of such local or  
655 regional board's basic contributions paid by such board of education in  
656 accordance with the provisions of this subdivision. (B) Whenever a  
657 child is placed pursuant to this subdivision, on or after July 1, 1995, by  
658 the Department of Children and Families and the local or regional  
659 board of education under whose jurisdiction such child would  
660 otherwise be attending school cannot be identified, the local or  
661 regional board of education under whose jurisdiction the child  
662 attended school or in whose district the child resided at the time of  
663 removal from the home by said department shall be responsible for the  
664 reasonable costs of special education and related services provided to  
665 such child, for one calendar year or until the child is committed to the  
666 state pursuant to section 46b-129 or 46b-140 or is returned to the child's  
667 parent or guardian, whichever is earlier. If the child remains in such  
668 placement beyond one calendar year the Department of Children and  
669 Families shall be responsible for such costs. During the period the local  
670 or regional board of education is responsible for the reasonable cost of  
671 special education and related services pursuant to this subparagraph,  
672 the board shall be responsible for such costs in an amount equal to the  
673 lesser of one hundred per cent of the costs of such education and  
674 related services or the average per pupil educational costs of such  
675 board of education for the prior fiscal year, determined in accordance  
676 with the provisions of subsection (a) of section 10-76f. The State Board  
677 of Education shall pay on a current basis, except as provided in  
678 subdivision (3) of this subsection, any costs in excess of such local or  
679 regional board's basic contributions paid by such board of education in  
680 accordance with the provisions of this subdivision. The costs for  
681 services other than educational shall be paid by the state agency which  
682 placed the child. The provisions of this subdivision shall not apply to  
683 the school districts established within the Department of Children and  
684 Families, pursuant to section 17a-37, the Department of Correction,  
685 pursuant to section 18-99a, or the Department of Developmental  
686 Services, pursuant to section 17a-240, provided in any case in which  
687 special education is being provided at a private residential institution,  
688 including the residential components of regional educational service

689 centers, to a child for whom no local or regional board of education  
690 can be found responsible under subsection (b) of this section, Unified  
691 School District #2 shall provide the special education and related  
692 services and be financially responsible for the reasonable costs of such  
693 special education instruction for such children. Notwithstanding the  
694 provisions of this subdivision, for the fiscal years ending June 30, 2004,  
695 to June 30, 2007, inclusive, and for the fiscal years ending June 30, 2010,  
696 to June 30, 2013, inclusive, the amount of the grants payable to local or  
697 regional boards of education in accordance with this subdivision shall  
698 be reduced proportionately if the total of such grants in such year  
699 exceeds the amount appropriated for the purposes of this subdivision  
700 for such year.

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

723 reimbursement under the provisions of this subdivision for the costs of  
724 education of a child residing in a permanent family residence shall  
725 continue to be so eligible in the event that a person providing foster  
726 care in such residence adopts the child.] Notwithstanding the  
727 provisions of this subdivision, for the fiscal years ending June 30, 2004,  
728 and June 30, 2005, and for the fiscal years ending June 30, 2012, and  
729 June 30, 2013, the amount of the grants payable to local or regional  
730 boards of education in accordance with this subdivision shall be  
731 reduced proportionately if the total of such grants in such year exceeds  
732 the amount appropriated for the purposes of this subdivision for such  
733 year.

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

751 (5) Application for the grant to be paid by the state for costs in  
752 excess of the local or regional board of education's basic contribution  
753 shall be made by such board of education by filing with the State  
754 Board of Education, in such manner as prescribed by the  
755 Commissioner of Education, annually on or before December first a  
756 statement of the cost of providing special education, as defined in

757 subdivision (2) of this subsection, for a child of the board placed by a  
758 state agency in accordance with the provisions of said subdivision or,  
759 where appropriate, a statement of the cost of providing educational  
760 services other than special educational services pursuant to the  
761 provisions of subsection (b) or (g) of section 10-253, provided a board  
762 of education may submit, not later than March first, claims for  
763 additional children or costs not included in the December filing.  
764 Payment by the state for such excess costs shall be made to the local or  
765 regional board of education as follows: Seventy-five per cent of the  
766 cost in February and the balance in May. The amount due each town  
767 pursuant to the provisions of this subsection and the amount due to  
768 each town as tuition from other towns pursuant to this section shall be  
769 paid to the treasurer of each town entitled to such aid, provided the  
770 treasurer shall treat such grant or tuition received, or a portion of such  
771 grant or tuition, which relates to special education expenditures  
772 incurred pursuant to subdivisions (2) and (3) of this subsection in  
773 excess of such board's budgeted estimate of such expenditures, as a  
774 reduction in expenditures by crediting such expenditure account,  
775 rather than town revenue. The state shall notify the local or regional  
776 board of education when payments are made to the treasurer of the  
777 town pursuant to this subdivision.

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

781 (b) Any local or regional board of education which provides special  
782 education pursuant to the provisions of sections 10-76a to 10-76g,  
783 inclusive, as amended by this act, for any exceptional child described  
784 in subparagraph (A) of subdivision (5) of section 10-76a, under its  
785 jurisdiction, excluding (1) children placed by a state agency for whom  
786 a board of education receives payment pursuant to the provisions of  
787 subdivision (2) of subsection (e) of section 10-76d, as amended by this  
788 act, and (2) children who require special education, who reside on  
789 state-owned or leased property, [or in permanent family residences, as  
790 defined in section 17a-154,] and who are not the educational

791 responsibility of the unified school districts established pursuant to  
792 sections 17a-37, 17a-240 and 18-99a, shall be financially responsible for  
793 the reasonable costs of special education instruction, as defined in the  
794 regulations of the State Board of Education, in an amount equal to (A)  
795 for any fiscal year commencing prior to July 1, 2005, five times the  
796 average per pupil educational costs of such board of education for the  
797 prior fiscal year, determined in accordance with the provisions of  
798 subsection (a) of section 10-76f, and (B) for the fiscal year commencing  
799 July 1, 2005, and each fiscal year thereafter, four and one-half times  
800 such average per pupil educational costs of such board of education.  
801 The State Board of Education shall pay on a current basis any costs in  
802 excess of the local or regional board's basic contribution paid by such  
803 board in accordance with the provisions of this subsection. Any  
804 amounts paid by the State Board of Education on a current basis  
805 pursuant to this subsection shall not be reimbursable in the subsequent  
806 year. Application for such grant shall be made by filing with the  
807 Department of Education, in such manner as prescribed by the  
808 commissioner, annually on or before December first a statement of the  
809 cost of providing special education pursuant to this subsection,  
810 provided a board of education may submit, not later than March first,  
811 claims for additional children or costs not included in the December  
812 filing. Payment by the state for such excess costs shall be made to the  
813 local or regional board of education as follows: Seventy-five per cent of  
814 the cost in February and the balance in May. The amount due each  
815 town pursuant to the provisions of this subsection shall be paid to the  
816 treasurer of each town entitled to such aid, provided the treasurer shall  
817 treat such grant, or a portion of the grant, which relates to special  
818 education expenditures incurred in excess of such town's board of  
819 education budgeted estimate of such expenditures, as a reduction in  
820 expenditures by crediting such expenditure account, rather than town  
821 revenue. Such expenditure account shall be so credited no later than  
822 thirty days after receipt by the treasurer of necessary documentation  
823 from the board of education indicating the amount of such special  
824 education expenditures incurred in excess of such town's board of  
825 education budgeted estimate of such expenditures.

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

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

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

860 provide notice to the child or youth and such child's or youth's parent  
861 or guardian of the time and place of the hearing on such motion not  
862 less than ten days prior to the date of such hearing.

863 (2) At a permanency hearing held in accordance with the provisions  
864 of subdivision (1) of this subsection, the court shall approve a  
865 permanency plan that is in the best interests of the child or youth and  
866 takes into consideration the child's or youth's need for permanency.  
867 The health and safety of the child or youth shall be of paramount  
868 concern in formulating such plan. At such hearing, the court shall  
869 consider among other things: (A) The appropriateness of the  
870 department's plan for service to the child or youth and his or her  
871 family; (B) the treatment and support services that have been offered  
872 and provided to the child or youth to strengthen and reunite the  
873 family; (C) if return home is not likely for the child or youth, the efforts  
874 that have been made or should be made to evaluate and plan for other  
875 modes of care; and (D) any further efforts which have been or will be  
876 made to promote the best interests of the child or youth.

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

890 (4) At a permanency hearing, the court shall review the status of the  
891 child or youth and the progress being made to implement the  
892 permanency plan, determine a timetable for attaining the permanency

893 prescribed by the plan and determine whether the commissioner has  
894 made reasonable efforts to achieve the permanency plan. At the  
895 conclusion of the hearing, the court may: (A) Direct that the services  
896 being provided, or the placement of the child or youth and  
897 reunification efforts, be continued if the court, after hearing,  
898 determines that continuation of the child or youth in services or  
899 placement is in the child's or youth's best interests, or (B) direct that the  
900 child's or youth's services or placement be modified to reflect the  
901 child's or youth's best interest.

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

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

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

919 (f) The Comptroller, with the approval of the Attorney General and  
920 of the Insurance Commissioner, shall arrange and procure a group  
921 hospitalization and medical and surgical insurance plan or plans for  
922 any person who adopts a child from the state foster care system, any  
923 person who has been a foster parent for the Department of Children  
924 and Families for six months or more, [a parent in a permanent family

925 residence for six months or more,] and any dependent of such  
 926 adoptive parent [ ] or foster parent [or parent in a permanent family  
 927 residence] who elects coverage under such plan or plans. The  
 928 Comptroller may also arrange for inclusion of such person and any  
 929 such dependent in an existing group hospitalization and medical and  
 930 surgical insurance plan offered by the state. Any adoptive parent [ ] or  
 931 foster parent [or a parent in a permanent family residence] and any  
 932 dependent who elects coverage shall pay one hundred per cent of the  
 933 premium charged for such coverage directly to the insurer, provided  
 934 such adoptive parent [ ] or foster parent [or parent] and all such  
 935 dependents shall be included in such group hospitalization and  
 936 medical and surgical insurance plan. A person and his dependents  
 937 electing coverage pursuant to this subsection shall be eligible for such  
 938 coverage until no longer an adoptive parent [ ] or a foster parent. [or a  
 939 parent in a permanent family residence.] An adoptive parent shall be  
 940 eligible for such coverage until the coverage anniversary date on or  
 941 after whichever of the following occurs first, the date on which the  
 942 child: Becomes covered under a group health plan through the  
 943 dependent's own employment; or attains the age of twenty-six. As  
 944 used in this section "dependent" means a spouse or natural or adopted  
 945 child if such child is wholly or partially dependent for support upon  
 946 the adoptive parent [ ] or foster parent. [or parent in a permanent  
 947 family residence.]

948 Sec. 14. Sections 17a-154 and 17a-155 of the general statutes are  
 949 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>from passage</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

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.

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### ***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.

House "A" clarified a portion of Section 2 associated with in-camera inspection of records and also changed the effective date of the bill from October 1, 2013 to "Effective from passage." These changes do not result in a fiscal impact.

### ***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 6346 (as amended by House "A")\******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 record 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.

\*House Amendment "A" (1) changes the effective date of the provision on emergency placements from October 1, 2013 to upon passage and (2) makes a minor change related to DCF records disclosures.

EFFECTIVE DATE: October 1, 2013, except for the provision on emergency placements, which is effective upon passage.

## **§ 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. The 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 to determine if the records may be disclosed if (a) the court ordered the department to provide the records or (b) 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 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 the requirements for 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

record check of anyone living in the home. The bill shortens this timeframe from 15 to five calendar days. By law, if anyone 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 no residents at either location.)

### **BACKGROUND**

#### ***Related Bill***

SB 898, reported favorably 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)

#### Human Services Committee

Joint Favorable

Yea 14 Nay 0 (04/11/2013)

#### Public Safety and Security Committee

Joint Favorable

Yea 24 Nay 0 (04/17/2013)