



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Children Committee

February 14, 2013



S.B. No. 821 AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT

The Department of Children and Families **supports** S.B. No. 821, An Act Concerning Responsibilities of Reporters of Child Abuse and Neglect. This proposal is part of DCF's legislative package.

This bill provides legal protection for mandated reporters of child abuse from retaliatory actions by their employers. There is a concern that some employers may screen or interfere with employees who are mandated reporters of child abuse and neglect when discharging their legal responsibilities to report. This bill strengthens existing statutes in a manner that would allow greater enforcement of violations.

Last year the DCF Careline received 45,748 reports of child abuse or neglect, and 27,354 of these reports were accepted for investigation. Approximately 70% of these reports come from mandated reporters, including: medical professionals; school officials; law enforcement; social workers; psychologists; clergy; day care staff; and others identified in § 17a-101.

S.B. No. 822 AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE DEPARTMENT OF CHILDREN AND FAMILIES DURING INVESTIGATIONS OF CHILD ABUSE AND NEGLECT

The Department of Children and Families **supports** S.B. No. 822, An Act Concerning Interviews of Children by the Department of Children and Families During Investigations of Child Abuse and Neglect. This proposal is part of DCF's legislative package.

This bill would permit DCF to interview a child in a child protective investigation without parental consent in those limited circumstances when obtaining such consent would place the child at risk of physical harm. Currently, DCF has the legal authority to interview children without parental consent in cases in which the parent or guardian is the alleged perpetrator of physical abuse. The Department believes that this change would strike a reasonable balance between child safety and the rights of the alleged perpetrator, and is consistent with changes the Department is initiating through our new Strengthening Families Practice Model.

Last session, HB 5363 passed the House unanimously, but was not taken up in the Senate.

S.B. No. 832 AN ACT CONCERNING FAMILY ASSESSMENT RESPONSE CASES

The Department of Children and Families **supports** S.B. No. 832, An Act Concerning Family Assessment Response Cases. This proposal is part of DCF's legislative package.

This bill makes two modifications to existing statutes: 1) a technical change to § 17a-101g to change "differential response" to "family assessment response;" and 2) to provide for expungement of family assessment response cases if no new reports of child abuse or neglect are received on the family for a period of five years. The change of "differential response" to "family assessment response" reflects current practice. The proposal also extends the same expungement process for family assessment response cases as exists for unsubstantiated cases.

S.B. No. 833 AN ACT ADDRESSING THE MEDICAL AND EDUCATIONAL NEEDS OF CHILDREN

The Department of Children and Families **supports** S.B. No. 833, An Act Addressing the Medical and Educational Needs of Children. This proposal is part of DCF's legislative package.

This bill provides DCF with the authority to meet the medical and educational needs of children under an Order of Temporary Custody. There is a need to clarify this authority in order for DCF to make various medical and educational decisions for children.

This is particularly important with regard to medical decisions. Currently, our statutes allow DCF staff to make medical decisions during the 96 hour hold period invoked during emergencies when the court is not open. Similarly, once a child is committed to DCF, we have the legal authority to make medical decisions. There is no specific provision for making these decisions during the period when a child is under a pre-trial Order of Temporary Custody and this appears to simply be an oversight in the statutory scheme. This bill addresses that oversight.

Over the years, including in two recent very serious incidents, we have had dozens of cases in which parents, who are understandably distrustful of the agency or who – more ominously – are attempting to hide evidence of abuse, have refused to consent to necessary and/or well child medical care. In those instances, we are required to file a motion in court and wait for a hearing to be scheduled. When time is of the essence, this delay can be crucial.

Even in cases involving 96 hour holds and commitments, in which DCF has the clear legal authority to make medical decisions, DCF has stringent policies regarding prior notification to the parents and gaining consent before exercising what we recognize as an extraordinary governmental power. Every effort is made to facilitate communication between the parents and the medical staff caring for the child. In serious cases, such as non-routine surgery, our agency pediatrician and other DCF medical staff are consulted about the need for the medical care. We also rely on the expertise of a multidisciplinary Medical Review Board that includes medical experts from outside the agency. The attorneys for the child and the parents are always consulted, and, if they disagree with the recommended medical treatment, they may

seek a court order preventing it. We are fully prepared to apply these same procedures to medical decisions.

Although medical decisions are the most urgent, this bill also addresses educational decision making. This is consistent with the intent of Congress in passing the new Family Educational Rights and Privacy Act (FERPA) amendment that allows child welfare agencies access to the school records of foster children without parental consent as well as the federal Fostering Connections Act requirements to educationally plan for kids in our care. This can be difficult to accomplish when children are subject to an Order of Temporary Custody, which can be for weeks or months. Again, if this bill is enacted our policy would require consultation with the parents and their attorneys as well as expert advice from within and without the agency. Please note as well that this bill is not intended to supersede the legislation the General Assembly passed two years ago regarding a child's right to remain in his or her school of origin when placed in foster care. All of the procedures outlined in that statute would remain in full force and effect.

H.B. No. 6346 AN ACT CONCERNING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families **supports** H. B. No. 6346, An Act Concerning Various Statutes Concerning the Department of Children and Families. This proposal is part of DCF's legislative package.

This bill makes a number of technical and/or minor changes to various DCF statutes. The bill accomplishes the following:

- Section 1 amends section 17a-4 of the General Statutes to make technical clarifications to the membership of the State Advisory Council on Children and Families.
- Section 2 amends section 17a-28 of the General Statutes to permit sharing of DCF records with DSS for purposes of investigating fraud and require in camera review for disclosure of DCF records to civil courts.
- Section 3 amends section 17a-93 of the General Statutes to correct statutory references for the licensing of child caring facilities.
- Section 4 amends section 17a-114b of the General Statutes to make the credit report review for foster youth consistent with the provisions of federal law.
- Section 5 amends section 17a-115a of the General Statutes to change from 15 to 5 days the time requirements for doing a full fingerprint check after emergency placements. This change is necessary to conform to the requirements of federal law.
- Section 6 amends section 19a-112f of the General Statutes to include DCF on the Sexual Assault Forensic Examiners Advisory Committee.
- Sections 7 through 14 simply delete references to sections 17a-154 and 17a-155, which are being repealed by this legislation.
- Section 15 repeals sections 17a-154 and 17a-155 of the General Statutes concerning Permanent Family Residences, an obsolete category of homes licensed by DCF.

Proposed S.B. No. 158 AN ACT ESTABLISHING A TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF CHILDREN

The Department of Children and Families offers the following comments regarding Proposed S.B. No. 158, An Act Establishing a Task Force on the Prevention of Sexual Abuse of Children. This bill would establish a task force on the prevention of sexual abuse of children that shall study how to (1) educate school children on sexual abuse by reviewing and adopting curriculum, and (2) train educators to use such adopted curriculum.

DCF believes that greater awareness of the issue of sexual abuse would assist educators in their duties as mandated reporters of child abuse and neglect. Whether or not this topic should be part of an educational curriculum is a policy question to be answered by legislators and educational professionals.

Proposed S.B. No. 169 AN ACT CONCERNING THE ASSESSMENT AND DELIVERY OF MENTAL HEALTH SERVICES AND INTERVENTIONS FOR CHILDREN

The Department of Children and Families offers the following comments regarding Proposed S.B. No. 169, An Act Concerning the Assessment and Delivery of Mental Health Services and Interventions for Children. This bill would require that local and regional boards of education and health care providers assess every child for social, emotional, behavioral and mental health to ensure the delivery of necessary services and interventions.

While the Department agrees that strengthening the collaboration between school systems and mental health providers is an important step in improving children's mental health services, we are concerned that requiring assessments of every child could result in the over labeling of children with behavioral health disorders. It would be preferable to enhance training and resources for school professionals to assist them in identifying children in need of services.

Proposed S.B. No. 650 AN ACT CREATING A PARENTS' SUPPORT HOT LINE FOR PARENTS OF CHILDREN EXHIBITING BEHAVIORAL HEALTH ISSUES

The Department of Children and Families offers the following comments regarding Proposed S.B. No. 650, An Act Creating a Parents' Support Hot Line for Parents of Children Exhibiting Behavioral Health Issues. This bill would create a parents' support hot line for parents whose children are exhibiting behavioral health issues.

Currently, the Department utilizes the 2-1-1 InfoLine for parents accessing Emergency Mobile Psychiatric Services (EMPS) for their children. This service provides emergency services including mobile response; psychiatric assessment; medication consultation, assessment, and short-term medication management; behavioral management services; substance abuse screening and referral to traditional and non-traditional services for any family with a child in crisis. EMPS delivers a range of crisis response and crisis stabilization services to children, youth, their families and caregivers including children residing in relative, adoptive and foster

care homes. For children currently involved in clinical treatment, the EMPS first assesses the capability of that clinical service to handle the intervention. The EMPS provider is responsible for assuring that the client receives appropriate care during the crisis period.

In addition to 2-1-1, the DCF Careline is a resource for parents, providing answers to many questions that they may have about DCF programs and services. The Department's Family Assessment Response program may also provide needed services and supports in the community.

Proposed S.B. No. 652 AN ACT CONCERNING REFERRALS FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE BIRTH TO THREE PROGRAM

The Department of Children and Families offers the following comments regarding Proposed S.B. No. 652, An Act Concerning Referrals from the Department of Children and Families to the Birth to Three Program. This bill establishes a pilot program in two or more DCF offices that would automatically refer to the Birth-to-Three program all children thirty-six months of age or younger that have an open case with DCF, and a substantiation of abuse and neglect.

While this bill addresses an important issue, the **legislation is unnecessary** because DCF and the Department of Developmental Services (DDS) have entered into a Memorandum of Understanding to address this population of children consistent with the requirements of federal law. This MOU was just updated last month. Please see the testimony offered by DDS which provides additional background on this MOU.

Proposed S.B. No. 653 AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND OUT-OF-STATE PLACEMENT FOR CHILDREN UNDER THE PURVIEW OF SUCH AGENCY

The Department of Children and Families **opposes** Proposed S.B. No. 653, An Act Concerning the Department of Children and Families and Out-of-State Placement for Children Under the Purview of Such Agency. This bill would prohibit the Commissioner of Children and Families from placing a child outside of the state unless such child has been adjudicated delinquent and the child has been committed to said commissioner.

As the Committee knows, the Department has reduced the number of children placed out-of-state by over 81% (from 364 to 68) over the past two years. We are committed to further reducing the number of children placed out-of-state and are working to develop the resources necessary in Connecticut to serve them.

While we agree that out-of-state placements should be limited to only those cases where such placements are in the child's best interest, we still have some cohorts of children for whom no suitable in-state resources exists. This applies to both those children served by the child welfare system and the juvenile justice system. We are also concerned that this legislation could potentially prohibit the placement of children with out-of-state relatives which is in conflict with the best case practice and the Interstate Compact on the Placement of Children.

Proposed H.B. No. 5567 AN ACT CONCERNING CHILDREN'S MENTAL HEALTH

The Department of Children and Families **offers the following comments regarding** Proposed H.B. No. 5567, An Act Concerning Children's Mental Health. This bill would develop and implement a comprehensive children's mental health plan allowing for the incorporation of social and emotional development standards in the elementary and high school educational guidelines and requiring the appropriate state agencies to provide short-term and long-term recommendations regarding mental health prevention, early intervention and treatment services for children eighteen years old or younger.

This bill raises an important issue regarding the need for enhanced coordination in the delivery of children's mental health services. The Department is committed to working in partnership with legislators and the various public and private agencies involved with children's mental health to accomplish the goals of this legislation.

Also, we would like to point out that the Department has updated its strategic plan. This plan provides a roadmap for the next three years. It is anchored in Connecticut's Results Based Accountability framework, and it will enable DCF to contribute to the newly issued CT Kids RBA Report Card that tracks results for all of the children in the State of Connecticut. We are fully cognizant that, at any point in time, the Department serves fewer than 5% of the state's youngsters. We are also fully aware, however, that these are the most vulnerable children and youth in Connecticut and that they represent 100% of the youngsters for whom help is sought as the result of abuse and neglect.

Proposed H.B. No. 6069 AN ACT ESTABLISHING A YOUTH GUIDANCE PILOT PROGRAM

The Department of Children and Families **offers the following comments regarding** Proposed H.B. No. 6069, An Act Establishing a Youth Guidance Pilot Program. This bill would create a youth guidance pilot program charged with evaluating and educating at-risk youths with the goal of providing such youths with coping mechanisms to lessen the cycle of violence and criminal activity within their communities.

The Department is unsure what role, if any, is envisioned for DCF in such a pilot, but we would be interested in participating as many of the at-risk youths are involved with either the child welfare or juvenile justice systems. We are currently involved in collaborative efforts with urban police departments regarding gang issues.