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## **OLR Bill Analysis**

### **sHB 6400**

#### ***AN ACT CONCERNING MANDATED REPORTERS AND REQUIRING CRIMINAL HISTORY RECORDS CHECKS FOR YOUTH CAMP DIRECTORS AND ASSISTANT DIRECTORS.***

#### **SUMMARY:**

This bill requires the Department of Public Health (DPH) commissioner, within available appropriations, to require all youth camps DPH licenses to conduct criminal history record checks on their directors and assistant directors before these employees may perform any camp duties. The bill exempts from the requirement certain directors and assistant directors who already have undergone such checks. Youth camps include overnight and day camps attended by kids between ages three and 16. Under the bill, youth camps may not receive initial or renewal licenses until these criminal history record checks are performed. The bill does not specify who pays for the checks.

The bill also requires the commissioner to request a check of the state's child abuse registry (presumably to determine if a youth camp director or assistant director is listed on it). The Department of Children and Families maintains a child abuse and neglect registry that holds the names of individuals against whom DCF has investigated and subsequently substantiated child abuse or neglect. (The bill does not give DCF explicit authority to disclose the information in the registry but it appears that the law allows the DPH commissioner to obtain this information, see BACKGROUND.)

Finally, the bill adds several professionals to the list of mandated reporters of child abuse and neglect.

EFFECTIVE DATE: October 1, 2013

#### **CRIMINAL RECORDS CHECKS OF YOUTH CAMP DIRECTORS**

The bill requires the DPH commissioner to require youth camps it licenses to conduct state and national criminal history records checks on any directors or assistant directors the camp employs on a paid or an on-going, voluntary basis. If the camp's director or assistant director is already performing duties at the camp on October 1, 2013, the bill requires the camp to conduct the check before the camp's license is renewed. These licenses must be renewed annually.

The bill exempts from the criminal history record check requirement any director or assistant director who has (1) successfully completed state and national criminal history record checks for immigration purposes not more than six months before he or she begins paid or voluntary work at the camp or (2) previously submitted to state and national criminal history records checks conducted by the State Police.

By law, if any state law requires a criminal history records check, it must be requested from the State Police Bureau of Identification. The State Police may charge fees for conducting these checks.

#### **MANDATED REPORTERS**

By law, certain enumerated professionals must verbally report to DCF or a law enforcement agency when they have reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm. The bill adds the following individuals to the list of people who must report:

1. youth camp directors and assistant directors;
2. any adult who is a paid coach or director of intramural or interscholastic school athletics;
3. any adult who is a paid coach or director of youth athletics;
4. any adult who is a paid coach or director of a private sports organization or team; and
5. any adult who is a paid administrator, faculty, staff, athletic director, athletic coach, or athletic trainer who works for a

constituent unit of the state system of higher education or a private higher education institution.

The law already requires “school employees” to report. This includes (1) coaches employed by a local or regional board of education or a private elementary, middle, or high school or working in a public or private school and (2) any other person who, in performing his or her duties under a contract with such schools, has regular contact with students and provides services to or on behalf of the students (CGS § 53a-65).

By law, failure to report is punishable by a fine of \$500 to \$2,000 (CGS § 17a-101a).

## **BACKGROUND**

### ***Youth Camps***

By law, a youth camp is any regularly scheduled program or organized group activity (1) advertised as a camp or operated only during school vacations or on weekends by a person, partnership, corporation, association, the state, or a municipal agency for recreational or educational purposes and (2) accommodating for profit or under philanthropic or charitable auspices five or more children at least three years old and under 16. This includes both (1) “resident” camps, which accommodate such children for at least 72 consecutive hours and in which the attending campers eat and sleep, and (2) “day” camps, which are operated only during daylight hours for at least three days a week and where campers sleep at home and eat one meal a day at the camp, but not municipal agency-run camps (CGS § 19a-420).

### ***Child Abuse and Neglect Registry and Youth Camp Staff***

By law, DCF maintains a registry holding the names of individuals against whom the department has substantiated child abuse or neglect. Information in the registry is considered confidential and may be disclosed outside the agency only in accordance with DCF’s disclosure statutes or as otherwise permitted by law (CGS § 17a-101k; Conn. Agency Regs. § 17a-101k-13).

By law, DCF must provide DPH all records concerning child abuse and neglect reports and investigations that have been reported to it or that it is investigating, including records of administrative hearings involving youth camp staff members held under the child abuse registry law.

The law also provides that notwithstanding any other provision in it, when the DCF commissioner has substantiated abuse or neglect by a staff member at a youth camp and it is included on the registry, DPH may include this information in the list it must compile that indicates substantiated abuse or neglect concerning youth camps during the previous three years. DPH is permitted to disclose this information to the public (CGS § 19a-80f).

***Constituent Units of Higher Education***

These include (1) the University of Connecticut and its campuses, (2) the Connecticut State University System, (3) the regional community-technical colleges, and (4) the Board for State Academic Awards (CGS § 10a-1).

**COMMITTEE ACTION**

Children Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/07/2013)