



House of Representatives

General Assembly

File No. 128

January Session, 2013

Substitute House Bill No. 6400

House of Representatives, March 25, 2013

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

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 17a-101 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (b) The following persons shall be mandated reporters: Any
5 physician or surgeon licensed under the provisions of chapter 370, any
6 resident physician or intern in any hospital in this state, whether or not
7 so licensed, any registered nurse, licensed practical nurse, medical
8 examiner, dentist, dental hygienist or psychologist, a school employee,
9 as defined in section 53a-65, any paid coach or director of intramural
10 or interscholastic athletics at a school who is eighteen years of age or
11 older, any paid coach or director of youth athletics who is eighteen
12 years of age or older, any paid coach or director of a private sports
13 organization or team who is eighteen years of age or older, any paid

14 administrator, faculty, staff, athletic director, athletic coach or athletic
15 trainer employed by a constituent unit of the state system of higher
16 education or private institution of higher education who is eighteen
17 years of age or older, social worker, police officer, juvenile or adult
18 probation officer, juvenile or adult parole officer, member of the clergy,
19 pharmacist, physical therapist, optometrist, chiropractor, podiatrist,
20 mental health professional or physician assistant, any person who is a
21 licensed or certified emergency medical services provider, any person
22 who is a licensed or certified alcohol and drug counselor, any person
23 who is a licensed marital and family therapist, any person who is a
24 sexual assault counselor or a battered women's counselor as defined in
25 section 52-146k, any person who is a licensed professional counselor,
26 any person who is a licensed foster parent, any person paid to care for
27 a child in any public or private facility, child day care center, group
28 day care home or family day care home licensed by the state, any
29 employee of the Department of Children and Families, any employee
30 of the Department of Public Health who is responsible for the licensing
31 of child day care centers, group day care homes, family day care
32 homes or youth camps, any youth camp director or assistant director,
33 the Child Advocate and any employee of the Office of the Child
34 Advocate and any family relations counselor, family relations
35 counselor trainee or family services supervisor employed by the
36 Judicial Department.

37 Sec. 2. (NEW) (*Effective October 1, 2013*) (a) Except as provided in
38 subsection (b) of this section, the Commissioner of Public Health,
39 within available appropriations, shall require each youth camp
40 licensed pursuant to chapter 368r of the general statutes to conduct
41 state and national criminal history records checks on any director or
42 assistant director of a youth camp licensed pursuant to chapter 368r of
43 the general statutes who is (1) a paid employee, or (2) a volunteer
44 providing on-going services at the youth camp, prior to the director or
45 assistant director performing any duties at the youth camp. If the
46 director or assistant director is performing duties at the youth camp on
47 or after the effective date of this section, the youth camp shall conduct
48 criminal records checks on the director or assistant director prior to the

49 issuance or renewal of the youth camp's license pursuant to chapter
50 368r of the general statutes. The criminal history records checks
51 required under this subsection shall be conducted in accordance with
52 section 29-17a of the general statutes. The commissioner shall also
53 request a check of the state child abuse registry established pursuant to
54 section 17a-101k of the general statutes.

55 (b) The criminal history records checks required under subsection
56 (a) of this section shall not be required for any director or assistant
57 director who (1) has successfully completed a state and national
58 criminal history records check for immigration purposes in accordance
59 with federal law not more than six months prior to the date such
60 director or assistant director (A) begins employment at the camp, or
61 (B) begins volunteering at the camp, or (2) has previously submitted to
62 state and national criminal history records checks pursuant to
63 subsection (a) of this section.

64 Sec. 3. Section 19a-422 of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective October 1, 2013*):

66 To be eligible for the issuance or renewal of a youth camp license
67 pursuant to this chapter, the camp shall satisfy the following
68 requirements: (1) The location of the camp shall be such as to provide
69 adequate surface drainage and afford facilities for obtaining a good
70 water supply; (2) each dwelling unit, building and structure shall be
71 maintained in good condition, suitable for the use to which it is put,
72 and shall present no health or fire hazard as so certified by the
73 department and the State Fire Marshal or local fire marshal, as
74 indicated by a current fire marshal certificate dated within the past
75 year and available on site when the youth camp is in operation; (3)
76 there shall be an adequate and competent staff, which includes the
77 camp director or assistant director, one of whom shall be on site at all
78 times the camp is in operation, activities specialists, counselors and
79 maintenance personnel, of good character and reputation; (4) prior to
80 assuming responsibility for campers, staff shall be trained, at a
81 minimum, on the camp's policies and procedures pertaining to

82 behavioral management and supervision, emergency health and safety
 83 procedures and recognizing, preventing and reporting child abuse and
 84 neglect; (5) prior to engaging any director or assistant director as a
 85 paid employee or volunteer providing on-going services, state and
 86 national criminal history records checks shall be conducted on such
 87 individual in accordance with section 2 of this act; (6) all hazardous
 88 activities, including, but not limited to, archery, aquatics, horseback
 89 riding and firearms instruction, shall be supervised by a qualified
 90 activities specialist who has adequate experience and training in such
 91 specialist's area of specialty; [(6)] (7) the staff of a resident and
 92 nonresident camp shall at all times include an adult trained in the
 93 administration of first aid as required by the commissioner; [(7)] and
 94 (8) records of personal data for each camper shall be kept in any
 95 reasonable form the camp director may choose, and shall include (A)
 96 the camper's name, age and address, (B) the name, address and
 97 telephone number of the parents or guardian, (C) the dates of
 98 admission and discharge, and (D) such other information as the
 99 commissioner shall require. Any youth camp licensed under this
 100 chapter shall operate only as the type of camp authorized by such
 101 license. Such camps shall not advertise any service they are not
 102 equipped or licensed to offer. The license shall be posted in a
 103 conspicuous place at camp headquarters and failure to so post the
 104 license shall result in the presumption that the camp is being operated
 105 in violation of this chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	17a-101(b)
Sec. 2	October 1, 2013	New section
Sec. 3	October 1, 2013	19a-422

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Public Health, Dept.	GF - Potential Cost	50,472	75,707
Children & Families, Dept.	GF - Potential Cost	32,446	48,669
Department of Emergency Services and Public Protection	GF - Potential Cost	less than 500	less than 500

Municipal Impact: None

Explanation

The bill specifies that the Department of Public Health (DPH) implement the provisions of the bill within available appropriations. However, if the bill were to be implemented, the costs to DPH would be approximately \$50,472 in FY 14 and \$75,707 in FY 15. In addition, costs of \$32,446 in FY 14 and \$48,669 in FY 15 are anticipated to be incurred by the Department of Children and Families (DCF) and costs of less than \$500 annually by the Department of Emergency Services and Public Protection (DESPP), for a total potential state cost of \$83,418 in FY 14 and \$124,876 in FY 15. Costs are associated with DPH contract staff for 4 months in FY 14 and 6 months in FY 15 to accommodate DPH acting as a liaison between youth camps and DCF for state child abuse registry checks (estimated at approximately 1,428 annually) and expanded youth camp license requirements. DCF costs reflect contract staff for 4 months in FY 14 and 6 months in FY 15 to process these checks. There is also a cost for state and national criminal history records checks of certain prospective employees at state-run youth camps by DESPP.

Youth camp hiring and DPH youth camp inspections generally

occur from March through August every year. The bill is effective on 10/1/13, so FY 14 reflects four months of costs incurred. FY 15 reflects 6 months of costs. DPH costs assume two assistant directors reviewed for hire by youth camps for every director reviewed for hire by youth camps. Under this assumption, the bill would result in a need for 476¹ state child abuse registry checks for youth camp directors and 952 state child abuse registry checks for assistant directors annually—a total of approximately 1,428 state child abuse registry checks needed each fiscal year. DPH is required, within available appropriations, to act as the liaison between the youth camps and DCF, requesting from DCF state child abuse registry checks on behalf of youth camps for every director and assistant director these camps are interested in hiring. One contractor is provided to support this requirement at \$27/hour for 640 hours in FY 14 and 960 hours in FY 15 and indirect costs of 26%.² DPH is also tasked under the bill, within available appropriations, to require youth camps to obtain a state and national criminal history records check for every director and assistant director the camp is interested in hiring. This is a requirement for youth camp license issuance and renewal. Another contract position (at \$36/hour for 640 hours in FY 14 and 960 hours in FY 15 and indirect costs of 26%) is included under DPH to assist in youth camp inspections to accommodate this expansion. DPH must determine whether or not a youth camp has requested the state and national criminal history records check prior to hiring youth camp director or youth camp assistant director, cite violators, review corrective plans and verify plan implementation.

As the time for processing state child abuse registry checks by DCF is limited requiring faster-than-usual turnaround, 960 contractor hours are reflected under DCF in FY 14 and 1,440 contractor hours are reflected in FY 15 for a cost to the agency of \$32,446 in FY 14 and \$48,669 in FY 15. This assumes a contractor cost of \$27/hour with a

¹This is the number of actively licensed Connecticut youth camps generated from an eLicense roster on 3/19/13.

²Based on Yale University's Office of Grant & Contract Administration off-campus facilities and administration (indirect) cost rate.

26% indirect cost.

While a similar number of state and national criminal history records checks would be required under the bill, it is anticipated that the Department of Emergency Services and Public Protection (DESPP) can accommodate this increase and the cost will be borne by the youth camps. It is assumed that the bill would result in the need for approximately 381 state and national criminal history records checks for youth camp directors (based on a five-year approved youth camp director average³) and 762⁴ state and national criminal history records checks for assistant directors annually, for a total of 1,143 state child abuse registry checks each fiscal year. Checks are not required if a check has previously been done on an employee candidate. The cost for these checks will be borne by the youth camps, with the exception of state-run camps (of which there are five currently) for whom DESPP is not allowed to charge. The cost for those checks (estimated at less than \$500 annually⁵) will be borne by DESPP. DESPP performs approximately 200,000 such checks annually and it is anticipated that it can accommodate this increase.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to DPH implementation of the bill, inflation, the number of required state child abuse registry checks, the number of required state and national criminal history records checks and expanded youth camp inspection.

Sources: State of Connecticut eLicensing Website

³Derived from eLicensing website roster generated on 3/19/13.

⁴Assumes two assistant directors reviewed for hire by youth camps for every director reviewed for hire.

⁵Cost to DESPP for a national criminal history records check performed by the Federal Bureau of Investigation is \$16.50.

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)