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## **OLR Bill Analysis**

### **sHB 5040 (as amended by House "A")\***

#### ***AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN.***

#### **SUMMARY:**

This bill expands the circumstances in which the departments of Children and Families (DCF) and Social Services (DSS) must disclose the names and records of certain individuals to specific entities. The circumstances affecting DCF include:

1. disclosing the names and records of people being investigated and prosecuted for falsely reporting child abuse and neglect,
2. determining a person's suitability for working in a state-licensed child care facility,
3. placing a public school employee on the child abuse and neglect registry, and
4. protecting a DCF employee being threatened by a client or coworker.

The bill expands the circumstances in which DSS must disclose information to DCF about a child receiving DSS services or the child's immediate family.

The bill also requires DCF to disclose information to help the Judicial Branch track juvenile offender recidivism and the Birth-to-Three program provide services.

The bill expands the actions DCF can take to help children it identifies or believes are victims of trafficking to include (1) providing services, (2) forming multidisciplinary teams to review trafficking cases, and (3) providing training to law enforcement officers about

trafficking. It also expands the category of children or youths a court may find to be “uncared for” to include child-trafficking victims.

Additionally, the bill (1) expands the mandated reporter list and (2) aligns some of the procedural aspects for suspending an employee suspected of child abuse and neglect who works at a (a) public school or (b) private school or public or private child care facility or institution.

\*House Amendment “A” removes a provision that exempted certain social workers from mandated reporter responsibilities in limited circumstances.

EFFECTIVE DATE: October 1, 2014

## **§ 1 — DCF NAME AND RECORD DISCLOSURE**

### ***Expanded Circumstances for Disclosing Names***

The bill expands grounds under which DCF must report to a law enforcement officer or state’s attorney the name of someone who reports suspected child abuse or neglect or cooperates with a child abuse or neglect investigation. By law, DCF must report the person’s name to a law enforcement officer investigating child abuse or neglect and to a state’s attorney investigating or such matters. The bill also requires DCF to disclose the name to a law enforcement officer investigating an allegation that the person falsely reported the suspected child abuse or neglect and a state’s attorney investigating or prosecuting the allegation.

### ***Expanded Circumstances for Disclosing Records***

The bill expands the circumstances in which DCF must disclose records about a person to specified parties without the person’s consent.

By law, DCF must disclose such information to the chief state’s attorney or his designee investigating or prosecuting a child abuse or neglect allegation. The bill requires DCF to also disclose records to the chief state’s attorney or his designee investigating or prosecuting an allegation that a (1) person made a false report of suspected child

abuse or neglect or (2) mandated reporter failed to report suspected child abuse or neglect.

By law, DCF must disclose records to law enforcement officers investigating a child abuse or neglect allegation. The bill requires DCF to also disclose records to law enforcement officers investigating an allegation that a (1) person falsely reported suspected child abuse or neglect or (2) mandated reporter failed to report suspected child abuse or neglect.

The law requires DCF to disclose records to the Department of Public Health (DPH) to (1) determine a person's suitability to care for a child in a licensed child-care facility, (2) determine a person's suitability for licensure, or (3) investigate alleged child abuse or neglect involving a licensed child-care facility. The bill requires DCF to disclose records to DPH to notify it when DCF (1) places a DPH-licensed or -certified person on the child abuse registry or (2) has information about such a person who violated a DPH regulation.

The law requires DCF to disclose records to a public school district superintendent or executive director or other head of a public or private child-care institution or private school in response to (1) a mandated reporter's written or oral report of abuse or neglect or (2) the DCF commissioner's reasonable belief that a school employee abused or neglected a student. The bill requires DCF to also disclose records to such entities when it places an employee of the school or institution on the child abuse or neglect registry.

### ***New Disclosure Requirements***

The bill expands the list of entities to whom DCF must disclose its records to include:

1. the Judicial Branch's Court Support Services Division for sharing common case records to track juvenile offenders' recidivism and
2. the Birth-to-Three program's (see BACKGROUND) referral intake office for determining eligibility of, facilitating enrollment for, and providing services to (a) substantiated abuse and neglect

victims with suspected developmental delays and (b) newborns affected by withdrawal symptoms from prenatal drug exposure.

***Permitted Record Disclosures***

The bill expands the circumstances in which DCF may disclose records without the subject's consent to a law enforcement officer or state's attorney to include those in which it has a reasonable cause to believe that a DCF employee is being threatened or harassed or has been assaulted by a client or coworker. The law already allows DCF to disclose such records to a law enforcement officer or state's attorney if there is reasonable cause to believe that a child or youth is being, or is at risk of being, abused or neglected due to a person's suspected criminal activity.

***Record Disclosures to DSS***

The bill conforms the law to DCF's current practice of disclosing records to DSS to promote the health, safety, and welfare of a child or youth receiving services from either department. Current law does not specify that the record disclosures are limited to those of children and youths receiving services from DCF or DSS. The law already requires disclosure to DSS to (1) determine a person's suitability for payment from DSS for providing child care or (2) investigate fraud allegations, if no identifying information about the record's subject is disclosed unless necessary.

**§ 2 — DSS INFORMATION DISCLOSURES**

The law allows DSS to disclose information about individuals who apply for or receive department assistance, or participate in a department program under narrow circumstances. The bill expands those circumstances to include disclosure to DCF about a child receiving DSS services or the child's immediate family if the DCF commissioner requires access to the federal Parent Locator Service (FPLS) to identify a child's parent or putative parent. (The FPLS is a computerized, national network that obtains address and employer information as well as data on child support obligors in every state.) The law requires DSS to make such a disclosure to DCF in order for DCF to target services for the family if the DCF or DSS commissioner

determines that the child's health, safety, or welfare is in imminent danger.

## **§§ 3-5 — TRAFFICKING VICTIMS**

### ***DCF Services***

The bill allows the DCF commissioner to provide:

1. child welfare services for any minor child (under age 18) residing in the state who the department identifies as a trafficking victim (see BACKGROUND) and
2. appropriate services to a minor child in the state who DCF reasonably believes may be a trafficking victim in order to protect the child's welfare.

The bill allows DCF, within available appropriations, to provide training to law enforcement officials about the trafficking of minor children. The training must include:

1. awareness and compliance with the laws and protocols concerning trafficking of minor children;
2. service identification, access, and provision for minor children who are trafficking victims; and
3. any other services the department considers necessary to carry out the bill's provisions regarding child trafficking.

### ***Multidisciplinary Teams***

The bill expands the purposes for which DCF and the appropriate state's attorney may establish multidisciplinary teams to include reviewing cases involving the trafficking of a minor child. The law already allows DCF and a state's attorney to establish such teams to (1) review particular cases or types of cases; (2) coordinate prevention, intervention, and treatment in each judicial district; or (3) review selected child abuse or neglect cases.

### ***"Uncared for" Finding***

The bill broadens the category of children or youths a court may find to be “uncared for” to include a child or youth identified as a trafficking victim. By law, a child or youth may be found “uncared for” if he or she is homeless or if his or her home cannot provide the specialized care that his or her physical, emotional, or mental condition requires.

#### **§ 6 — MANDATED REPORTERS**

The bill expands the mandated reporter list (see BACKGROUND) to include any paid youth camp director or assistant director and any person age 18 or older who is a paid (1) youth athletics coach or director; (2) private youth sports organization, league, or team coach or director; or (3) administrator, faculty, or staff member, athletic coach, director, or trainer employed by a public or private higher education institution, excluding student employees.

#### **§ 7 — INVESTIGATIONS OF ABUSE AND NEGLECT BY CERTAIN EMPLOYEES AND STAFF MEMBERS**

The bill aligns some of the procedural aspects for suspending certain types of employees suspected of child abuse and neglect. The requirements vary depending on whether the employee works for a (1) public school or (2) private school or public or private child care facility or institution.

##### ***Public School Employees***

The bill (1) expands the circumstances in which DCF must provide a school superintendent and the education commissioner the results of an investigation into a report that an employee of the superintendent’s school district abused or neglected a child, (2) narrows the circumstances in which the superintendent must suspend the employee, and (3) broadens the category of school employees who may be suspended to include any school employee, not just those with SBE-issued credentials who take care of children.

The bill requires the DCF commissioner, within five days after investigating a school employee’s alleged child abuse or neglect, to notify the superintendent and the education commissioner of the

investigation's results and provide records to both. Under current law, the DCF commissioner must notify and provide investigation results and records to the superintendent and the commissioner only if she (1) reasonably believes, based on the investigation, that a child has been abused or neglected by a school employee who (a) has been entrusted with the care of a child and (b) holds an SBE-issued certificate, permit, or authorization or (2) has recommended that the employee be placed on the DCF child abuse and neglect registry. She must provide the notice within five days of making such a finding.

Under the bill, the superintendent must suspend the employee if the DCF commissioner (1) reasonably believes, based on the investigation results, that a child has been abused or neglected and (2) recommends that the employee be placed on the child abuse and neglect registry. Under current law, the superintendent must suspend the employee for either reason rather than both.

***Private School and Public and Private Child-Care Facility and Institution Employees***

The bill (1) imposes a deadline by which DCF must report the results of an abuse or neglect investigation of an employee of a private school or a public or private child care facility or institution and (2) eliminates the five-day period in which the school, facility, or institution must, based on the commissioner's findings and recommendations, suspend the staff member.

Under the bill, the DCF commissioner, no more than five days after investigating a report that an employee abused or neglected a child, must report the investigation results to his or her employer or employer's designee. Current law does not require DCF to report its investigation results to the facility, institution, or school unless the commissioner (1) reasonably believes, based on the investigation results, that a child has been abused or neglected by the staff member and (2) recommends that the staff member be placed on the child abuse and neglect registry.

By law, the school, institution, or facility must suspend the staff

person within five days after the commissioner completes her investigation if she (1) reasonably believes, based on the investigation results, that a staff member has abused or neglected a child and (2) recommends the staff member be placed on the child abuse and neglect registry.

## **BACKGROUND**

### ***Birth-to-Three Program***

The Birth-to-Three program is designed to strengthen families' capacities to meet the developmental and health-related needs of their infants and toddlers who have developmental delays or disabilities. Eligible families work with service providers to develop Individualized Family Services Plans, with services starting within 45 days of the plan's completion. The plans are reviewed at least once every six months and rewritten at least annually.

The Department of Developmental Services is the state's lead agency for the Birth-to-Three program, but families may get referrals from it to other state agencies' programs, depending on the number and type of disabilities a child has.

### ***Mandated Reporters***

Mandated reporters are:

1. licensed physicians or surgeons, resident physicians or interns working in Connecticut hospitals, registered or licensed practical nurses, and mental health professionals or physician assistants;
2. medical examiners;
3. dentists and dental hygienists;
4. psychologists;
5. school employees;
6. social workers;
7. police officers;

8. juvenile and adult probation and parole officers;
9. clergy members;
10. pharmacists;
11. physical therapists;
12. optometrists, chiropractors, and podiatrists;
13. licensed or certified emergency medical services providers;
14. licensed or certified alcohol and drug counselors, licensed marital or family therapists, licensed professional counselors, and sexual assault and domestic violence counselors;
15. licensed foster parents;
16. people paid to care for children in a public or private facility, child day care center, group day care center, group day care home, or family day care home licensed by the state;
17. DCF employees;
18. DPH employees responsible for licensing child day care centers, group day care homes, family day care homes, or youth camps;
19. the child advocate and her employees; and
20. Judicial Branch employees working as family relations counselors, counselor trainees, and family services supervisors (CGS § 17a-101).

***Trafficking***

By law, “trafficking” means all acts involved in recruiting, abducting, transporting, harboring, transferring, selling, or receiving people, within national or across international borders, through force, coercion, fraud, or deception, to place them in (1) slavery or slavery-like conditions; (2) forced labor or services, such as forced prostitution or sexual services; (3) domestic servitude; (4) bonded sweatshop labor;

or (5) other debt bondage (CGS § 46a-170).

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 8 Nay 4 (03/11/2014)

Education Committee

Joint Favorable

Yea 27 Nay 1 (04/02/2014)

Judiciary Committee

Joint Favorable

Yea 26 Nay 14 (04/14/2014)