



# House of Representatives

General Assembly

**File No. 552**

February Session, 2014

House Bill No. 5569

*House of Representatives, April 15, 2014*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT ESTABLISHING A CHILD NURSERY FACILITY AT THE CONNECTICUT CORRECTIONAL INSTITUTION, NIAN TIC.***

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

1 Section 1. Section 18-69 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 The Commissioner of Correction may adopt regulations, in  
4 accordance with chapter 54, after consultation with the warden of the  
5 Connecticut Correctional Institution, Niantic, [subject to the approval  
6 of the commissioner, shall establish regulations in cooperation with]  
7 and the Department of Children and Families, to provide for the  
8 [placing of children] placement of infants born to inmates of the  
9 Connecticut Correctional Institution, Niantic, in order that an infant  
10 shall not be maintained at said institution beyond (1) the planning  
11 period for placement which [is not to] shall not exceed sixty calendar  
12 days, or (2) a period not to exceed eighteen months as provided in  
13 section 3 of this act, if applicable. [In any instance where] If the mother  
14 of the infant objects in writing to the warden of said institution as to

15 such placement, the Department of Children and Families shall  
16 provide for an administrative review of the placement action.

17 Sec. 2. Section 18-69a of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective July 1, 2014*):

19 The Commissioner of Correction may adopt regulations, in  
20 accordance with chapter 54, after consultation with the warden of the  
21 Connecticut Correctional Institution, Niantic, and the Department of  
22 Children and Families, subject to the same conditions as provided in  
23 section 18-69, as amended by this act, [shall establish regulations in  
24 cooperation with the Department of Children and Families for the  
25 placing of children] and the provisions of section 3 of this act, to  
26 provide for the placement of infants born to women who are being  
27 detained at the Connecticut Correctional Institution, Niantic, while  
28 awaiting disposition of pending charges, or [have been] while  
29 committed to the Commissioner of Correction for a term of [one year]  
30 eighteen months or less, with respect to any period during which such  
31 infant is not placed in the nursery facility at the Connecticut  
32 Correctional Institution, Niantic, pursuant to section 3 of this act, in  
33 order that [an] such infant may be placed directly from the facility  
34 where such infant was delivered.

35 Sec. 3. (NEW) (*Effective July 1, 2014*) The Commissioner of  
36 Correction shall establish, within available appropriations, a nursery  
37 facility at the Connecticut Correctional Institution, Niantic, for the  
38 placement of infants born to women who are being detained at the  
39 Connecticut Correctional Institution, Niantic, while awaiting  
40 disposition of pending charges, or while committed to the  
41 Commissioner of Correction for a term of eighteen months or less, in  
42 order that such infant may be placed at the institution where such  
43 infant was delivered. The commissioner may establish eligibility  
44 criteria for placement of an infant in the nursery facility, which may  
45 include, but need not be limited to, criteria that limit eligibility to  
46 mothers who comply with any program, education, counseling or  
47 other participation requirements established by the commissioner.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2014</i>	18-69
Sec. 2	<i>July 1, 2014</i>	18-69a
Sec. 3	<i>July 1, 2014</i>	New section

**JUD**      *Joint Favorable*

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 15 \$	FY 16 \$
Correction, Dept.	GF - Cost	2.2 million - 10.6 million	1.6 million - 3.5 million
Children & Families, Dept.	GF - Savings	approx. 75,059 - 121,971	approx. 75,059 - 121,971

**Municipal Impact:** None

**Explanation**

The bill would result in a cost ranging from \$2.2 million to \$10.6 million in FY 14 and between \$1.6 million and \$3.5 million in FY 15 and annually thereafter by requiring the Department of Correction to establish a nursery at York Correctional Institute. The costs include the renovation or construction of buildings, start-up costs, and annual staffing and expenses. The total fiscal impact to the state would be determined by the final design, capacity and implementation of the project.

The bill results in a savings to the Department of Children and Families (DCF) of approximately \$75,059 to \$121,971 annually. Savings reflect 8 to 13 babies born at the Connecticut Correctional Institution in Niantic that would have been placed into DCF foster care<sup>1</sup> but who, instead, will be cared for at a newly established nursery under the bill. The average monthly subsidy for foster parents in FY 14 (through 2/28/14) is \$781.87 for infants and children through the

<sup>1</sup>In 2012, 22 babies were born Connecticut Correctional Institution in Niantic and 13 of those babies entered foster care. In 2013, 21 babies were born and eight entered foster care.

age of five. The savings of approximately \$75,059 to \$121,971 annually reflect monthly subsidy savings and do not include additional savings associated with support services for foster children and foster families. Support services provided by DCF include daycare payments, Caregiver Support Teams and behavioral health services. To the extent that these supports would have been utilized by the foster parents of these infants, additional savings to DCF will be realized. The average monthly cost for daycare for foster children is approximately \$583 in FY 14.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation. .

*Sources: Department of Correction Nursery Feasibility Report January 2013*

**OLR Bill Analysis****HB 5569*****AN ACT ESTABLISHING A CHILD NURSERY FACILITY AT THE CONNECTICUT CORRECTIONAL INSTITUTION, NIAN TIC.*****SUMMARY:**

This bill requires the Department of Correction (DOC) commissioner, within available appropriations, to establish a nursery at the state's prison facility for women in Niantic (in practice, called the York Correctional Institution). Under the bill, the nursery would allow an infant born to a woman incarcerated at York to be placed at the institution where he or she was delivered (presumably York, although DOC directives require scheduling births in hospitals, not DOC facilities) if the mother is awaiting trial or has been sentenced to up to 18 months in prison.

The bill allows the DOC commissioner to set requirements for infant placement in the nursery, including limiting eligibility to mothers who comply with program, education, counseling, and other requirements.

Current law requires the York facility's warden, with the DOC commissioner's approval, to adopt regulations in cooperation with the Department of Children and Families (DCF) for (1) DCF placement of an infant within 60 days and (2) direct placement from the delivery institution of an infant born to an inmate awaiting trial or sentenced to up to one year in prison. The bill alternatively allows an infant to stay in the prison nursery for up to 18 months before DCF placement and instead allows the DOC commissioner to adopt the regulations in consultation with the warden and DCF.

EFFECTIVE DATE: July 1, 2014

**BACKGROUND**

**DOC Administrative Directive 8.12**

Under this directive, inmates are scheduled to give birth at Lawrence and Memorial Hospital or another designated hospital. The newborn is placed according to a plan developed by Lawrence and Memorial Hospital's social network professionals and DCF.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 33 Nay 4 (03/28/2014)