



Senate

General Assembly

File No. 25

February Session, 2014

Substitute Senate Bill No. 43

Senate, March 18, 2014

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES STATUTES.

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

1 Section 1. Subsection (d) of section 17a-11 of the 2014 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2014*):

4 (d) (1) Ten months after admitting a child or youth on a voluntary
5 basis and annually thereafter if the child or youth remains in the
6 custody of the commissioner and remains placed in a foster home
7 licensed pursuant to section 17a-114 or a facility licensed pursuant to
8 section 17a-145, the commissioner shall file a motion for review of a
9 permanency plan. A hearing on such motion shall be held not later
10 than thirty days after the filing of such motion. The court shall provide
11 notice to the child or youth and such child's or youth's parent or
12 guardian of the time and place of the hearing on such motion not less
13 than ten days prior to the date of such hearing.

14 (2) At a permanency hearing held in accordance with the provisions
15 of subdivision (1) of this subsection, the court shall approve a
16 permanency plan that is in the best interests of the child or youth and
17 takes into consideration the child's or youth's need for permanency.
18 The health and safety of the child or youth shall be of paramount
19 concern in formulating such plan. At such hearing, the court shall
20 consider among other things: (A) The appropriateness of the
21 department's plan for service to the child or youth and his or her
22 family; (B) the treatment and support services that have been offered
23 and provided to the child or youth to strengthen and reunite the
24 family; (C) if return home is not likely for the child or youth, the efforts
25 that have been made or should be made to evaluate and plan for other
26 modes of care; and (D) any further efforts [which] that have been or
27 will be made to promote the best interests of the child or youth.

28 (3) The permanency plan pursuant to subdivision (2) of this
29 subsection may include the goal of (A) placement of the child or youth
30 with the parent or guardian, (B) transfer of guardianship, (C) long-
31 term foster care with a relative licensed as a foster parent, [or certified
32 as a relative caregiver,] (D) termination of parental rights and
33 adoption, or (E) such other planned permanent living arrangement
34 ordered by the court provided the commissioner has documented a
35 compelling reason why it would not be in the best interest of the child
36 or youth for the permanency plan to include the goals in
37 subparagraphs (A) to (D), inclusive, of this subdivision. Such other
38 planned permanent living arrangement may include, but not be
39 limited to, placement of a child or youth in an independent living
40 program or long-term foster care with an identified foster parent.

41 (4) At a permanency hearing, the court shall review the status of the
42 child or youth and the progress being made to implement the
43 permanency plan, determine a timetable for attaining the permanency
44 prescribed by the plan and determine whether the commissioner has
45 made reasonable efforts to achieve the permanency plan. At the
46 conclusion of the hearing, the court may: (A) Direct that the services
47 being provided, or the placement of the child or youth and

48 reunification efforts, be continued if the court, after hearing,
49 determines that continuation of the child or youth in services or
50 placement is in the child's or youth's best interests, or (B) direct that the
51 child's or youth's services or placement be modified to reflect the
52 child's or youth's best interest.

53 Sec. 2. Subdivision (13) of section 17a-93 of the 2014 supplement to
54 the general statutes is repealed and the following is substituted in lieu
55 thereof (*Effective October 1, 2014*):

56 (13) "Foster family" means a person or persons, licensed [or
57 certified] by the Department of Children and Families or approved by
58 a licensed child-placing agency, for the care of a child or children in a
59 private home;

60 Sec. 3. Subsection (c) of section 17a-111b of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective*
62 *October 1, 2014*):

63 (c) If the court determines that such efforts are not required, the
64 court shall, at such hearing or at a hearing held not later than thirty
65 days after such determination, approve a permanency plan for such
66 child. The plan may include (1) adoption and a requirement that the
67 commissioner file a petition to terminate parental rights, (2) long-term
68 foster care with a relative licensed as a foster parent, [or certified as a
69 relative caregiver,] (3) transfer of guardianship, or (4) such other
70 planned permanent living arrangement as may be ordered by the
71 court, provided the commissioner has documented a compelling
72 reason why it would not be in the best interests of the child for the
73 permanency plan to include one of the options set forth in subdivisions
74 (1) to (3), inclusive, of this subsection. The child's health and safety
75 shall be of paramount concern in formulating such plan.

76 Sec. 4. Section 17a-114a of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2014*):

78 A person licensed [or certified] pursuant to section 17a-114 shall be

79 liable for any act or omission resulting in personal injury to a child
80 placed in his care by the Commissioner of Children and Families to the
81 same extent as a biological parent is liable for any act or omission
82 resulting in personal injury to a biological child in his care.

83 Sec. 5. (NEW) (*Effective October 1, 2014*) (a) The Commissioner of
84 Children and Families may, within available appropriations, provide
85 funds to a foster family, as defined in subdivision (13) of section 17a-93
86 of the general statutes, as amended by this act, or prospective adoptive
87 family, as defined in subdivision (14) of said section, who is or will be
88 caring for a foster child with physical disabilities, as defined in section
89 1-1f of the general statutes, for the purpose of modifying the foster
90 family's or prospective adoptive family's principal residence to safely
91 accommodate such child. The type of modification and the amount of
92 the funds to be provided shall be determined by the commissioner or
93 the commissioner's designee. The commissioner or the commissioner's
94 designee shall take into consideration any available income and
95 resources of the foster family or prospective adoptive family when
96 determining the modification and the amount of the funds to be
97 provided and may, at any time, modify, suspend or discontinue the
98 provision of such funds.

99 (b) The foster family or prospective adoptive family shall repay fifty
100 per cent of the funds provided pursuant to subsection (a) of this
101 section, except (1) if such child resides in the residence for one year,
102 such family shall repay forty per cent of such funds, and (2) if the child
103 resides in the residence for two years, such family shall repay thirty
104 per cent of such funds, and (3) if the child resides in the residence for
105 three years, such family shall repay twenty per cent of such funds, and
106 (4) if the child resides in the residence for four years, such family shall
107 repay ten per cent of such funds, and (5) if the child resides in the
108 residence for five or more years, such family shall not repay such
109 funds. The calculation of the annual repayment reduction shall
110 commence from the date of the final provision of funds to the foster
111 family or prospective adoptive family. The schedule for repayment of
112 such funds shall be prescribed by the commissioner or the

113 commissioner's designee.

114 (c) The commissioner or the commissioner's designee may place a
115 lien against the residence for which the funds are provided to secure
116 the claim of the state for an amount equal to fifty per cent of the funds
117 provided by the commissioner or the commissioner's designee minus
118 any annual repayment reduction calculated pursuant to subsection (b)
119 of this section. Such lien shall have priority over all other unsecured
120 claims and unrecorded encumbrances. Such lien may be released by
121 the commissioner or the commissioner's designee at his or her
122 discretion.

123 (d) The Attorney General shall collect any claim the state may have
124 under this section against the foster family or prospective adoptive
125 family, and any amount recovered shall be paid to the State Treasurer,
126 to be deposited in the General Fund. The statute of limitations shall not
127 apply to any action for such collection.

128 Sec. 6. Subdivision (10) of subsection (g) of section 17a-28 of the 2014
129 supplement to the general statutes is repealed and the following is
130 substituted in lieu thereof (*Effective from passage*):

131 (10) The Governor, when requested in writing in the course of the
132 Governor's official functions, the Legislative Program Review and
133 Investigations Committee, the joint standing committee of the General
134 Assembly having cognizance of matters relating to human services, the
135 joint standing committee of the General Assembly having cognizance
136 of matters relating to the judiciary or the [select] joint standing
137 committee of the General Assembly having cognizance of matters
138 relating to children, when requested in writing in the course of said
139 committee's official functions, and upon a majority vote of said
140 committee, provided no name or other identifying information is
141 disclosed unless such information is essential to the gubernatorial or
142 legislative purpose;

143 Sec. 7. Section 17a-106e of the 2014 supplement to the general
144 statutes is repealed and the following is substituted in lieu thereof

145 (Effective from passage):

146 (a) (1) On and after October 1, 2013, the Department of Children and
147 Families shall, within available appropriations, ensure that each child
148 thirty-six months of age or younger who has been substantiated as a
149 victim of abuse or neglect is screened for both developmental and
150 social-emotional delays using validated assessment tools such as the
151 Ages and Stages and the Ages and Stages-Social/Emotional
152 Questionnaires, or their equivalents. The department shall ensure that
153 such screenings are administered to any such child twice annually,
154 unless such child has been found to be eligible for the birth-to-three
155 program, established under section 17a-248b.

156 (2) On and after July 1, 2015, the department shall ensure that each
157 child thirty-six months of age or younger who is being served through
158 the department's [differential] family assessment response program,
159 established under section 17a-101g, is screened for both developmental
160 and social-emotional delays using validated assessment tools such as
161 the Ages and Stages and the Ages and Stages-Social/Emotional
162 Questionnaires, or their equivalents, unless such child has been found
163 to be eligible for the birth-to-three program.

164 (b) The department shall refer any child exhibiting developmental
165 or social-emotional delays pursuant to such screenings to the birth-to-
166 three program. The department shall refer any child who is not found
167 eligible for services under the birth-to-three program to the Help Me
168 Grow prevention program of the Children's Trust Fund or a similar
169 program [which] that the department deems appropriate.

170 (c) Not later than July 1, 2014, and annually thereafter, the
171 department shall submit, in accordance with the provisions of section
172 11-4a, a report to the joint standing committee of the General Assembly
173 having cognizance of matters relating to children for inclusion in the
174 annual report card prepared pursuant to section 2-53m on the status of
175 the screening and referral program authorized pursuant to subsection
176 (a) of this section. Such report shall include: (1) The number of children
177 thirty-six months of age or younger within the state who have been

178 substantiated as victims of abuse or neglect within the preceding
 179 twelve months; (2) the number of children thirty-six months of age or
 180 younger within the state who have been served through the
 181 department's [differential] family assessment response program within
 182 the preceding twelve months; (3) the number of children who were
 183 screened for developmental and social-emotional delays pursuant to
 184 subsection (a) of this section by the department or by a provider
 185 contracted by the department within the preceding twelve months; (4)
 186 the number of children in subdivisions (1) and (2) of this subsection
 187 referred for evaluation under the birth-to-three program within the
 188 preceding twelve months, the number of such children actually
 189 evaluated under such program, the number of such children found
 190 eligible for services under such program and the services for which
 191 such children were found eligible under such program; and (5) the
 192 number of children described in subdivisions (1) and (2) of this
 193 subsection receiving evidence-based developmental support services
 194 through the birth-to-three program or through a provider contracted
 195 by the department within the preceding twelve months.

196 Sec. 8. Section 17a-63a of the general statutes is repealed. (*Effective*
 197 *October 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	17a-11(d)
Sec. 2	<i>October 1, 2014</i>	17a-93(13)
Sec. 3	<i>October 1, 2014</i>	17a-111b(c)
Sec. 4	<i>October 1, 2014</i>	17a-114a
Sec. 5	<i>October 1, 2014</i>	New section
Sec. 6	<i>from passage</i>	17a-28(g)(10)
Sec. 7	<i>from passage</i>	17a-106e
Sec. 8	<i>October 1, 2014</i>	Repealer section

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 15 \$	FY 16 \$
Attorney General	GF - Potential Cost	less than 10,000	less than 10,000
Children & Families, Dept.	GF - Potential Revenue Gain	less than \$170,000	less than \$170,000

Municipal Impact: None

Explanation

The bill results in a potential General Fund revenue gain of less than \$170,000 and a potential cost to the Office of the Attorney General of less than \$10,000 annually for non-personnel litigation expenses related to the collection of claims. It requires foster families or prospective adoptive families to repay up to 50% of the funds provided to them by the Department of Children and Families (DCF) to modify the family's principal residence to safely accommodate a foster child with physical disabilities. Under the bill, the family does not repay the funds if the child stays in the home for five years or more. Otherwise, the family must repay the State based on how many years the child stays in the home.¹ The average cost of a home modification in FY 13 was \$53,000 and the average number of such modifications done each year is six. Based on FY 13 usage, the maximum that the State could recoup is approximately \$169,000 annually, or less than \$170,000 annually, in General Fund revenue.

¹If the child stays in the home less than one year = 50%, one year = 40%, two years = 30%, three years = 30% and four years = 10%. The annual repayment reduction will be calculated starting from the last date the Department provided funds to the family.

The bill allows DCF to place a lien against the family's home for up to 50% of the funds the Department provides minus any applicable annual repayment reduction.² It requires the Office of the Attorney General to collect any claim the State has under the bill against the family, resulting in a potential cost of less than \$10,000 annually to the Office of the Attorney General related to collecting claims against foster families or prospective adoptive families.³

There is no fiscal impact to DCF from eliminating statutory references to certified relative caregivers as no such placements currently exist. Similarly, there is no fiscal impact to DCF from the elimination of a reporting requirement under CGS Sec. 17a-63a and from clarifying references to DCF's differential response program, changed to "family assessment" response program under the bill.

The Out Years

The fiscal impact identified above would continue into the future subject to the number of home modifications funded by DCF, the length of time a child remains in a modified home and whether or not the Office of the Attorney General must seek the collection of claims against foster families or prospective adoptive families.

²The bill gives the lien priority over all other unsecured claims and unrecorded encumbrances on the home. DCF may release the lien at its discretion.

³The bill exempts such a collection action from the statute of limitations.

OLR Bill Analysis**sSB 43*****AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES STATUTES.*****SUMMARY:**

This bill allows the Department of Children and Families (DCF), within available appropriations, to provide funds to foster or prospective adoptive families to make home modifications to safely accommodate a foster child with physical disabilities. If a child remains in the home for five years or more after DCF provides the money, there is no repayment requirement, but if the child remains for less than five years, the bill (1) requires the family to repay up to 50% of the funds and (2) allows DCF to place a lien for up to 50% of the funds against the family's home and requires the attorney general to collect on the lien. (The maximum repayment and lien amounts drop by 10% for each year up to five the child remains in the home.)

The bill also:

1. eliminates requirements that DCF measure and report on private provider outcomes,
2. eliminates references to "certified relative caregivers" to conform with current practice, and
3. makes other minor and technical changes.

EFFECTIVE DATE: October 1, 2014, except for two sections that make minor technical changes, which are effective upon passage.

§ 5 – HOME MODIFICATION FUNDS FOR FOSTER AND PROSPECTIVE ADOPTIVE FAMILIES

The bill allows DCF, within available appropriations, to provide funds to a foster or prospective adoptive family to modify the family's

principal residence to safely accommodate a foster child with physical disabilities. The commissioner or her designee must determine the type of modification and amount of funds to provide, taking into account any available income and resources the family has at the time. DCF may modify, suspend, or discontinue the funds at any time.

Repayment of Funds

Under the bill, the family does not have to repay the funds if the child stays in the home for five years or more. Otherwise, it must repay an annually decreasing share as follows:

1. less than one year, 50%;
2. one year, 40%;
3. two years, 30%;
4. three years, 20%; and
5. four years, 10%.

The annual repayment reduction must be calculated starting from the last date the department provided funds to the family.

Lien Placement

The bill allows DCF to place a lien against the family's home for up to 50% of the funds the department provides minus any applicable annual repayment reduction. The bill gives the lien priority over all other unsecured claims and unrecorded encumbrances on the home. DCF may release the lien at its discretion.

The bill requires the attorney general to collect any claim the state has under the bill against the family, and requires him to pay the amount recovered to the state treasurer for deposit in the General Fund. The bill exempts such a collection action from the statute of limitations.

§ 8 – MEASUREMENT OF PROVIDER OUTCOMES

The bill eliminates requirements that DCF:

1. determine measurable outcomes for each type of service a private provider provides under its contract with the department;
2. incorporate the outcomes into the provider contract;
3. include outcome achievement and other quality indicators in annual evaluations of each provider; and
4. report annually to the Human Services committee its progress in implementing such steps.

§§ 1 – 4 CERTIFIED RELATIVE CAREGIVERS

The bill conforms the law to current DCF practice by eliminating references to certified relative caregivers. DCF stopped certifying relative caregivers approximately 10 years ago when the federal government began requiring all caregivers to be licensed in order to be eligible for federal Title IV-E (foster care and adoption services) reimbursement.

§ 7 – FAMILY ASSESSMENT RESPONSE PROGRAM

The bill replaces obsolete references to the “differential response” program with the “family assessment response” program. PA 13-54 renamed the DCF differential response program the family assessment response program. Under this program, when DCF receives a report of child abuse or neglect, it can make referrals to appropriate community providers for family assessment and services either when it decides not to investigate a case that it classifies as presenting a lower safety risk or, if it decides to investigate, at any time during the investigation.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 8 Nay 4 (03/04/2014)