

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-186—sHB 5040
Committee on Children
Education Committee
Judiciary Committee

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN

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

1. disclosing names and records to investigate or prosecute a person for falsely reporting child abuse and neglect,
2. disclosing records to investigate or prosecute a mandated reporter for failing to report suspected child abuse or neglect,
3. determining a person's suitability for working in a state-licensed child care facility,
4. placing a public school employee on the child abuse and neglect registry, and
5. protecting a DCF employee being threatened by a client or coworker.

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

The act also requires DCF to disclose information to help the (1) Judicial Branch track juvenile offender recidivism and (2) Birth-to-Three program provide services.

The act expands the actions DCF can take to help children it identifies as 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.

The act expands the mandated reporter list to include youth camp directors, among others. Additionally, it changes the procedures for suspending certain types of employees suspected of child abuse and neglect. It:

1. expands the circumstances in which DCF must report the results of an investigation of alleged employee abuse or neglect to a school superintendent and the education commissioner;
2. narrows the circumstances in which the superintendent must suspend the employee;
3. broadens the category of public school employees who may be suspended to include any school employee, not just those with State Board of

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- Education (SBE)-issued credentials who care for children; and
4. makes changes to the timeline in which such investigations and suspensions must take place at (a) private schools and (b) public and private child-care facilities and institutions.

EFFECTIVE DATE: October 1, 2014

§ 1 — DCF NAME AND RECORD DISCLOSURE

Expanded Circumstances for Disclosing Names

The act expands grounds under which DCF must report to a law enforcement officer or state's attorney the name of someone who (1) reports suspected child abuse or neglect or (2) 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 prosecuting such matters. The act 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 such an allegation.

Expanded Circumstances for Disclosing Records

The act 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 law enforcement officers and the chief state's attorney, or his designee, when they are investigating or prosecuting, as appropriate, a child abuse or neglect allegation. The act requires DCF to also disclose records to them when they are 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.

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 DPH licensure, or (3) investigate alleged child abuse or neglect involving a licensed child-care facility. The act requires DCF to also disclose records to DPH 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 act 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 act expands the list of entities to whom DCF must disclose its records to include:

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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 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 (see BACKGROUND).

Authorized Record Disclosures

The act allows DCF to disclose records without the subject's consent to a law enforcement officer or state's attorney when it has 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 act 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. Prior law did not specify that the record disclosures were limited to those of children and youths receiving services from DCF or DSS. The law, unchanged by the act, 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

Prior law allowed DSS, under narrow circumstances, to disclose information about people who apply for or receive department assistance or participate in a department program. The act 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 people who owe child support 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 act allows the DCF commissioner to provide:

1. child welfare services for any minor child (under age 18) residing in the

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state who the department identifies as a trafficking victim (see BACKGROUND) and

2. appropriate services to a minor child residing in the state who DCF reasonably believes may be a trafficking victim.

The act also 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 DCF considers necessary to carry out the act's provisions regarding child trafficking and the law's provisions regarding multidisciplinary teams.

Multidisciplinary Teams

The act 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 act 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 (see BACKGROUND).

§ 6 — MANDATED REPORTERS

The act expands the mandated reporter list 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.

It also adds to the list anyone age 18 or older who coaches intramural or interscholastic athletics and holds or is issued an SBE coaching permit. (In practice, most of these individuals are school employees and, as such, are already mandated reporters.)

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

The act changes some of the procedural aspects for suspending certain types of employees suspected of child abuse and neglect. The requirements vary

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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 act requires the DCF commissioner, within five days after investigating any 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 prior law, the DCF commissioner had to notify and provide investigation results and records to the superintendent and the commissioner if she (1) reasonably believed, based on the investigation, that the employee had abused or neglected a child and (2) recommended that the employee be placed on the DCF child abuse and neglect registry. She had to provide the notice within five days of making such a finding. Prior law applied only if the employee was entrusted with the care of a child and held an SBE-issued certificate, permit, or authorization.

Under prior law, the superintendent had to suspend the employee if the DCF commissioner (1) reasonably believed, based on the investigation results, that a child had been abused or neglected or (2) recommended that the employee be placed on the child abuse and neglect registry. Under the act, the superintendent must suspend the employee only if both circumstances are met.

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

The act (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 act, the DCF commissioner, within 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. Prior law did not require DCF to report its investigation results to the facility, institution, or school unless the commissioner (1) reasonably believed, based on the investigation results, that a child had been abused or neglected by the staff member and (2) recommended 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

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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

By law, mandated reporters include:

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).

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Uncared For

By law, a child or youth may be found to be “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 (CGS § 46b-120).

When a court finds that a child is uncared for, it may:

1. commit the child to DCF,
2. vest the child’s legal guardianship in a private or public agency permitted to care for abused children or another person the court finds suitable and worthy, or
3. place the child in the custody of a parent or guardians with DCF protective supervision (CGS § 46b-129).

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