



House Bill No. 5289

Public Act No. 16-149

AN ACT CONCERNING PROTECTIVE SERVICES FOR VULNERABLE PERSONS.

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

Section 1. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section:

(1) "Administration for Community Living" or "ACL" means the organization created by the United States Department of Health and Human Services to facilitate the independence, well-being and health of adults sixty years of age and older, persons with disabilities of all ages and their families and caregivers.

(2) "National Adult Maltreatment Reporting System" means the national data reporting and collection system designed to provide consistent, accurate national data on the exploitation and abuse of adults sixty years of age and older and adults with disabilities, as reported to state adult protective services departments nationwide.

(3) "Voluntary Consensus Guidelines for State Adult Protective Services" means national guidelines developed by the ACL that state adult protective services departments may adopt to respond to reports of abuse, neglect, exploitation or abandonment.

House Bill No. 5289

(b) The Commissioner of Social Services shall develop a strategic plan to (1) incorporate the ACL's Voluntary Consensus Guidelines for State Adult Protective Services into protective services for adults sixty years of age and older offered in the state, and (2) align state data collection with the National Adult Maltreatment Reporting System. Not later than July 1, 2017, the Commissioner of Social Services shall submit the plan, that shall include, but need not be limited to, recommendations for changes in state law, to the joint standing committees of the General Assembly having cognizance of matters relating to aging and human services.

Sec. 2. Section 17b-451 of the 2016 supplement to the general statutes is amended by adding subsection (g) as follows (*Effective July 1, 2016*):

(NEW) (g) The Commissioner of Social Services shall develop an educational training program to promote and encourage the accurate and prompt identification and reporting of abuse, neglect, exploitation and abandonment of elderly persons. Such training program shall be made available on the Internet web site of the Department of Social Services to mandated reporters and other interested persons. The commissioner shall also make such training available in person or otherwise at various times and locations throughout the state as determined by the commissioner.

Sec. 3. Subsection (a) of section 17b-452 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) The commissioner, upon receiving a report that an elderly person allegedly is being, or has been, abused, neglected, exploited or abandoned, or is in need of protective services, shall investigate the report to determine the condition of the elderly person and what action and services, if any, are required. The investigation shall include (1) an in-person visit to the named elderly person, (2) consultation with

House Bill No. 5289

those individuals having knowledge of the facts of the particular case, and (3) an interview with the elderly person alone unless (A) the elderly person refuses to consent to such interview, or (B) the commissioner determines that such interview is not in the best interests of the elderly person. If the commissioner determines that a caregiver is interfering with the commissioner's ability to conduct an interview alone with the elderly person, the commissioner may bring an action in the Superior Court or Probate Court seeking an order enjoining such caregiver from interfering with the commissioner's ability to conduct an interview alone with the elderly person. In investigating a report under this subsection, the commissioner may subpoena witnesses, take testimony under oath and compel the production of any necessary and relevant documents necessary to investigate the allegations of abuse, neglect, exploitation or abandonment. The commissioner may request the Attorney General to petition the Superior Court for such order as may be appropriate to enforce the provisions of this section. Upon completion of the investigation, the commissioner shall prepare written findings that shall include recommended action and a determination of whether protective services are needed. Not later than forty-five days after completion of the investigation, the commissioner shall disclose, in general terms, the result of the investigation to the person or persons who reported the suspected abuse, neglect, exploitation or abandonment, provided: (i) The person who made such report is legally mandated to make such report, (ii) the information is not otherwise privileged or confidential under state or federal law, (iii) the names of the witnesses or other persons interviewed are kept confidential, and (iv) the names of the person or persons suspected to be responsible for the abuse, neglect, exploitation or abandonment are not disclosed unless such person or persons have been arrested as a result of the investigation.

Sec. 4. Subsection (g) of section 17a-412 of the 2016 supplement to

House Bill No. 5289

the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(g) The person filing a report or complaint pursuant to the provisions of this section shall be notified, in general terms, of the findings of any investigation conducted by the Commissioner of Social Services [upon request.] not later than forty-five days after completion of the investigation, provided: (1) The person who made such report was legally mandated to make such report, (2) the information is not otherwise privileged or confidential under state or federal law, (3) the names of the witnesses or other persons interviewed are kept confidential, and (4) the names of the person or persons suspected to be responsible for the abuse, neglect, exploitation or abandonment are not disclosed unless such person or persons have been arrested as a result of the investigation.

Sec. 5. (*Effective July 1, 2016*) The Commission on Aging shall complete a comprehensive evaluation of the state's protective services system for elderly persons and make recommendations concerning whether the state should adopt a protective services system serving persons eighteen years of age and older. The evaluation shall include: (1) An overview of the current protective services structure in the state; (2) identification of any gaps within the current system; (3) if recommended, a description of the need for a protective services system for persons eighteen years of age and older; (4) a description of protective services models in other states; and (5) overall capacity of the current system to meet present and future needs. The legislative Commission on Aging shall report its findings to the joint standing committees of the General Assembly having cognizance of matters relating to aging and human services not later than October 1, 2017.

Approved June 10, 2016