



Substitute Senate Bill No. 895

Public Act No. 17-92

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' STANDARDS AND REPORTING REQUIREMENTS.

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

Section 1. Section 17a-101g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) Upon receiving a report of child abuse or neglect, as provided in sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which the alleged perpetrator is (1) a person responsible for such child's health, welfare or care, (2) a person given access to such child by such responsible person, or (3) a person entrusted with the care of a child, the Commissioner of Children and Families, or the commissioner's designee, shall cause the report to be classified and evaluated immediately. If the report contains sufficient information to warrant an investigation, the commissioner shall make the commissioner's best efforts to commence an investigation of a report concerning an imminent risk of physical harm to a child or other emergency within two hours of receipt of the report and shall commence an investigation of all other reports within seventy-two hours of receipt of the report. A report classified by the commissioner, or the commissioner's designee, as lower risk may be referred for family assessment and services pursuant to subsection (g) of this section. Any such report may

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thereafter be referred for standard child protective services if safety concerns for the child become evident. A report referred for standard child protective services may be referred for family assessment and services at any time if the department determines there is a lower risk to the child. If the alleged perpetrator is a school employee, as defined in section 53a-65, or is employed by an institution or facility licensed or approved by the state to provide care for children, the department shall notify the Department of Education or the state agency that has issued such license or approval to the institution or facility of the report and the commencement of an investigation by the Commissioner of Children and Families. The department shall complete any such investigation not later than forty-five calendar days after the date of receipt of the report. If the report is a report of child abuse or neglect in which the alleged perpetrator is not a person specified in subdivision (1), (2) or (3) of this subsection, the Commissioner of Children and Families shall refer the report to the appropriate local law enforcement authority for the town in which the child resides or in which the alleged abuse or neglect occurred.

(b) [The investigation] The Commissioner of Children and Families shall establish protocols for the investigation of and response to reports of child abuse or neglect of children from birth to three years of age. Such protocols shall include, but need not be limited to, (1) appropriate supervision of the case, (2) appropriate visitation by department personnel to such children, (3) documentation of case activities relevant to the safety and well-being of such children, and (4) a case supervision tool specific to the unique needs and risk status of children from birth to three years of age. All investigations of a report of child abuse or neglect pursuant to this section shall include a home visit at which the child and any siblings are observed, if appropriate, a determination of the nature, extent and cause or causes of the reported abuse or neglect, a determination of the person or persons suspected to be responsible for such abuse or neglect, the name, age and condition

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of other children residing in the same household and an evaluation of the parents and the home. The report of such investigation shall be in writing. The investigation shall also include, but not be limited to, a review of criminal conviction information concerning the person or persons alleged to be responsible for such abuse or neglect and previous allegations of abuse or neglect relating to the child or other children residing in the household or relating to family violence. After an investigation into a report of abuse or neglect has been completed, the commissioner shall determine, based upon a standard of reasonable cause, whether a child has been abused or neglected, as defined in section 46b-120. If the commissioner determines that abuse or neglect has occurred, the commissioner shall also determine whether: [(1)] (A) There is an identifiable person responsible for such abuse or neglect; and [(2)] (B) such identifiable person poses a risk to the health, safety or well-being of children and should be recommended by the commissioner for placement on the child abuse and neglect registry established pursuant to section 17a-101k. If the commissioner has made the determinations in [subdivisions (1) and (2)] subparagraphs (A) and (B) of this subsection, the commissioner shall issue notice of a recommended finding to the person suspected to be responsible for such abuse or neglect in accordance with section 17a-101k.

(c) Except as provided in subsection (d) of this section, no entry of the recommended finding shall be made on the child abuse or neglect registry and no information concerning the finding shall be disclosed by the commissioner pursuant to a check of the child abuse or neglect registry or request for information by a public or private entity for employment, licensure, or reimbursement for child care purposes pursuant to programs administered by the Department of Social Services or pursuant to any other general statute that requires a check of the child abuse or neglect registry until the exhaustion or waiver of all administrative appeals available to the person suspected to be

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responsible for the abuse or neglect, as provided in section 17a-101k.

(d) If the child abuse or neglect resulted in or involves (1) the death of a child; (2) the risk of serious physical injury or emotional harm of a child; (3) the serious physical harm of a child; (4) the arrest of a person due to abuse or neglect of a child; (5) a petition filed by the commissioner pursuant to section 17a-112 or 46b-129, as amended by this act; or (6) sexual abuse of a child, entry of the recommended finding may be made on the child abuse or neglect registry and information concerning the finding may be disclosed by the commissioner pursuant to a check of the child abuse or neglect registry or request for information by a public or private entity for employment, licensure, or reimbursement for child care purposes pursuant to programs administered by the Department of Social Services or pursuant to any other general statute that requires a check of the child abuse or neglect registry, prior to the exhaustion or waiver of all administrative appeals available to the person suspected to be responsible for the abuse or neglect as provided in section 17a-101k.

(e) If the Commissioner of Children and Families, or the commissioner's designee, has probable cause to believe that the child or any other child in the household is in imminent risk of physical harm from the child's surroundings and that immediate removal from such surroundings is necessary to ensure the child's safety, the commissioner, or the commissioner's designee, shall authorize any employee of the department or any law enforcement officer to remove the child and any other child similarly situated from such surroundings without the consent of the child's parent or guardian. The commissioner shall record in writing the reasons for such removal and include such record with the report of the investigation conducted under subsection (b) of this section.

(f) The removal of a child pursuant to subsection (e) of this section shall not exceed ninety-six hours. During the period of such removal,

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the commissioner, or the commissioner's designee, shall provide the child with all necessary care, including medical care, which may include an examination by a physician or mental health professional with or without the consent of the child's parents, guardian or other person responsible for the child's care, provided reasonable attempts have been made to obtain consent of the child's parents or guardian or other person responsible for the care of such child. During the course of a medical examination, a physician may perform diagnostic tests and procedures necessary for the detection of child abuse or neglect. If the child is not returned home within such ninety-six-hour period, with or without protective services, the department shall proceed in accordance with section 46b-129, as amended by this act.

(g) (1) Notwithstanding the provisions of subsections (a) to (f), inclusive, of this section, the commissioner may establish a program of family assessment response to reports of child abuse and neglect whereby the report may be referred to appropriate community providers for family assessment and services without an investigation or at any time during an investigation, provided there has been an initial safety assessment of the circumstances of a family and child and criminal background checks have been performed on all adults involved in the report. Services provided through family assessment response shall include an array of community-based services and supports designed to meet the individual needs of families, build upon their strengths, enhance child development, reduce child abuse and neglect and increase the health, safety and well-being of children.

(2) In response to an accepted family assessment report, the department shall conduct a comprehensive family assessment that shall include a safety and risk assessment and an assessment of family strengths and needs. Such assessment shall include personal interviews with the child and the child's parent or primary caretaker, an evaluation of the home environment and the performance of

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criminal background checks on all adults residing in the same household. Such assessment may include, as appropriate, personal interviews with other children or adults residing in the same household as well as any other caregivers, family members and collateral contacts. In conducting such assessment, the department shall consider the age and vulnerability of the child, family functioning, family history of abuse and neglect and family history of involvement with the department. The department shall, upon securing any necessary releases, request any relevant out-of-state history of child abuse or neglect involving any adults residing in the same household.

(3) The following reports of suspected child abuse or neglect shall not be referred for family assessment response: (A) Sexual abuse, (B) abuse or neglect occurring in an out-of-home placement, (C) abuse or neglect resulting in the death or serious physical or mental injury of a child, or (D) where the department's safety assessment reveals that the child is unsafe. A case supervisor or manager shall approve all referrals to family assessment response.

(4) Prior to referring a report to an appropriate community provider, the department shall develop a service plan designed to meet the family's immediate needs for services and supports and to guide the community provider's development of a long-term plan of care for the family.

(5) Following a referral pursuant to subdivision (1) of this subsection, a community provider shall schedule an in-person meeting with the family and shall develop a plan of care. Such plan of care shall be developed in consultation with the family and shall include (A) a review of the department's family assessment and service plan and any services and supports the family is currently receiving, and (B) an identification of the family's ongoing needs and the services and supports that may be available to meet such needs. Such plan of care

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shall identify the family's strengths and needs and describe the services and supports to be offered to (i) address the family's needs, (ii) build upon the family's strengths, and (iii) increase the health, safety and well-being of the child. The provider shall monitor the family's participation and progress with the plan of care.

(6) The community provider shall maintain ongoing contact with the family through in-person meetings, visits to the home, child and family team meetings and phone calls. If at any time following the referral or during the implementation of the plan of care, the provider has reasonable cause to suspect or believe that any child under eighteen years of age (A) has been abused or neglected, as defined in section 46b-120, (B) has suffered a nonaccidental physical injury or an injury that is at variance with the history given for such injury, or (C) is placed at imminent risk of serious harm, the provider shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive.

(7) The community provider shall schedule an in-person meeting with the family prior to the end of services. The determination to end services shall be based upon the family's preference and progress in meeting the goals outlined in the plan of care. The community provider shall submit individual child and family specific data and administrative service data to the department not later than thirty days after ending services. Such data shall identify the needs of the family, the services and supports made available to address those needs, the family's met and unmet treatment goals, the final disposition at the time of ending services and the reasons for the family's discharge from services, including, but not limited to, met treatment goals, family relocation, the receipt of a new report by the department or transfer of the family to another provider.

(8) Subdivisions (5) to (7), inclusive, of this subsection shall apply to all community provider service contracts in effect on June 9, 2016, to

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the extent they are not in conflict with such contracts, and shall apply to all contracts entered into, amended, extended or renewed on or after June 9, 2016.

(9) The commissioner shall adopt procedures to establish a method for the department to monitor the progress of the child and family referred to a community provider pursuant to subdivision (1) of this subsection and to set standards for reopening an investigation pursuant to this section. Such standards shall include, but need not be limited to, provisions for the reassignment of a report referred for family assessment response for an immediate investigation based on (A) a reassessment of the initial report of child abuse or neglect or the discovery of new or additional facts indicating that the child is unsafe, or (B) a determination that the report meets the criteria of subdivision (3) of this subsection and, as a result, does not qualify for family assessment response. Not later than January 1, 2017, the commissioner shall submit a report regarding such procedures and standards, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to children.

(10) Consistent with the provisions of section 17a-28, the department shall disclose all relevant information in its possession concerning the child and family, including prior child protection activity, to each provider to whom a report has been referred for use by the provider in the assessment, diagnosis and treatment of unique needs of the family and the prevention of future reports. Each provider who has received a report of child abuse or neglect referred pursuant to this subsection shall disclose to the department, consistent with the provisions of section 17a-28, all relevant information gathered during assessment, diagnosis and treatment of the child and family. The department may use such information solely to monitor and ensure the continued safety and well-being of the child or children.

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(11) Not later than July 1, 2016, and annually thereafter, the department shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to children for inclusion in the annual report card prepared pursuant to section 2-53m on the status of family assessment response. Such report shall include data from the previous calendar year, including, but not limited to: (A) The number of accepted reports of child abuse or neglect, and the percentage of reports assigned to the family assessment response track; (B) the disposition of families assigned a family assessment response; (C) for cases assigned to the family assessment response track, a breakdown by reporter type; (D) the number and percentage of family assessment response cases that changed track to investigations; (E) an analysis of the department's prior or subsequent involvement with a family that has been assigned to family assessment response, if applicable; (F) an analysis of the department's prior or subsequent involvement with a family that has been assigned to a community partner agency; (G) a description of services that are commonly provided to families referred to the community support for families program; (H) a description of the department's staff development and training practices relating to intake; (I) the number and percentage of referred families who were ultimately enrolled in the community support for families program; (J) the number and percentage of families receiving a family assessment response broken down by race and ethnicity; (K) the reason for discharge from the community support for families program, as identified in subdivision (7) of this subsection, broken down by race and ethnicity; and (L) a comparison of the needs identified and the needs addressed for families referred to the community support for families program.

Sec. 2. Subsection (b) of section 46b-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

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(b) If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition and application, or subsequent thereto, that there is reasonable cause to believe that (1) the child or youth is suffering from serious physical illness or serious physical injury or is in immediate physical danger from the child's or youth's surroundings, and (2) as a result of said conditions, the child's or youth's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's or youth's safety, the court shall either (A) issue an order to the parents or other person having responsibility for the care of the child or youth to appear at such time as the court may designate to determine whether the court should vest the child's or youth's temporary care and custody in a person related to the child or youth by blood or marriage or in some other person or suitable agency pending disposition of the petition, or (B) issue an order ex parte vesting the child's or youth's temporary care and custody in a person related to the child or youth by blood or marriage or in some other person or suitable agency. A preliminary hearing on any ex parte custody order or order to appear issued by the court shall be held not later than ten days after the issuance of such order. The service of such orders may be made by any officer authorized by law to serve process, or by any probation officer appointed in accordance with section 46b-123, investigator from the Department of Administrative Services, state or local police officer or indifferent person. Such orders shall include a conspicuous notice to the respondent written in clear and simple language containing at least the following information: (i) That the order contains allegations that conditions in the home have endangered the safety and welfare of the child or youth; (ii) that a hearing will be held on the date on the form; (iii) that the hearing is the opportunity to present the parents' position concerning the alleged facts; (iv) that an attorney will be appointed for parents who cannot afford an attorney; (v) that such parents may apply for a court-appointed attorney by going in person to the court address on the form and are advised to go as soon as possible in order

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for the attorney to prepare for the hearing; (vi) that such parents, or a person having responsibility for the care and custody of the child or youth, may request the Commissioner of Children and Families to investigate placing the child or youth with a person related to the child or youth by blood or marriage who might serve as a licensed foster parent or temporary custodian for such child or youth. The commissioner [, where practicable,] shall investigate [such] any relative or relatives proposed to serve as a licensed foster parent or temporary custodian for such child or youth prior to the preliminary hearing and provide a preliminary report to the court at such hearing as to such relative's or relatives' suitability and any potential barriers to licensing such relative or relatives as a foster parent or parents or granting temporary custody of such child or youth to such relative or relatives; and (vii) that if such parents have any questions concerning the case or appointment of counsel, any such parent is advised to go to the court or call the clerk's office at the court as soon as possible. Upon application for appointed counsel, the court shall promptly determine eligibility and, if the respondent is eligible, promptly appoint counsel. The expense for any temporary care and custody shall be paid by the town in which such child or youth is at the time residing, and such town shall be reimbursed for such expense by the town found liable for the child's or youth's support, except that where a state agency has filed a petition pursuant to the provisions of subsection (a) of this section, the agency shall pay such expense. The agency shall give primary consideration to placing the child or youth in the town where such child or youth resides. The agency shall file in writing with the clerk of the court the reasons for placing the child or youth in a particular placement outside the town where the child or youth resides. Upon issuance of an ex parte order, the court shall provide to the commissioner and the parent or guardian specific steps necessary for each to take to address the ex parte order for the parent or guardian to retain or regain custody of the child or youth. Upon the issuance of such order, or not later than sixty days after the issuance of such order,

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the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child or youth with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's or youth's best interests, including the child's or youth's health and safety. Any person or agency in which the temporary care and custody of a child or youth is vested under this section shall have the following rights and duties regarding the child or youth: (I) The obligation of care and control; (II) the authority to make decisions regarding emergency medical, psychological, psychiatric or surgical treatment; and (III) such other rights and duties that the court having jurisdiction may order.

Sec. 3. Section 46b-129 of the general statutes is amended by adding subsection (t) as follows (*Effective July 1, 2017*):

(NEW) (t) If a child or youth is placed into out-of-home care by the Commissioner of Children and Families pursuant to this section, the commissioner shall include in any report the commissioner submits to the court information regarding (1) the safety and suitability of such child or youth's placement, taking into account the requirements set forth in section 17a-114; (2) such child or youth's medical, dental, developmental, educational and treatment needs; and (3) a timeline for ensuring that such needs are met. Such information shall also be submitted to the court (A) not later than ninety days after such child or youth is placed into out-of-home care; (B) if such child or youth's out-of-home placement changes; and (C) if the commissioner files a permanency plan on behalf of such child or youth. The court shall consider such information in making decisions regarding such child or youth's well-being.

Sec. 4. (NEW) (*Effective July 1, 2017*) Not later than January 1, 2018, and annually thereafter, the Commissioner of Children and Families

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shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to children, regarding Department of Children and Families foster care licensing practices. Such report shall include, but need not be limited to, (1) such department's methods of ensuring that it complies with statutory and regulatory foster care licensing requirements; (2) such department's methods of assessing the needs of children and youths in foster care and providing support for foster parents to enable such parents to meet the needs of such children and youths; (3) the safeguards employed by such department when it seeks to license a relative caregiver with a history of child abuse or neglect or psychiatric illness or a criminal record; (4) such department's process for reversing a substantiated finding of child abuse or neglect or a child abuse and neglect registry finding with respect to a prospective relative caregiver; (5) the number of reports of child abuse or neglect made within the previous twelve months regarding children and youths residing in foster homes licensed by such department and the number of such reports that were substantiated; (6) the number of foster home licenses revoked and foster home license applications denied by such department in the previous twelve months; (7) the results of such department's random audits of its licensing practices; and (8) information regarding the number and type of safety concerns identified by such department with respect to licensed foster home placements through such department's assessment of regulatory compliance system and any corresponding corrective actions taken.

Approved June 30, 2017