



Senate

General Assembly

File No. 80

January Session, 2017

Substitute Senate Bill No. 396

Senate, March 16, 2017

The Committee on Children reported through SEN. MOORE, M. of the 22nd Dist. and SEN. SUZIO of the 13th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE CHILD FATALITY REVIEW PANEL.

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

1 Section 1. Section 46a-13l of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2017*):

3 (a) The Child Advocate shall:

4 (1) Evaluate the delivery of services to children by state agencies
5 and those entities that provide services to children through funds
6 provided by the state;

7 (2) Review periodically the procedures established by any state
8 agency providing services to children to carry out the provisions of
9 sections 46a-13k to 46a-13p, inclusive, with a view toward the rights of
10 the children and recommend revisions to such procedures;

11 (3) Review complaints of persons concerning the actions of any state
12 or municipal agency providing services to children and of any entity

13 that provides services to children through funds provided by the state,
14 make appropriate referrals and investigate those where the Child
15 Advocate determines that a child or family may be in need of
16 assistance from the Child Advocate or that a systemic issue in the
17 state's provision of services to children is raised by the complaint;

18 (4) Pursuant to an investigation, provide assistance to a child or
19 family who the Child Advocate determines is in need of such
20 assistance including, but not limited to, advocating with an agency,
21 provider or others on behalf of the best interests of the child;

22 (5) Periodically review the facilities and procedures of any and all
23 institutions or residences, public or private, where a juvenile has been
24 placed by any agency or department;

25 (6) Recommend changes in state policies concerning children
26 including changes in the system of providing juvenile justice, child
27 care, foster care and treatment;

28 (7) Take all possible action including, but not limited to, conducting
29 programs of public education, undertaking legislative advocacy and
30 making proposals for systemic reform and formal legal action, in order
31 to secure and ensure the legal, civil and special rights of children who
32 reside in this state;

33 (8) Provide training and technical assistance to attorneys
34 representing children and guardians ad litem appointed by the
35 Superior Court;

36 (9) Periodically review the number of special needs children in any
37 foster care or permanent care facility and recommend changes in the
38 policies and procedures for the placement of such children;

39 (10) Serve or designate a person to serve as a member of the child
40 fatality review panel established in subsection (b) of this section;

41 (11) Take appropriate steps to advise the public of the services of the
42 Office of the Child Advocate, the purpose of the office and procedures

43 to contact the office; and

44 (12) Prepare an in-depth report on conditions of confinement,
45 including, but not limited to, compliance with section 46a-152,
46 regarding children twenty years of age or younger who are held in
47 secure detention or correctional confinement in any facility operated
48 by a state agency. Such report shall be submitted, in accordance with
49 the provisions of section 11-4a, to the joint standing committee of the
50 General Assembly having cognizance of matters relating to children
51 not later than March 1, 2017, and every two years thereafter.

52 (b) There is established a child fatality review panel composed of
53 thirteen permanent members as follows: The Child Advocate; [, or a
54 designee;] the Commissioners of Children and Families, Public Health
55 and Public Safety, or their designees; the Chief Medical Examiner, or a
56 designee; the Chief State's Attorney, or a designee; a pediatrician,
57 appointed by the Governor; a representative of law enforcement,
58 appointed by the president pro tempore of the Senate; an attorney,
59 appointed by the majority leader of the Senate; a social work
60 professional, appointed by the minority leader of the Senate; a
61 representative of a community service group appointed by the speaker
62 of the House of Representatives; a psychologist, appointed by the
63 majority leader of the House of Representatives; and an injury
64 prevention representative, appointed by the minority leader of the
65 House of Representatives. A majority of the panel may select not more
66 than three additional temporary members with particular expertise or
67 interest to serve on the panel. Such temporary members shall have the
68 same duties and powers as the permanent members of the panel. The
69 chairperson shall be [elected from among the panel's permanent
70 members] the Child Advocate. The panel shall, to the greatest extent
71 possible, reflect the ethnic, cultural and geographic diversity of the
72 state.

73 (c) The panel shall review the circumstances of the death of a child
74 placed in out-of-home care or whose death was due to unexpected or
75 unexplained causes to facilitate development of prevention strategies

76 to address identified trends and patterns of risk and to improve
77 coordination of services for children and families in the state. Members
78 of the panel shall not be compensated for their services, but may be
79 reimbursed for necessary expenses incurred in the performance of
80 their duties.

81 (d) On or before [January 1, 2000] June 30, 2018, and annually
82 thereafter, the panel shall issue [an annual report which shall include
83 its findings and recommendations to the Governor and the General
84 Assembly on its review of child fatalities for the preceding year] a
85 report to the Governor and, in accordance with the provisions of
86 section 11-4a, the joint standing committee of the General Assembly
87 having cognizance of matters relating to children. Such report shall
88 include, but not be limited to, (1) a review of child fatalities for the
89 preceding year, and (2) an assessment of the adequacy of (A) policies
90 and practices among state agencies concerning the prevention of child
91 fatalities, and (B) compliance by such agencies' personnel with such
92 policies and practices. Not later than four weeks after the issuance of
93 such report, the panel shall, in coordination with each state agency
94 identified in such report and the joint standing committee of the
95 General Assembly having cognizance of matters relating to children,
96 present such report at an informational forum.

97 (e) Upon request of two-thirds of the members of the panel and
98 within available appropriations, the Governor, the [General Assembly]
99 joint standing committee of the General Assembly having cognizance
100 of matters relating to children or at the Child Advocate's discretion, the
101 Child Advocate, shall conduct an in-depth investigation and review
102 and issue a report with recommendations on the death or critical
103 incident of a child. The report shall be submitted to the Governor, the
104 General Assembly and the commissioner of any state agency cited in
105 the report and shall be made available to the general public.

106 (f) Any state agency cited in a report issued by the Office of the
107 Child Advocate, pursuant to the Child Advocate's responsibilities
108 under this section, shall submit a written response to the report and

109 recommendations made in the report to the Governor and the joint
 110 standing committee of the General Assembly having cognizance of
 111 matters relating to children not later than ninety days after receipt of
 112 such report and recommendations. [The General Assembly] Such
 113 committee shall submit a copy of such response to the Office of the
 114 Child Advocate immediately upon receipt.

115 (g) The Chief Medical Examiner shall provide timely notice to the
 116 Child Advocate and to the chairperson of the child fatality review
 117 panel of the death of any child that is to be investigated pursuant to
 118 section 19a-406.

119 (h) Any agency having responsibility for the custody or care of
 120 children shall provide timely notice to the Child Advocate and the
 121 chairperson of the child fatality review panel of the death of a child or
 122 a critical incident involving a child in its custody or care.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2017	46a-13l

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 18 \$	FY 19 \$
Office of the Child Advocate	GF - Cost	77,172	77,172
State Comptroller - Fringe Benefits ¹	GF - Savings	29,387	29,387

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Office of the Child Advocate (OCA) to produce an annual report and informational forum regarding child fatalities. This is estimated to result in an annualized cost of \$106,559 (\$77,172 for salary and \$29,387 for fringe benefits) to hire one assistant child advocate position.

Currently, the OCA has one full-time and one part-time position to review and investigate child fatalities. This bill significantly expands the content required in the child fatality report, necessitating intensive investigation and qualitative research.

The Out Years

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

Sources: *Child Advocate*
Genesis

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.08% of payroll in FY 18 and FY 19.

OLR Bill Analysis**sSB 396*****AN ACT CONCERNING THE CHILD FATALITY REVIEW PANEL.*****SUMMARY**

This bill requires the child advocate to chair the Child Fatality Review Panel (CFRP), rather than the panel to elect a chairperson. (In practice, the child advocate has co-chaired the panel since March 2012.) It eliminates the option for a designee to serve on the panel in her place.

By law, the panel must review the circumstances of the death of any child under age 18 (1) from unexpected or unexplained causes or (2) placed in out-of-home care.

Current law requires the panel to annually report to the governor and General Assembly on findings and recommendations from its review of child fatalities for the preceding year. The bill instead requires the panel, starting by June 30, 2018, to annually issue to the governor and Children's Committee a report that includes (1) a review of child fatalities for the preceding year and (2) an assessment of the adequacy of (a) state agencies' policies and practices to prevent child fatalities and (b) compliance by the agencies' personnel with those policies and practices. Within four weeks of issuing the report, the bill requires the panel, in coordination with each agency identified in the report and the Children's Committee, to present the report at an informational forum.

The bill specifies that the child advocate must conduct an in-depth investigation and review of a child's death or critical incident at the request of the Children's Committee, instead of at the request of the General Assembly. By law, the child advocate must also conduct such investigations and reviews at the request of the governor or two-thirds

of the CFRP panel members. She may also do so at her discretion.

Under current law, agencies identified in a report issued by the child advocate related to a child’s death or critical incident must submit a written response to the General Assembly within 90 days of receiving the report. The bill (1) instead requires the agencies to submit the response to the Children’s Committee and (2) makes a conforming change.

EFFECTIVE DATE: July 1, 2017

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 13 Nay 0 (03/02/2017)