



Senate

General Assembly

File No. 162

January Session, 2017

Substitute Senate Bill No. 895

Senate, March 22, 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 DEPARTMENT OF CHILDREN AND FAMILIES' STANDARDS AND REPORTING REQUIREMENTS.

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

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 Section 17a-101g of the general statutes is repealed and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

3 (a) Upon receiving a report of child abuse or neglect, as provided in
4 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which
5 the alleged perpetrator is (1) a person responsible for such child's
6 health, welfare or care, (2) a person given access to such child by such
7 responsible person, or (3) a person entrusted with the care of a child,
8 the Commissioner of Children and Families, or the commissioner's
9 designee, shall cause the report to be classified and evaluated
10 immediately. If the report contains sufficient information to warrant an
11 investigation, the commissioner shall make the commissioner's best
12 efforts to commence an investigation of a report concerning an
13 imminent risk of physical harm to a child or other emergency within

14 two hours of receipt of the report and shall commence an investigation
15 of all other reports within seventy-two hours of receipt of the report. A
16 report classified by the commissioner, or the commissioner's designee,
17 as lower risk may be referred for family assessment and services
18 pursuant to subsection (g) of this section. Any such report may
19 thereafter be referred for standard child protective services if safety
20 concerns for the child become evident. A report referred for standard
21 child protective services may be referred for family assessment and
22 services at any time if the department determines there is a lower risk
23 to the child. If the alleged perpetrator is a school employee, as defined
24 in section 53a-65, or is employed by an institution or facility licensed or
25 approved by the state to provide care for children, the department
26 shall notify the Department of Education or the state agency that has
27 issued such license or approval to the institution or facility of the
28 report and the commencement of an investigation by the
29 Commissioner of Children and Families. The department shall
30 complete any such investigation not later than forty-five calendar days
31 after the date of receipt of the report. If the report is a report of child
32 abuse or neglect in which the alleged perpetrator is not a person
33 specified in subdivision (1), (2) or (3) of this subsection, the
34 Commissioner of Children and Families shall refer the report to the
35 appropriate local law enforcement authority for the town in which the
36 child resides or in which the alleged abuse or neglect occurred.

37 (b) [The investigation] The Commissioner of Children and Families
38 shall establish protocols for the investigation of reports of child abuse
39 or neglect of children from birth to three years of age. Such protocols
40 shall include, but need not be limited to, (1) heightened supervision of
41 the case during the investigatory period, (2) frequent visitation by
42 department personnel to such children during the investigatory
43 period, (3) documentation of case activities relevant to the safety and
44 well-being of such children, and (4) a case supervision tool specific to
45 the unique needs and risk status of children from birth to three years
46 of age. All investigations of a report of child abuse or neglect pursuant
47 to this section shall include a home visit at which the child and any
48 siblings are observed, if appropriate, a determination of the nature,

49 extent and cause or causes of the reported abuse or neglect, a
50 determination of the person or persons suspected to be responsible for
51 such abuse or neglect, the name, age and condition of other children
52 residing in the same household and an evaluation of the parents and
53 the home. The report of such investigation shall be in writing. The
54 investigation shall also include, but not be limited to, a review of
55 criminal conviction information concerning the person or persons
56 alleged to be responsible for such abuse or neglect and previous
57 allegations of abuse or neglect relating to the child or other children
58 residing in the household or relating to family violence. After an
59 investigation into a report of abuse or neglect has been completed, the
60 commissioner shall determine, based upon a standard of reasonable
61 cause, whether a child has been abused or neglected, as defined in
62 section 46b-120. If the commissioner determines that abuse or neglect
63 has occurred, the commissioner shall also determine whether: [(1)] (A)
64 There is an identifiable person responsible for such abuse or neglect;
65 and [(2)] (B) such identifiable person poses a risk to the health, safety
66 or well-being of children and should be recommended by the
67 commissioner for placement on the child abuse and neglect registry
68 established pursuant to section 17a-101k. If the commissioner has
69 made the determinations in [subdivisions (1) and (2)] subparagraphs
70 (A) and (B) of this subsection, the commissioner shall issue notice of a
71 recommended finding to the person suspected to be responsible for
72 such abuse or neglect in accordance with section 17a-101k.

73 (c) Except as provided in subsection (d) of this section, no entry of
74 the recommended finding shall be made on the child abuse or neglect
75 registry and no information concerning the finding shall be disclosed
76 by the commissioner pursuant to a check of the child abuse or neglect
77 registry or request for information by a public or private entity for
78 employment, licensure, or reimbursement for child care purposes
79 pursuant to programs administered by the Department of Social
80 Services or pursuant to any other general statute that requires a check
81 of the child abuse or neglect registry until the exhaustion or waiver of
82 all administrative appeals available to the person suspected to be
83 responsible for the abuse or neglect, as provided in section 17a-101k.

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

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

112 (f) The removal of a child pursuant to subsection (e) of this section
113 shall not exceed ninety-six hours. During the period of such removal,
114 the commissioner, or the commissioner's designee, shall provide the
115 child with all necessary care, including medical care, which may
116 include an examination by a physician or mental health professional
117 with or without the consent of the child's parents, guardian or other

118 person responsible for the child's care, provided reasonable attempts
119 have been made to obtain consent of the child's parents or guardian or
120 other person responsible for the care of such child. During the course
121 of a medical examination, a physician may perform diagnostic tests
122 and procedures necessary for the detection of child abuse or neglect. If
123 the child is not returned home within such ninety-six-hour period,
124 with or without protective services, the department shall proceed in
125 accordance with section 46b-129, as amended by this act.

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

139 (2) In response to an accepted family assessment report, the
140 department shall conduct a comprehensive family assessment that
141 shall include a safety and risk assessment and an assessment of family
142 strengths and needs. Such assessment shall include personal
143 interviews with the child and the child's parent or primary caretaker,
144 an evaluation of the home environment and the performance of
145 criminal background checks on all adults residing in the same
146 household. Such assessment may include, as appropriate, personal
147 interviews with other children or adults residing in the same
148 household as well as any other caregivers, family members and
149 collateral contacts. In conducting such assessment, the department
150 shall consider the age and vulnerability of the child, family
151 functioning, family history of abuse and neglect and family history of

152 involvement with the department. The department shall, upon
153 securing any necessary releases, request any relevant out-of-state
154 history of child abuse or neglect involving any adults residing in the
155 same household.

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

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

168 (5) Following a referral pursuant to subdivision (1) of this
169 subsection, a community provider shall schedule an in-person meeting
170 with the family and shall develop a plan of care. Such plan of care shall
171 be developed in consultation with the family and shall include (A) a
172 review of the department's family assessment and service plan and any
173 services and supports the family is currently receiving, and (B) an
174 identification of the family's ongoing needs and the services and
175 supports that may be available to meet such needs. Such plan of care
176 shall identify the family's strengths and needs and describe the
177 services and supports to be offered to (i) address the family's needs, (ii)
178 build upon the family's strengths, and (iii) increase the health, safety
179 and well-being of the child. The provider shall monitor the family's
180 participation and progress with the plan of care.

181 (6) The community provider shall maintain ongoing contact with
182 the family through in-person meetings, visits to the home, child and
183 family team meetings and phone calls. If at any time following the
184 referral or during the implementation of the plan of care, the provider

185 has reasonable cause to suspect or believe that any child under
186 eighteen years of age (A) has been abused or neglected, as defined in
187 section 46b-120, (B) has suffered a nonaccidental physical injury or an
188 injury that is at variance with the history given for such injury, or (C) is
189 placed at imminent risk of serious harm, the provider shall report or
190 cause a report to be made in accordance with the provisions of sections
191 17a-101b to 17a-101d, inclusive.

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

205 (8) Subdivisions (5) to (7), inclusive, of this subsection shall apply to
206 all community provider service contracts in effect on June 9, 2016, to
207 the extent they are not in conflict with such contracts, and shall apply
208 to all contracts entered into, amended, extended or renewed on or after
209 June 9, 2016.

210 (9) The commissioner shall adopt procedures to establish a method
211 for the department to monitor the progress of the child and family
212 referred to a community provider pursuant to subdivision (1) of this
213 subsection and to set standards for reopening an investigation
214 pursuant to this section. Such standards shall include, but need not be
215 limited to, provisions for the reassignment of a report referred for
216 family assessment response for an immediate investigation based on
217 (A) a reassessment of the initial report of child abuse or neglect or the

218 discovery of new or additional facts indicating that the child is unsafe,
219 or (B) a determination that the report meets the criteria of subdivision
220 (3) of this subsection and, as a result, does not qualify for family
221 assessment response. Not later than January 1, 2017, the commissioner
222 shall submit a report regarding such procedures and standards, in
223 accordance with the provisions of section 11-4a, to the joint standing
224 committee of the General Assembly having cognizance of matters
225 relating to children.

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

238 (11) Not later than July 1, 2016, and annually thereafter, the
239 department shall submit a report, in accordance with the provisions of
240 section 11-4a, to the joint standing committee of the General Assembly
241 having cognizance of matters relating to children for inclusion in the
242 annual report card prepared pursuant to section 2-53m on the status of
243 family assessment response. Such report shall include data from the
244 previous calendar year, including, but not limited to: (A) The number
245 of accepted reports of child abuse or neglect, and the percentage of
246 reports assigned to the family assessment response track; (B) the
247 disposition of families assigned a family assessment response; (C) for
248 cases assigned to the family assessment response track, a breakdown
249 by reporter type; (D) the number and percentage of family assessment
250 response cases that changed track to investigations; (E) an analysis of
251 the department's prior or subsequent involvement with a family that

252 has been assigned to family assessment response, if applicable; (F) an
253 analysis of the department's prior or subsequent involvement with a
254 family that has been assigned to a community partner agency; (G) a
255 description of services that are commonly provided to families referred
256 to the community support for families program; (H) a description of
257 the department's staff development and training practices relating to
258 intake; (I) the number and percentage of referred families who were
259 ultimately enrolled in the community support for families program; (J)
260 the number and percentage of families receiving a family assessment
261 response broken down by race and ethnicity; (K) the reason for
262 discharge from the community support for families program, as
263 identified in subdivision (7) of this subsection, broken down by race
264 and ethnicity; and (L) a comparison of the needs identified and the
265 needs addressed for families referred to the community support for
266 families program.

267 Sec. 2. Subsection (b) of section 46b-129 of the general statutes is
268 repealed and the following is substituted in lieu thereof (*Effective July*
269 *1, 2017*):

270 (b) If it appears from the specific allegations of the petition and
271 other verified affirmations of fact accompanying the petition and
272 application, or subsequent thereto, that there is reasonable cause to
273 believe that (1) the child or youth is suffering from serious physical
274 illness or serious physical injury or is in immediate physical danger
275 from the child's or youth's surroundings, and (2) as a result of said
276 conditions, the child's or youth's safety is endangered and immediate
277 removal from such surroundings is necessary to ensure the child's or
278 youth's safety, the court shall either (A) issue an order to the parents or
279 other person having responsibility for the care of the child or youth to
280 appear at such time as the court may designate to determine whether
281 the court should vest the child's or youth's temporary care and custody
282 in a person related to the child or youth by blood or marriage or in
283 some other person or suitable agency pending disposition of the
284 petition, or (B) issue an order ex parte vesting the child's or youth's
285 temporary care and custody in a person related to the child or youth

286 by blood or marriage or in some other person or suitable agency. A
287 preliminary hearing on any ex parte custody order or order to appear
288 issued by the court shall be held not later than ten days after the
289 issuance of such order. The service of such orders may be made by any
290 officer authorized by law to serve process, or by any probation officer
291 appointed in accordance with section 46b-123, investigator from the
292 Department of Administrative Services, state or local police officer or
293 indifferent person. Such orders shall include a conspicuous notice to
294 the respondent written in clear and simple language containing at least
295 the following information: (i) That the order contains allegations that
296 conditions in the home have endangered the safety and welfare of the
297 child or youth; (ii) that a hearing will be held on the date on the form;
298 (iii) that the hearing is the opportunity to present the parents' position
299 concerning the alleged facts; (iv) that an attorney will be appointed for
300 parents who cannot afford an attorney; (v) that such parents may
301 apply for a court-appointed attorney by going in person to the court
302 address on the form and are advised to go as soon as possible in order
303 for the attorney to prepare for the hearing; (vi) that such parents, or a
304 person having responsibility for the care and custody of the child or
305 youth, may request the Commissioner of Children and Families to
306 investigate placing the child or youth with a person related to the child
307 or youth by blood or marriage who might serve as a licensed foster
308 parent or temporary custodian for such child or youth. The
309 commissioner [, where practicable,] shall investigate [such] any
310 relative or relatives proposed to serve as a licensed foster parent or
311 temporary custodian for such child or youth prior to the preliminary
312 hearing and provide a preliminary report to the court at such hearing
313 as to such relative's or relatives' suitability and any potential barriers to
314 licensing such relative or relatives as a foster parent or parents or
315 granting temporary custody of such child or youth to such relative or
316 relatives; and (vii) that if such parents have any questions concerning
317 the case or appointment of counsel, any such parent is advised to go to
318 the court or call the clerk's office at the court as soon as possible. Upon
319 application for appointed counsel, the court shall promptly determine
320 eligibility and, if the respondent is eligible, promptly appoint counsel.

321 The expense for any temporary care and custody shall be paid by the
322 town in which such child or youth is at the time residing, and such
323 town shall be reimbursed for such expense by the town found liable
324 for the child's or youth's support, except that where a state agency has
325 filed a petition pursuant to the provisions of subsection (a) of this
326 section, the agency shall pay such expense. The agency shall give
327 primary consideration to placing the child or youth in the town where
328 such child or youth resides. The agency shall file in writing with the
329 clerk of the court the reasons for placing the child or youth in a
330 particular placement outside the town where the child or youth
331 resides. Upon issuance of an ex parte order, the court shall provide to
332 the commissioner and the parent or guardian specific steps necessary
333 for each to take to address the ex parte order for the parent or guardian
334 to retain or regain custody of the child or youth. Upon the issuance of
335 such order, or not later than sixty days after the issuance of such order,
336 the court shall make a determination whether the Department of
337 Children and Families made reasonable efforts to keep the child or
338 youth with his or her parents or guardian prior to the issuance of such
339 order and, if such efforts were not made, whether such reasonable
340 efforts were not possible, taking into consideration the child's or
341 youth's best interests, including the child's or youth's health and safety.
342 Any person or agency in which the temporary care and custody of a
343 child or youth is vested under this section shall have the following
344 rights and duties regarding the child or youth: (I) The obligation of
345 care and control; (II) the authority to make decisions regarding
346 emergency medical, psychological, psychiatric or surgical treatment;
347 and (III) such other rights and duties that the court having jurisdiction
348 may order.

349 Sec. 3. Subsection (j) of section 46b-129 of the general statutes is
350 repealed and the following is substituted in lieu thereof (*Effective July*
351 *1, 2017*):

352 (j) (1) For the purposes of this subsection and subsection (k) of this
353 section, (A) "permanent legal guardianship" means a permanent
354 guardianship, as defined in section 45a-604, and (B) "caregiver" means

355 (i) a fictive kin caregiver, as defined in section 17a-114, who is caring
356 for a child, (ii) a relative caregiver, as defined in section 17a-126, or (iii)
357 a person who is licensed or approved to provide foster care pursuant
358 to section 17a-114.

359 (2) Upon finding and adjudging that any child or youth is uncared
360 for, neglected or abused the court may (A) commit such child or youth
361 to the Commissioner of Children and Families, and such commitment
362 shall remain in effect until further order of the court, except that such
363 commitment may be revoked or parental rights terminated at any time
364 by the court; (B) vest such child's or youth's legal guardianship in any
365 private or public agency that is permitted by law to care for neglected,
366 uncared for or abused children or youths or with any other person or
367 persons found to be suitable and worthy of such responsibility by the
368 court, including, but not limited to, any relative of such child or youth
369 by blood or marriage; (C) vest such child's or youth's permanent legal
370 guardianship in any person or persons found to be suitable and
371 worthy of such responsibility by the court, including, but not limited
372 to, any relative of such child or youth by blood or marriage in
373 accordance with the requirements set forth in subdivision [(5) (7) of
374 this subsection; or (D) place the child or youth in the custody of the
375 parent or guardian with protective supervision by the Commissioner
376 of Children and Families subject to conditions established by the court.

377 (3) Not later than thirty days after a child or youth is committed to
378 the Commissioner of Children and Families pursuant to this section,
379 such commissioner shall issue a report to the court containing such
380 commissioner's assessment of the suitability of such child's or youth's
381 placement and any potential barriers to the licensing of such
382 placement, including whether a waiver from licensure requirements
383 pursuant to the provisions of section 17a-114 is required to effectuate
384 such child's or youth's placement or the licensure of such child's or
385 youth's placement. Such commissioner shall report on an ongoing
386 basis to the superior court for juvenile matters regarding any identified
387 safety concerns or risk factors, including new allegations of abuse or
388 neglect, that arise with respect to a child or youth committed to the

389 commissioner for whom a petition alleging abuse or neglect has been
390 filed in such court.

391 (4) Not later than sixty days after a child or youth is committed to
392 the Commissioner of Children and Families pursuant to this section,
393 such commissioner shall issue a report to the court describing the
394 child's or youth's medical, developmental, educational and treatment
395 needs and such commissioner's timeline for ensuring that such needs
396 are met.

397 [(3)] (5) If the court determines that the commitment should be
398 revoked and the child's or youth's legal guardianship or permanent
399 legal guardianship should vest in someone other than the respondent
400 parent, parents or former guardian, or if parental rights are terminated
401 at any time, there shall be a rebuttable presumption that an award of
402 legal guardianship or permanent legal guardianship upon revocation
403 to, or adoption upon termination of parental rights by, any caregiver
404 or person or who is, pursuant to an order of the court, the temporary
405 custodian of the child or youth at the time of the revocation or
406 termination, shall be in the best interests of the child or youth and that
407 such caregiver is a suitable and worthy person to assume legal
408 guardianship or permanent legal guardianship upon revocation or to
409 adopt such child or youth upon termination of parental rights. The
410 presumption may be rebutted by a preponderance of the evidence that
411 an award of legal guardianship or permanent legal guardianship to, or
412 an adoption by, such caregiver would not be in the child's or youth's
413 best interests and such caregiver is not a suitable and worthy person.
414 The court shall order specific steps that the parent must take to
415 facilitate the return of the child or youth to the custody of such parent.

416 [(4)] (6) The commissioner shall be the guardian of such child or
417 youth for the duration of the commitment, provided the child or youth
418 has not reached the age of eighteen years, or until another guardian
419 has been legally appointed, and in like manner, upon such vesting of
420 the care of such child or youth, such other public or private agency or
421 individual shall be the guardian of such child or youth until such child

422 or youth has reached the age of eighteen years or, in the case of a child
423 or youth in full-time attendance in a secondary school, a technical high
424 school, a college or a state-accredited job training program, until such
425 child or youth has reached the age of twenty-one years or until another
426 guardian has been legally appointed. The commissioner may place any
427 child or youth so committed to the commissioner in a suitable foster
428 home or in the home of a fictive kin caregiver, relative caregiver, or in
429 a licensed child-caring institution or in the care and custody of any
430 accredited, licensed or approved child-caring agency, within or
431 without the state, provided a child shall not be placed outside the state
432 except for good cause and unless the parents or guardian of such child
433 are notified in advance of such placement and given an opportunity to
434 be heard, or in a receiving home maintained and operated by the
435 Commissioner of Children and Families. In placing such child or
436 youth, the commissioner shall, if possible, select a home, agency,
437 institution or person of like religious faith to that of a parent of such
438 child or youth, if such faith is known or may be ascertained by
439 reasonable inquiry, provided such home conforms to the standards of
440 said commissioner and the commissioner shall, when placing siblings,
441 if possible, place such children together. Upon the issuance of an order
442 committing the child or youth to the Commissioner of Children and
443 Families, or not later than sixty days after the issuance of such order,
444 the court shall determine whether the Department of Children and
445 Families made reasonable efforts to keep the child or youth with his or
446 her parents or guardian prior to the issuance of such order and, if such
447 efforts were not made, whether such reasonable efforts were not
448 possible, taking into consideration the child's or youth's best interests,
449 including the child's or youth's health and safety.

450 [(5)] (7) A youth who is committed to the commissioner pursuant to
451 this subsection and has reached eighteen years of age may remain in
452 the care of the commissioner, by consent of the youth and provided the
453 youth has not reached the age of twenty-one years of age, if the youth
454 is (A) enrolled in a full-time approved secondary education program
455 or an approved program leading to an equivalent credential; (B)
456 enrolled full time in an institution which provides postsecondary or

457 vocational education; or (C) participating full time in a program or
458 activity approved by said commissioner that is designed to promote or
459 remove barriers to employment. The commissioner, in his or her
460 discretion, may waive the provision of full-time enrollment or
461 participation based on compelling circumstances. Not more than one
462 hundred twenty days after the youth's eighteenth birthday, the
463 department shall file a motion in the superior court for juvenile
464 matters that had jurisdiction over the youth's case prior to the youth's
465 eighteenth birthday for a determination as to whether continuation in
466 care is in the youth's best interest and, if so, whether there is an
467 appropriate permanency plan. The court, in its discretion, may hold a
468 hearing on said motion.

469 [(6)] (8) Prior to issuing an order for permanent legal guardianship,
470 the court shall provide notice to each parent that the parent may not
471 file a motion to terminate the permanent legal guardianship, or the
472 court shall indicate on the record why such notice could not be
473 provided, and the court shall find by clear and convincing evidence
474 that the permanent legal guardianship is in the best interests of the
475 child or youth and that the following have been proven by clear and
476 convincing evidence:

477 (A) One of the statutory grounds for termination of parental rights
478 exists, as set forth in subsection (j) of section 17a-112, or the parents
479 have voluntarily consented to the establishment of the permanent legal
480 guardianship;

481 (B) Adoption of the child or youth is not possible or appropriate;

482 (C) (i) If the child or youth is at least twelve years of age, such child
483 or youth consents to the proposed permanent legal guardianship, or
484 (ii) if the child is under twelve years of age, the proposed permanent
485 legal guardian is: (I) A relative, (II) a caregiver, or (III) already serving
486 as the permanent legal guardian of at least one of the child's siblings, if
487 any;

488 (D) The child or youth has resided with the proposed permanent

489 legal guardian for at least a year; and

490 (E) The proposed permanent legal guardian is (i) a suitable and
491 worthy person, and (ii) committed to remaining the permanent legal
492 guardian and assuming the right and responsibilities for the child or
493 youth until the child or youth attains the age of majority.

494 [(7)] (9) An order of permanent legal guardianship may be reopened
495 and modified and the permanent legal guardian removed upon the
496 filing of a motion with the court, provided it is proven by a fair
497 preponderance of the evidence that the permanent legal guardian is no
498 longer suitable and worthy. A parent may not file a motion to
499 terminate a permanent legal guardianship. If, after a hearing, the court
500 terminates a permanent legal guardianship, the court, in appointing a
501 successor legal guardian or permanent legal guardian for the child or
502 youth shall do so in accordance with this subsection.

503 Sec. 4. (NEW) (*Effective July 1, 2017*) Not later than January 1, 2018,
504 and annually thereafter, the Commissioner of Children and Families
505 shall report, in accordance with the provisions of section 11-4a of the
506 general statutes, to the joint standing committee of the General
507 Assembly having cognizance of matters relating to children, regarding
508 Department of Children and Families foster care licensing practices.
509 Such report shall include, but need not be limited to, (1) such
510 department's methods of ensuring that it complies with statutory and
511 regulatory foster care licensing requirements; (2) such department's
512 methods of assessing the needs of children and youths in foster care
513 and providing support for foster parents to enable such parents to
514 meet the needs of such children and youths; (3) the safeguards
515 employed by such department when it seeks to license a relative
516 caregiver with a history of child abuse or neglect or psychiatric illness
517 or a criminal record; (4) such department's process for reversing a
518 substantiated finding of child abuse or neglect or a child abuse and
519 neglect registry finding with respect to a prospective relative caregiver;
520 (5) the number of reports of child abuse or neglect made within the
521 previous twelve months regarding children and youths residing in

522 foster homes licensed by such department and the number of such
 523 reports that were substantiated; (6) the number of foster home licenses
 524 revoked and foster home license applications denied by such
 525 department in the previous twelve months; (7) the results of such
 526 department's random audits of its licensing practices; and (8)
 527 information regarding the number and type of safety concerns
 528 identified by such department with respect to licensed foster home
 529 placements through such department's assessment of regulatory
 530 compliance system and any corresponding corrective actions taken.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2017	17a-101g
Sec. 2	July 1, 2017	46b-129(b)
Sec. 3	July 1, 2017	46b-129(j)
Sec. 4	July 1, 2017	New section

Statement of Legislative Commissioners:

In Section 2(b), the words "or relatives", "or relatives" and "or parents" were added for internal consistency, in Section 3(j)(2), "(5)" was changed to "(7)" to conform with changes made in that subsection, and in Section 4(1), the words "of the general statutes" were added for consistency with standard drafting conventions and the word "regulations" was changed to "requirements" for accuracy.

KID *Joint Favorable Subst. -LCO*

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 \$
Children & Families, Dept.	GF - Cost	1,497,204	1,497,204
State Comptroller - Fringe Benefits ¹	GF - Cost	570,135	570,135
Children & Families, Dept.	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost to the state of approximately \$2.1 million in both FY 18 and FY 19. This cost reflects the addition of 20 staff positions within the Department of Children and Families (DCF) associated with reporting requirements that must be completed within 30 days and 60 days after a child/youth is committed to DCF. The bill also requires the agency to provide heightened supervision and frequent visitation for cases of abuse or neglect of children birth to three years old. As “heightened” and “frequent” are not defined, the magnitude of the fiscal impact from these provisions of the bill is unknown.²

Five Social Workers (\$382,370 for salaries) and one Social Worker Supervisor (salary cost of \$91,198) within the Foster and Adoptive Services Unit are reflected to assess the suitability of placements and potential barriers to licensure within 30 days after a child/youth is

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.

²The visitation standard for most children remaining in their homes is twice per month.

committed to DCF.

Ten Social Workers (\$839,150 for salaries), two Social Worker Supervisors (\$182,396 for salaries) and two Office Assistants (\$93,288 for salaries) are reflected to report to the court, within two months, a child's/youth's medical, developmental, educational and treatment needs and the timeline for ensuring that such needs are met. Currently, Administrative Case Reviews (ACR) are completed within six months of a child/youth being committed to DCF, with 49 ACR Social Workers averaging 225 ACRs annually. There are approximately five ACR supervisors to every ACR social worker.

The Out Years

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

OLR Bill Analysis**sSB 895*****AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' STANDARDS AND REPORTING REQUIREMENTS.*****SUMMARY**

This bill requires the Department of Children and Families (DCF) commissioner to establish protocols for investigating reports of child abuse or neglect of children from birth to age three. The protocols must include:

1. heightened case supervision during the investigatory period,
2. frequent DCF personnel visitations to such children during that time,
3. documentation of case activities relevant to such children's safety and well-being, and
4. a case supervision tool specific to the unique needs and risk status of children in that age range.

The bill also increases the frequency with which DCF must perform certain investigations related to child abuse and neglect proceedings. In such proceedings, the court must schedule a preliminary hearing when it issues an order (1) to the child's parents or caregiver to appear in court to determine if the child should be temporarily placed outside the home during the proceedings or (2) *ex parte* (from the bench) vesting the child's care and custody temporarily with a relative, agency, or other person. In advance of the hearing, the child's parent or guardian may request DCF to investigate placing the child or youth with a relative as a licensed foster parent or temporary custodian. The bill requires DCF to investigate any such relative before the preliminary hearing, rather than requiring it to do so only when

practicable.

The bill also (1) requires the department to include in the report it must submit to the court at the hearing any potential barriers to licensing the relative as a foster parent or granting him or her temporary custody of the child and (2) specifies that the report is preliminary. It requires DCF to report certain additional information to the court (1) 30 days after a child is adjudicated abused, neglected or uncared for, (2) 60 days after a child is committed to DCF based on such an adjudication, and (3) on an ongoing basis if there are concerns or risk factors related to children committed to the department or alleged to be abused or neglected.

Additionally, the bill requires DCF, by January 1, 2018, to begin annually reporting to the Children's Committee on its licensing practices.

EFFECTIVE DATE: July 1, 2017

DCF REPORTING REQUIREMENTS

The bill imposes on the department new judicial and legislative reporting requirements.

Reports to the Court

When a child is adjudicated abused, neglected, or uncared for and committed to DCF, the bill requires the commissioner to issue a report to the juvenile court within 30 days of the commitment. The report must contain the commissioner's assessment of the suitability of the child's placement and any potential licensing barriers, including whether a waiver from licensure requirements is needed to effectuate or license the placement. By law, DCF may grant waivers from certain licensing requirements to relatives or fictive kin caregivers, on a case-by-case basis, if the (1) placement is in the child's best interest and (2) waived procedure or standard is not safety-related.

Within 60 days of the commitment, the bill requires the commissioner to issue a second report to the court on the (1) child's

medical, developmental, educational, and treatment needs and (2) commissioner's timeline for ensuring those needs are met.

The bill also requires the commissioner to report to the court, on an ongoing basis, any identified safety concerns or risk factors, including new allegations of abuse or neglect, that arise with respect to a child committed to DCF or for whom an abuse or neglect petition has been filed.

Report to the Children's Committee

The annual report to the Children's Committee must include:

1. the department's methods of ensuring it complies with statutory and regulatory foster care licensing regulations;
2. its methods of assessing the needs of children and youths in foster care and providing support for foster parents to help them meet such children's and youths' needs;
3. the safeguards it uses when it seeks to license a relative caregiver with (a) a history child abuse or neglect, (b) psychiatric illness, or (c) a criminal record;
4. its process for reversing a substantiated abuse or neglect finding or child abuse or neglect registry finding against a prospective relative caregiver;
5. for the past 12 months, the number of (a) child abuse and neglect reports involving children or youths in DCF licensed foster home and (b) such reports that were substantiated, and (c) foster home licenses that were revoked and applications that were denied;
6. the results of DCF's random audits of its licensing practices; and
7. information on the number and type of licensed foster home safety concerns the department identified through its assessment of its regulatory compliance system and any corresponding

corrective actions it took.

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 12 Nay 0 (03/07/2017)