



Substitute House Bill No. 5332

Public Act No. 18-111

AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.

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

Section 1. Subsection (b) of section 17a-3 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(b) (1) The department, with the assistance of the State Advisory Council on Children and Families, and in consultation with representatives of the children and families served by the department, providers of services to children and families, advocates, and others interested in the well-being of children and families in this state, shall develop and regularly update a single, comprehensive strategic plan for meeting the needs of children and families served by the department. In developing and updating the strategic plan, the department shall identify and define agency goals and indicators of progress, including benchmarks, in achieving such goals. The strategic plan shall include, but not be limited to: (A) The department's mission statement; (B) the expected results for the department and each of its mandated areas of responsibility; (C) a schedule of action steps and a time frame for achieving such results and fulfilling the department's mission that includes strategies for working with other state agencies

Substitute House Bill No. 5332

to leverage resources and coordinate service delivery; (D) strategies, informed by data on referrals, substantiations, removal, placements and retention, by which the department shall identify racial and ethnic disparities within child welfare practice and work to eliminate such disparities; (E) priorities for services and estimates of the funding and other resources necessary to carry them out; [(E)] (F) standards for programs and services that are based on research-based best practices, when available; and [(F)] (G) relevant measures of performance.

(2) The department shall begin the strategic planning process on July 1, 2009. The department shall hold regional meetings on the plan to ensure public input and shall post the plan and the plan's updates and progress reports on the department's web site. The department shall submit the strategic plan to the State Advisory Council on Children and Families for review and comment prior to its final submission to the General Assembly and the Governor. On or before July 1, 2010, the department shall submit the strategic plan, in accordance with section 11-4a, to the General Assembly and the Governor.

(3) The commissioner shall track and report on progress in achieving the strategic plan's goals not later than October 1, 2010, and quarterly thereafter, to said State Advisory Council. The commissioner shall submit a status report on progress in achieving the results in the strategic plan, in accordance with section 11-4a, not later than July 1, 2011, and annually thereafter to the General Assembly, the joint standing committee of the General Assembly having cognizance of matters relating to children and the Governor.

Sec. 2. Section 17a-6 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

The commissioner, or the commissioner's designee, shall:

Substitute House Bill No. 5332

(a) Establish or contract for the use of a variety of facilities and services for identification, evaluation, discipline, rehabilitation, aftercare, treatment and care of children and youths in need of the department's services;

(b) Administer in a coordinated and integrated manner all institutions and facilities which are or may come under the jurisdiction of the department and shall appoint advisory groups for any such institution or facility;

(c) Encourage the development of programs and the establishment of facilities for children and youths by public or private agencies and groups;

(d) Enter into cooperative arrangements with public or private agencies outside the state;

(e) Insure that all children under the commissioner's supervision have adequate food, clothing, shelter and adequate medical, dental, psychiatric, psychological, social, religious and other services;

(f) Provide, in the commissioner's discretion, needed service to any municipality, agency, or person, whether or not such person is committed to the commissioner;

(g) Adopt and enforce regulations and establish rules for the internal operation and administration of the department in accordance with chapter 54;

(h) Undertake, contract for or otherwise stimulate research concerning children and youths;

(i) Subject to the provisions of chapter 67, appoint such professional, technical and other personnel as may be necessary for the efficient operation of the department;

Substitute House Bill No. 5332

(j) Coordinate the activities of the department with those of other state departments, municipalities and private agencies concerned with providing services for children and youths and their families;

(k) Act as administrator of the Interstate Compact for Juveniles under section 46b-151h;

(l) Provide or arrange for the provision of suitable education for every child under the commissioner's supervision, either in public schools, special educational programs, private schools, educational programs within the institutions or facilities under the commissioner's jurisdiction, or work and training programs otherwise provided by law. The suitability of educational programs provided by the commissioner shall be subject to review by the Department of Education;

(m) Submit to the state advisory council for its comment proposals for new policies or programs and the proposed budget for the department;

(n) Have any and all other powers and duties as are necessary to administer the department and implement the purposes of sections 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive, as amended by this act;

(o) Conduct and render a final decision in administrative hearings; [and]

(p) Provide programs for juvenile offenders that are gender specific in that they comprehensively address the unique needs of a targeted gender group; [.]

(q) Establish a standardized data reporting system to support the collection of data regarding (1) the race and ethnicity of children and families referred to the department at key decision points, including,

Substitute House Bill No. 5332

but not limited to, referral, substantiation, removal and placement, and (2) rates of retention of children and families by race and ethnicity; and

(r) Work to eliminate disparities in referral rates, substantiations, placements and retention among racial and ethnic groups and groups known to experience higher rates of adverse child welfare, health and services outcomes because of religion, age, sex, sexual orientation, national origin, socioeconomic status, immigration status, language, ancestry, intellectual or physical disability, mental health status, prior criminal convictions, homelessness, gender identity or expression or geographic area of residence.

Sec. 3. (NEW) (*Effective July 1, 2018*) Not later than February 15, 2019, and annually thereafter, the Commissioner of Children and Families shall submit a 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. Such report shall include data illustrating utilization of the Department of Children and Families' services by race and ethnicity, an assessment of trends in such utilization and recommendations for results-based accountability measures to ensure parity in access to such services.

Sec. 4. Subdivision (8) of subsection (g) of section 17a-28 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(8) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, [or] (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a, provided such prosecuting authority shall have access to records of a child charged

Substitute House Bill No. 5332

with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release, or (D) an allegation of fraud in the receipt of public or private benefits, provided no information identifying the subject of the record is disclosed unless such information is essential to such investigation or prosecution;

Sec. 5. Section 17a-102a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) Each birthing hospital shall provide education and training for nurses and other staff who care for high-risk newborns on the roles and responsibilities of such nurses and other staff as mandated reporters of potential child abuse and neglect under section 17a-101.

(b) The Department of Children and Families shall coordinate with [the] each birthing [hospitals] hospital in the state to disseminate information regarding [the] (1) procedures for the principal providers of daily direct care of high-risk newborns in birthing hospitals to participate in the discharge planning process, and (2) ongoing department functions concerning [such] high-risk newborns.

(c) Not later than January 1, 2019, the Commissioner of Children and Families shall, in consultation with other departments, agencies or entities concerned with the health and well-being of children, develop guidelines for the safe care of newborns who exhibit physical, neurological or behavioral symptoms consistent with prenatal substance exposure, withdrawal symptoms from prenatal substance exposure or fetal alcohol spectrum disorder. Such guidelines shall include, but are not limited to, instructions to providers regarding such providers' participation in the discharge planning process, including the creation of written plans of safe care, which shall be developed between such providers and mothers of such newborns as part of such process.

Substitute House Bill No. 5332

(d) A provider involved in the delivery or care of a newborn who, in the estimation of such provider, exhibits physical, neurological or behavioral symptoms consistent with prenatal substance exposure, withdrawal symptoms from prenatal substance exposure or fetal alcohol spectrum disorder shall notify the Department of Children and Families of such condition in such newborn. Such notice shall be made in a form and manner prescribed by the Commissioner of Children and Families and in addition to any applicable reporting requirements pursuant to chapter 319a. On and after January 15, 2019, such notice shall include a copy of the plan of safe care created pursuant to the guidelines developed pursuant to subsection (c) of this section.

~~[(c)]~~ (e) For purposes of this section: [, "birthing hospital"]

(1) "Birthing hospital" means a health care facility, as defined in section 19a-630, operated and maintained in whole or in part for the purpose of caring for women during delivery of a child and for women and their newborns following birth; [, and "high-risk newborn"]

(2) "High-risk newborn" means any newborn identified as such under any regulation or policy of the Department of Children and Families; [.] and

(3) "Provider" means any person licensed pursuant to chapter 370, 377 or 378.

Sec. 6. Subsection (b) of section 17a-114 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) No child in the custody of the Commissioner of Children and Families shall be placed in foster care with any person, unless (A) (i) such person is licensed for that purpose by the department or the Department of Developmental Services pursuant to the provisions of section 17a-227, or (ii) such person's home is approved by a child

Substitute House Bill No. 5332

placing agency licensed by the commissioner pursuant to section 17a-149, or (iii) such person has received approval as provided in this section, and (B) on and after January 1, 2017, for a child twelve years of age or older, such child has received a foster family profile in accordance with the provisions of section 17a-114e. Any person licensed by the department may be a prospective adoptive parent. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the licensing procedures and standards.

(2) The commissioner shall require each applicant for licensure or approval pursuant to this section and any person sixteen years of age or older living in the household of such applicant to submit to state and national criminal history records checks prior to issuing a license or approval to such applicant to accept placement of a child for purposes of foster care or adoption. Such criminal history records checks shall be conducted in accordance with section 29-17a. The commissioner shall also check the state child abuse registry established pursuant to section 17a-101k for the name of such applicant and for the name of any person sixteen years of age or older living in the household of such applicant.

[(3) The commissioner, at his or her discretion, may require any person sixteen years of age or older, who is not living in the household but who has regular unsupervised access to a child in the home of an applicant for licensure or approval, to submit to state and national criminal history records checks prior to issuing a license or approval to such applicant to accept placement of a child. Such criminal history records checks shall be conducted in accordance with section 29-17a. The commissioner may also check the state child abuse registry established pursuant to section 17a-101k for the name of any person sixteen years of age or older who is not living in the household but who has regular unsupervised access to a child.]

Substitute House Bill No. 5332

[(4)] (3) The commissioner shall require each individual licensed or approved pursuant to this section and any person sixteen years of age or older living in the household of such individual to submit to state and national criminal history records checks prior to renewing a license or approval for any individual providing foster care. Such criminal history records checks shall be conducted in accordance with section 29-17a. The commissioner shall also check the state child abuse registry established pursuant to section 17a-101k for the name of such applicant and for the name of any person sixteen years of age or older living in the household of such applicant prior to such renewal.

[(5) The commissioner, at his or her discretion, may require any person sixteen years of age or older who is not living in the household but who has regular unsupervised access to a child in the home of any individual licensed or approved pursuant to this section to submit to state and national criminal history records checks prior to renewing a license or approval for such individual providing foster care.]

Sec. 7. Section 17a-153 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) Notwithstanding the existence or pursuit of any other remedy, the Commissioner of Children and Families may, in the manner provided by law and upon the advice of the Attorney General, conduct an investigation into any reported violation of section 17a-145, 17a-149 or 17a-152 and maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the caring for, boarding or placing of a child in violation of said sections.

(b) If the Commissioner of Children and Families has reason to believe that a violation has occurred for which a civil penalty is authorized pursuant to subsection (d) of this section, the commissioner may notify the alleged violator by certified mail, return receipt

Substitute House Bill No. 5332

requested, or by personal service. Such notice shall include: (1) A reference to the section or sections of the general statutes alleged to have been violated; (2) a short and plain statement of the matter asserted or charged; (3) a statement of the prescribed civil penalty which may be imposed pursuant to subsection (d) of this section; and (4) a statement of the alleged violator's right to request a hearing and requirement that any such request be submitted, in writing, to the commissioner not later than thirty days after notice is mailed or given by personal service pursuant to this subsection.

(c) Not later than thirty days after receipt of a request for hearing made pursuant to subsection (b) of this section, the commissioner shall hold such hearing in accordance with the provisions of chapter 54. If (1) after holding such hearing, the commissioner finds that a violation of section 17a-145, 17a-149 or 17a-152 has occurred, (2) the alleged violator does not request a hearing, or (3) the alleged violator requests a hearing but does not appear at such hearing, the commissioner may order the imposition of a civil penalty pursuant to subsection (d) of this section. The commissioner shall send a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to the person or entity named in such order.

(d) Any person or [corporation] entity which violates any provision of section 17a-145, section 17a-149 or section 17a-152 shall be fined not more than one hundred dollars.

Approved June 7, 2018