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## OLR Bill Analysis

### sSB 315

#### ***AN ACT CONCERNING MINOR REVISIONS TO THE STATUTES OF THE DEPARTMENT OF CHILDREN AND FAMILIES AND ESTABLISHING A PILOT PROGRAM TO PERMIT ELECTRONIC REPORTING BY MANDATED REPORTERS.***

#### **SUMMARY**

This bill makes several changes in laws related to the Department of Children and Families (DCF). It:

1. allows DCF to establish a pilot program to permit certain mandated reporters of child abuse and neglect to submit their reports electronically and, starting October 1, 2019, allows all such reporters, as well as other individuals, to submit reports of suspected child abuse or neglect in this manner (§§ 4-7, 12);
2. eliminates the requirement for a mother who is in the hospital after giving birth and who wishes to voluntarily surrender her infant under the state's safe haven law to provide written notice to a hospital health care provider (§ 3);
3. broadens the definition of fictive kin caregiver (§ 9);
4. requires a relative caregiver or foster care provider to be currently caring for a child in order to be considered a "caregiver" for purposes related to certain child welfare proceedings (§ 11);
5. allows residential facilities under contract with the Department of Developmental Services (DDS) to care for or board a child without a DCF license, as is the case for DDS licensed residential facilities (§ 10);
6. extends, from July 1, 2018 to October 1, 2018, the deadline for the Children's Mental, Emotional, and Behavioral Health Plan

Implementation Advisory Board to submit recommendations to the governor and Appropriations and Children's committees on addressing certain unmet mental and behavioral health needs of children (§ 1);

7. extends, from September 15 to October 1, the date by which that advisory board must annually submit to the Children's Committee a status update on the children's behavioral health implementation plan and certain other information related to children's mental, emotional, and behavioral health (§ 2); and
8. makes other minor and technical changes (§ 8).

EFFECTIVE DATE: July 1, 2018, except the provisions that allow mandated reporters statewide to file reports electronically are effective October 1, 2019.

**§§ 4-7 & 12 — MANDATED REPORTER ELECTRONIC REPORT FILING**

The bill permits DCF, within existing appropriations, to establish a pilot program from July 1, 2018 to September 30, 2019, to permit certain categories of mandated reporters of child abuse and neglect to fulfill their responsibilities by submitting a report electronically to DCF or law enforcement, as appropriate, when they have reasonable cause to suspect or believe that a child is abused, neglected, or at imminent risk of harm. Currently, a mandated reporter must initially report orally (by phone or in person) to the DCF commissioner or law enforcement within 12 hours of suspecting child abuse or neglect. The reporter must also submit a written report to the DCF commissioner within 48 hours of making an oral report.

Starting October 1, 2019, the bill allows all mandated reporters of child abuse or neglect to electronically file their reports in a manner the commissioner prescribes. A reporter who files an initial report electronically must respond to further inquiries the department makes within 24 hours of the report. The bill requires electronic reports to include the same information currently required for written and oral reports (e.g., the child's age; name; address; and the nature of his or

her injuries, maltreatment, or neglect).

Starting October 1, 2019, the bill also permits mandated reporters acting outside of their official capacity and any other person who has reasonable cause to suspect a child is being abused or has been abused or neglected to electronically file a report with the DCF commissioner or law enforcement in a manner the commissioner prescribes. Currently, such individuals may file such reports orally or in writing.

### **§ 3 — SAFE HAVEN LAW**

Under the state's safe haven law, a parent may voluntarily surrender custody of an infant to a hospital within 30 days of the infant's birth. Currently, if a mother wishes to voluntarily surrender the infant under this law while she is still in the hospital following childbirth, she must provide written notice on a DCF-prescribed form to a health care provider at the hospital. The bill eliminates the requirement that the notice be given in writing. It also makes conforming changes by eliminating (1) the requirement that the hospital retain the written notice in the mother's file separate from her other records and (2) a prohibition against the provider disclosing the contents of the written notice without the mother's consent.

### **§ 9 — FICTIVE KIN CAREGIVER**

Existing law permits DCF to place a child in its custody with a fictive kin caregiver and makes such caregivers, if licensed or approved, eligible for guardianship subsidies while they are caring for a child. Currently, a fictive kin caregiver is a person age 21 or older who is unrelated to a child by birth, adoption, or marriage but who has an emotionally significant relationship with the child amounting to a familial relationship. The bill broadens the definition to include a person who has an emotionally significant relationship with the child or the child's family amounting to a familial relationship.

### **§ 11 — CAREGIVERS**

By law, when a court finds a child to be uncared for, neglected, or abused, it may, among other things, commit the child to DCF. If (1) the court later determines that the commitment should be revoked and the

child's guardianship should be vested in someone other than the parents or former guardian or (2) parental rights are terminated, there is a rebuttable presumption that it is in the child's best interest to award legal guardianship to, or allow adoption by, the caregiver or person who had custody of the child by court order at the time of the revocation or termination. There is also a rebuttable presumption that the caregiver is a suitable and worthy person to assume guardianship of or adopt the child.

Under the bill, for relative caregivers and people licensed or approved to provide foster care to qualify as "caregivers" in this context, and thus have these presumptions apply to them, they must currently be caring for the child. Existing law already requires this of a fictive kin caregiver.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 8 Nay 4 (03/15/2018)