



# House of Representatives

General Assembly

**File No. 124**

February Session, 2018

Substitute House Bill No. 5332

*House of Representatives, March 29, 2018*

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***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:

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2 the general statutes is repealed and the following is substituted in lieu  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

4 (b) (1) The department, with the assistance of the State Advisory  
5 Council on Children and Families, and in consultation with  
6 representatives of the children and families served by the department,  
7 providers of services to children and families, advocates, and others  
8 interested in the well-being of children and families in this state, shall  
9 develop and regularly update a single, comprehensive strategic plan  
10 for meeting the needs of children and families served by the  
11 department. In developing and updating the strategic plan, the  
12 department shall identify and define agency goals and indicators of  
13 progress, including benchmarks, in achieving such goals. The strategic  
14 plan shall include, but not be limited to: (A) The department's mission

15 statement; (B) the expected results for the department and each of its  
16 mandated areas of responsibility; (C) a schedule of action steps and a  
17 time frame for achieving such results and fulfilling the department's  
18 mission that includes strategies for working with other state agencies  
19 to leverage resources and coordinate service delivery; (D) strategies,  
20 informed by data on referrals, substantiations, removal, placements  
21 and retention, by which the department shall identify racial and ethnic  
22 disparities within child welfare practice and work to eliminate such  
23 disparities; (E) priorities for services and estimates of the funding and  
24 other resources necessary to carry them out; [(E)] (F) standards for  
25 programs and services that are based on research-based best practices,  
26 when available; and [(F)] (G) relevant measures of performance.

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

37 (3) The commissioner shall track and report on progress in  
38 achieving the strategic plan's goals not later than October 1, 2010, and  
39 quarterly thereafter, to said State Advisory Council. The commissioner  
40 shall submit a status report on progress in achieving the results in the  
41 strategic plan, in accordance with section 11-4a, not later than July 1,  
42 2011, and annually thereafter to the General Assembly, the joint  
43 standing committee of the General Assembly having cognizance of  
44 matters relating to children and the Governor.

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

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

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

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

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

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

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

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

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

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

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

75 (j) Coordinate the activities of the department with those of other  
76 state departments, municipalities and private agencies concerned with

77 providing services for children and youths and their families;

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

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

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

91 (n) Have any and all other powers and duties as are necessary to  
92 administer the department and implement the purposes of sections  
93 17a-1 to 17a-26, inclusive, and 17a-28 to 17a-49, inclusive, as amended  
94 by this act;

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

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

100 (q) Establish a standardized data reporting system to support the  
101 collection of data regarding (1) the race and ethnicity of children and  
102 families referred to the department at key decision points, including,  
103 but not limited to, referral, substantiation, removal and placement, and  
104 (2) rates of retention of children and families by race and ethnicity; and

105 (r) Work to eliminate disparities in referral rates, substantiations,  
106 placements and retention among racial and ethnic groups and groups

107 known to experience higher rates of adverse child welfare, health and  
108 services outcomes because of religion, age, sex, sexual orientation,  
109 national origin, socioeconomic status, immigration status, language,  
110 ancestry, intellectual or physical disability, mental health status, prior  
111 criminal convictions, homelessness, gender identity or expression or  
112 geographic area of residence.

113 Sec. 3. (NEW) (*Effective July 1, 2018*) Not later than February 15,  
114 2019, and annually thereafter, the Commissioner of Children and  
115 Families shall submit a report, in accordance with the provisions of  
116 section 11-4a of the general statutes, to the joint standing committee of  
117 the General Assembly having cognizance of matters relating to  
118 children. Such report shall include data illustrating utilization of the  
119 Department of Children and Families' services by race and ethnicity,  
120 an assessment of trends in such utilization and recommendations for  
121 results-based accountability measures to ensure parity in access to  
122 such services.

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

126 (8) The Chief State's Attorney or the Chief State's Attorney's  
127 designee for purposes of investigating or prosecuting (A) an allegation  
128 related to child abuse or neglect, (B) an allegation that an individual  
129 made a false report of suspected child abuse or neglect, [or] (C) an  
130 allegation that a mandated reporter failed to report suspected child  
131 abuse or neglect in accordance with section 17a-101a, provided such  
132 prosecuting authority shall have access to records of a child charged  
133 with the commission of a delinquent act, who is not being charged  
134 with an offense related to child abuse, only while the case is being  
135 prosecuted and after obtaining a release, or (D) an allegation of fraud  
136 in the receipt of public or private benefits, provided no information  
137 identifying the subject of the record is disclosed unless such  
138 information is essential to such investigation or prosecution;

139 Sec. 5. Section 17a-102a of the general statutes is repealed and the

140 following is substituted in lieu thereof (*Effective July 1, 2018*):

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

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

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

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

173 guidelines developed pursuant to subsection (c) of this section.

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

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

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

182 (3) "Provider" means any person licensed pursuant to chapter 370,  
183 377 or 378.

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

187 (b) (1) No child in the custody of the Commissioner of Children and  
188 Families shall be placed in foster care with any person, unless (A) (i)  
189 such person is licensed for that purpose by the department or the  
190 Department of Developmental Services pursuant to the provisions of  
191 section 17a-227, or (ii) such person's home is approved by a child  
192 placing agency licensed by the commissioner pursuant to section 17a-  
193 149, or (iii) such person has received approval as provided in this  
194 section, and (B) on and after January 1, 2017, for a child twelve years of  
195 age or older, such child has received a foster family profile in  
196 accordance with the provisions of section 17a-114e. Any person  
197 licensed by the department may be a prospective adoptive parent. The  
198 commissioner shall adopt regulations, in accordance with the  
199 provisions of chapter 54, to establish the licensing procedures and  
200 standards.

201 (2) The commissioner shall require each applicant for licensure or  
202 approval pursuant to this section and any person sixteen years of age  
203 or older living in the household of such applicant to submit to state

204 and national criminal history records checks prior to issuing a license  
205 or approval to such applicant to accept placement of a child for  
206 purposes of foster care or adoption. Such criminal history records  
207 checks shall be conducted in accordance with section 29-17a. The  
208 commissioner shall also check the state child abuse registry established  
209 pursuant to section 17a-101k for the name of such applicant and for the  
210 name of any person sixteen years of age or older living in the  
211 household of such applicant.

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

223 [(4)] (3) The commissioner shall require each individual licensed or  
224 approved pursuant to this section and any person sixteen years of age  
225 or older living in the household of such individual to submit to state  
226 and national criminal history records checks prior to renewing a  
227 license or approval for any individual providing foster care. Such  
228 criminal history records checks shall be conducted in accordance with  
229 section 29-17a. The commissioner shall also check the state child abuse  
230 registry established pursuant to section 17a-101k for the name of such  
231 applicant and for the name of any person sixteen years of age or older  
232 living in the household of such applicant prior to such renewal.

233 [(5) The commissioner, at his or her discretion, may require any  
234 person sixteen years of age or older who is not living in the household  
235 but who has regular unsupervised access to a child in the home of any  
236 individual licensed or approved pursuant to this section to submit to



237 state and national criminal history records checks prior to renewing a  
238 license or approval for such individual providing foster care.]

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

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

249 (b) If the Commissioner of Children and Families has reason to  
250 believe that a violation has occurred for which a civil penalty is  
251 authorized pursuant to subsection (d) of this section, the commissioner  
252 may notify the alleged violator by certified mail, return receipt  
253 requested, or by personal service. Such notice shall include: (1) A  
254 reference to the section or sections of the general statutes alleged to  
255 have been violated; (2) a short and plain statement of the matter  
256 asserted or charged; (3) a statement of the prescribed civil penalty  
257 which may be imposed pursuant to subsection (d) of this section; and  
258 (4) a statement of the alleged violator's right to request a hearing and  
259 requirement that any such request be submitted, in writing, to the  
260 commissioner not later than thirty days after notice is mailed or given  
261 by personal service pursuant to this subsection.

262 (c) Not later than thirty days after receipt of a request for hearing  
263 made pursuant to subsection (b) of this section, the commissioner shall  
264 hold such hearing in accordance with the provisions of chapter 54. If  
265 (1) after holding such hearing, the commissioner finds that a violation  
266 of section 17a-145, 17a-149 or 17a-152 has occurred, (2) the alleged  
267 violator does not request a hearing, or (3) the alleged violator requests  
268 a hearing but does not appear at such hearing, the commissioner may  
269 order the imposition of a civil penalty pursuant to subsection (d) of

270 this section. The commissioner shall send a copy of any order issued  
271 pursuant to this subsection by certified mail, return receipt requested,  
272 to the person or entity named in such order.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	17a-3(b)
Sec. 2	July 1, 2018	17a-6
Sec. 3	July 1, 2018	New section
Sec. 4	July 1, 2018	17a-28(g)(8)
Sec. 5	July 1, 2018	17a-102a
Sec. 6	from passage	17a-114(b)
Sec. 7	July 1, 2018	17a-153

**Statement of Legislative Commissioners:**

In subsections (c) and (d) of section 5, "Fetal Alcohol Syndrome" was changed to "fetal alcohol spectrum disorder" for accuracy and consistency.

**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 19 \$	FY 20 \$
Children & Families, Dept.	GF - Prevents Revenue Loss	approx. \$108 million	approx. \$108 million
Children & Families, Dept.	GF - Prevents Revenue Loss	approx. \$280,000	approx. \$280,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes various changes to statutes concerning the Department of Children and Families (DCF). Sections with fiscal impact are detailed below.

**Section 5** is a healthcare provider notification provision required by the federal Child Abuse Prevention and Treatment Act (CAPTA). If Connecticut were to be deemed not in compliance with CAPTA requirements, it would result in a loss of federal funding of approximately \$280,000 annually, based on current federal funding levels. DCF was awarded a CAPTA grant of \$280,851 in 2017.

**Section 6** restricts DCF from running state and national criminal history checks, and state child abuse registry records checks, on individuals who are not living in a foster household being licensed/approved, but who have regular unsupervised access to a child in the home of an applicant. The Auditor of the Department of Emergency Services and Public Protection notified DCF that background checks on individuals that are not part of the licensing

process go against Federal Bureau of Investigations policy. Without **Section 6** restrictions, DCF's ability to obtain state and national criminal history for individuals that are part of the licensing process would be a risk. Without these background checks, the agency would not be in compliance with Title IV-E of the Social Security Act requirements. Lack of compliance could result in a loss of federal funding of approximately \$108 million annually, based on current federal funding levels. Title IV-E revenue of approximately \$108 million was deposited into the General Fund in FY 17.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to federal funding, and federal funding requirement changes.

**OLR Bill Analysis****sHB 5332*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY**

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

1. take certain steps to identify and address racial and ethnic disparities within child welfare practices (§§ 1 - 3),
2. provide records without the subject's consent to the chief state's attorney's office to investigate benefits fraud (§ 4),
3. develop guidelines for the care of high-risk newborns who are born with signs indicating prenatal substance exposure or fetal alcohol syndrome (§ 5), and
4. perform child abuse and neglect registry checks on a foster care provider seeking to renew his or her license or approval and anyone age 16 or older living in the home (§ 6).

The bill also:

1. requires health care providers to notify DCF when a child is born with symptoms indicating prenatal substance exposure or fetal alcohol spectrum disorder, and include a copy of the newborn's safe care plan (§ 5);
2. eliminates a provision that permits the commissioner, when someone applies for, or seeks to renew, a license or approval to provide foster care, to run state and national criminal history record checks on anyone over age 16 who does not live in the

applicant's house but who has regular unsupervised access to children in the home ( § 6);

3. establishes notice and hearing requirements that DCF may follow before imposing a fine for failure to comply with certain licensing requirements to care for, board, or place a child ( § 7); and
4. makes other minor and technical changes.

EFFECTIVE DATE: July 1, 2018, except the provision that makes changes to foster care criminal background and child abuse and neglect registry check requirements is effective upon passage.

### **§§ 1-3 — ADDRESSING RACIAL AND ETHNIC DISPARITIES IN CHILD WELFARE PRACTICE**

The bill requires DCF to take steps to address racial and ethnic disparities within child welfare practices by adopting strategies, establishing a data reporting system, working to eliminate disparities, and annually reporting to the Children's Committee.

#### ***Strategies to Address Disparities***

Existing law requires DCF, with the assistance of the State Advisory Council on Children and Families and in consultation with certain other stakeholders, to develop and regularly update a strategic plan to meet the needs of children and families the department serves. Under the bill, the plan must include strategies DCF must use to identify racial and ethnic disparities within child welfare practices and work to eliminate those disparities. The strategies must be informed by data on referrals, abuse and neglect substantiations, removals, placements, and retention.

#### ***Commissioner Responsibilities and Reporting Requirement***

The bill adds to the DCF commissioner's existing responsibilities requirements that she:

1. establish a standardized data reporting system to support data

collection regarding (a) the race and ethnicity of children and families referred to the department at key decision points, including referral, substantiation, removal, and placement and (b) retention rates of children and families by race and ethnicity; and

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

The bill also requires the commissioner, by February 15, 2019, to begin annually reporting to the Children’s Committee data illustrating DCF service use by race and ethnicity, an assessment of usage trends, and recommendations for results-based accountability measures to ensure parity in access to such services.

#### **§ 4 — DCF RECORDS DISCLOSURES**

The bill expands the existing list of circumstances under which DCF must disclose its records to the chief state’s attorney’s office without a subject’s consent. Under the bill, the department must make such disclosures for purposes of investigating or prosecuting alleged benefits fraud, provided no information identifying the subject of the record is disclosed unless the information is essential to the investigation or prosecution. The law additionally requires DCF to make such disclosures to the chief state’s attorney’s office in order to investigate or prosecute allegations (1) related to child abuse or neglect, (2) that an individual falsely reported suspected child abuse or neglect, or (3) that a mandated reporter failed to report child abuse or neglect.

Generally, DCF records are confidential but can be disclosed (1) with the consent of the subject or (2) without such consent and for certain purposes to a guardian ad litem or attorney representing a child or youth in litigation affecting the child's or youth's best interests, certain foster or prospective adoptive parents, and various agencies officials, and other persons for certain purposes.

#### **§ 5 — SAFE CARE OF SUBSTANCE EXPOSED NEWBORNS**

By January 1, 2019, the bill requires the DCF commissioner, in consultation with other departments, agencies, or entities concerned with the health and well-being of children, to develop guidelines for the safe care of newborns who exhibit (1) physical, neurological, or behavioral symptoms consistent with prenatal substance exposure; (2) withdrawal symptoms from prenatal substance exposure; or (3) fetal alcohol syndrome. The guidelines must include instructions to providers regarding the providers' participation in the discharge planning process, including the creation of written plans of safe care, which must be developed between the providers and mothers of the newborns as part of that process.

Under the bill, a provider involved in the delivery or care of a newborn who, in the provider's estimation, exhibits physical, neurological, or behavioral symptoms consistent with prenatal substance exposure, associated withdrawal symptoms, or fetal alcohol spectrum disorder must notify DCF of these conditions in the newborn. The notice must be made in a form and manner the commissioner prescribes and in addition to any applicable reporting requirements under the state's child welfare laws. Starting January 15, 2019, the notice must include a copy of the plan of safe care created pursuant to the above guidelines.

Under the bill, providers include the following licensed health professionals: physicians, surgeons, homeopathic physicians, physician assistants, nurse-midwives, practical nurses, registered nurses, and advanced practice registered nurses.

#### **§ 6 — CHILD ABUSE AND NEGLECT REGISTRY CHECK**

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Under existing law, before issuing a license or approval to provide foster care, DCF has to run state and national criminal history and state child abuse registry records checks on the applicant and anyone living in the applicant's household who is age 16 or older. Once licensed or approved, the foster care provider and anyone age 16 or older living in the household must again submit to a criminal history check at the time of renewal. For license and approval renewal purposes, the bill requires DCF to once again check the child abuse and neglect registry for those individuals.

Additionally, the bill eliminates provisions that permit the commissioner to (1) run criminal history and child abuse registry checks, when someone applies for a license or approval to provide foster care, on anyone over age 16 who does not live in the applicant's house but who has regular unsupervised access to children in the home and (2) conduct criminal background checks on such individuals at the time of license or approval renewal.

#### **§ 7 — LICENSE VIOLATIONS FOR CHILD CARE, BOARDING, AND PLACEMENT**

By law, certain persons and entities must be licensed by DCF in order to care for or board a child, place a child in a foster or adoptive home, or bring or send a child into the state for placement or care in a home or institution. Under current law, any person or corporation that violates these licensing requirements may be fined up to \$100. The bill broadens the violators subject to the fine to include persons and entities, instead of persons and corporations as under current law. Under the bill, DCF may provide the violator with notice and the notice must include information about the violator's right to a hearing before DCF imposes such a penalty.

Additionally, the bill authorizes DCF, on the advice of the attorney general and in the manner provided by law, to (1) investigate any reported violation of these licensing requirements and (2) in the state's name, seek an injunction or other civil process against any person or governmental unit to restrain or prevent them from caring for,

boarding, or placing a child while in violation of those requirements.

**Notice Requirement**

If the commissioner has reason to believe that a person or entity has committed a violation of the licensing requirements punishable by a \$100 fine, she may notify the alleged violator by certified mail, return receipt requested, or by personal service. (Since the commissioner is permitted, but not required, to send the notice, it is unclear what happens if she does not send it.) The notice must include:

1. a reference to the laws allegedly violated,
2. a short and plain statement of the matter asserted or charged,
3. a statement of the prescribed \$100 civil penalty for the violations, and
4. a statement of the alleged violator’s right to request a hearing and requirement that the request be submitted in writing to the commissioner within 30 days after the notice is mailed or given by personal service.

**Hearing Requirement and Penalty Order**

Within 30 days after receiving a request for a hearing, the commissioner must hold one in accordance with the Uniform Administrative Procedures Act. The commissioner may order the \$100 civil penalty if (1) after holding the hearing, the commissioner finds that a violation of the licensing requirements occurred, or (2) the alleged violator does not request a hearing or requests one but does not appear at it. The commissioner must send a copy of any such order by certified mail, return receipt requested, to the person or entity named in the order.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 0 (03/15/2018)