



Senate

General Assembly

File No. 113

February Session, 2018

Substitute Senate Bill No. 315

Senate, March 28, 2018

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

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

1 Section 1. Subsection (h) of section 17a-22bb of the 2018 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective July 1, 2018*):

4 (h) On or before [July] October 1, 2018, the Department of Children
5 and Families, in collaboration with the Children's Mental, Emotional
6 and Behavioral Health Plan Implementation Advisory Board,
7 established pursuant to section 17a-22f, shall submit recommendations
8 for addressing any unmet mental, emotional and behavioral health
9 needs of children that are attributed to an increased risk of
10 involvement in the juvenile and criminal justice systems, in accordance
11 with section 11-4a, to the Governor and the joint standing committees

12 of the General Assembly having cognizance of matters relating to
13 children and appropriations.

14 Sec. 2. Subsection (f) of section 17a-22ff of the 2018 supplement to
15 the general statutes is repealed and the following is substituted in lieu
16 thereof (*Effective July 1, 2018*):

17 (f) Not later than [September 15, 2016] October 1, 2018, and annually
18 thereafter, the board shall submit a report, in accordance with the
19 provisions of section 11-4a, to the joint standing committee of the
20 General Assembly having cognizance of matters relating to children.
21 Such report shall detail (1) the status of the execution of the
22 implementation plan, (2) the level of collaboration among the agencies
23 and stakeholders involved in the execution of the implementation
24 plan, (3) any recommendations for improvements in the execution of
25 the implementation plan or the collaboration among such agencies and
26 stakeholders, and (4) any additional information the board deems
27 necessary and relevant to prevent or reduce the long-term negative
28 impact of mental, emotional and behavioral health issues on children.

29 Sec. 3. Section 17a-58 of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective July 1, 2018*):

31 (a) An employee designated pursuant to section 17a-57 shall take
32 physical custody of any infant thirty days or younger if the parent or
33 lawful agent of the parent voluntarily surrenders physical custody of
34 the infant to such designated employee unless the parent or agent
35 clearly expresses an intent to return for the infant.

36 (b) If the mother of an infant wishes to voluntarily surrender
37 physical custody of the infant while the mother is in the hospital to
38 give birth to the infant, the mother shall provide notice that she wishes
39 to surrender physical custody of the infant [, in writing, on a form
40 prescribed by the Commissioner of Children and Families, and deliver
41 such notice] to any health care provider who is licensed by the
42 Department of Public Health and who provides health care services on
43 behalf of the hospital. Upon receipt of such notice, such health care

44 provider shall notify the designated employee pursuant to section 17a-
45 57, who shall immediately take physical custody of the infant. [The
46 hospital shall retain the written notice provided by the mother in a file
47 separate from the mother's medical records.] No hospital employee or
48 health care provider shall disclose [the contents of the written notice,
49 including] the name of the mother [,] to the Department of Children
50 and Families or any person or organization without the mother's
51 permission.

52 (c) The designated employee may request the parent or agent to
53 provide (1) the name of the parent or agent, (2) information on the
54 medical history of the infant and parents, and (3) the infant's name and
55 date of birth if the infant's birth has been registered in the state vital
56 records system prior to the surrender of the infant. Notwithstanding
57 such a request from the designated employee, the parent or agent is
58 not required to provide such name or information. The designated
59 employee may provide the parent or agent with a numbered
60 identification bracelet to link the parent or agent to the infant. The
61 bracelet shall be used for identification only and shall not be construed
62 to authorize the person who possesses the bracelet to take custody of
63 the infant on demand. The designated employee shall provide the
64 parent or agent with a pamphlet describing the process established
65 under sections 17a-57 to 17a-60, inclusive, and sections 17a-61, 53-21
66 and 53-23.

67 Sec. 4. Subsection (a) of section 17a-101b of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective*
69 *October 1, 2019*):

70 (a) An oral or electronic report shall be made by a mandated
71 reporter as soon as practicable but not later than twelve hours after the
72 mandated reporter has reasonable cause to suspect or believe that a
73 child has been abused or neglected or placed in imminent risk of
74 serious harm. [,] An oral report made pursuant to this subsection shall
75 be made by telephone or in person to the Commissioner of Children
76 and Families or a law enforcement agency. If a law enforcement

77 agency receives an oral report, it shall immediately notify the
78 [Commissioner of Children and Families] commissioner. An electronic
79 report made pursuant to this subsection shall be made in a manner
80 prescribed by the commissioner. A mandated reporter who makes an
81 electronic report pursuant to this section shall respond to further
82 inquiries from the commissioner or the commissioner's designee made
83 within twenty-four hours of such report.

84 Sec. 5. Section 17a-101c of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective October 1, 2019*):

86 Not later than forty-eight hours after making an oral report, a
87 mandated reporter shall submit a written or electronic report to the
88 Commissioner of Children and Families or the commissioner's
89 designee. Such reports shall be made in a manner prescribed by the
90 commissioner. When a mandated reporter is a member of the staff of a
91 public or private institution or facility that provides care for such child
92 or public or private school the reporter shall also submit a copy of the
93 written or electronic report to the person in charge of such institution,
94 school or facility or the person's designee. In the case of a report
95 concerning a school employee holding a certificate, authorization or
96 permit issued by the State Board of Education under the provisions of
97 sections 10-144o to 10-146b, inclusive, and 10-149, a copy of the written
98 or electronic report shall also be sent by the Commissioner of Children
99 and Families or the commissioner's designee to the Commissioner of
100 Education or the commissioner's designee. In the case of an employee
101 of a facility or institution that provides care for a child which is
102 licensed by the state, a copy of the written or electronic report shall
103 also be sent by the Commissioner of Children and Families to the
104 executive head of the state licensing agency.

105 Sec. 6. Section 17a-101d of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective October 1, 2019*):

107 All [oral and written] reports required [in] pursuant to sections 17a-
108 101a to 17a-101c, inclusive, as amended by this act, and section 17a-
109 103, as amended by this act, shall contain, if known: (1) The names and

110 addresses of the child and his or her parents or other person
111 responsible for his or her care; (2) the age of the child; (3) the gender of
112 the child; (4) the nature and extent of the child's injury or injuries,
113 maltreatment or neglect; (5) the approximate date and time the injury
114 or injuries, maltreatment or neglect occurred; (6) information
115 concerning any previous injury or injuries to, or maltreatment or
116 neglect of, the child or his or her siblings; (7) the circumstances in
117 which the injury or injuries, maltreatment or neglect came to be known
118 to the reporter; (8) the name of the person or persons suspected to be
119 responsible for causing such injury or injuries, maltreatment or
120 neglect; (9) the reasons such person or persons are suspected of
121 causing such injury or injuries, maltreatment or neglect; (10) any
122 information concerning any prior cases in which such person or
123 persons have been suspected of causing an injury, maltreatment or
124 neglect of a child; and (11) whatever action, if any, was taken to treat,
125 provide shelter or otherwise assist the child. For purposes of this
126 section, "child" includes any victim described in subdivision (2) of
127 subsection (a) of section 17a-101a.

128 Sec. 7. Section 17a-103 of the general statutes is repealed and the
129 following is substituted in lieu thereof (*Effective October 1, 2019*):

130 (a) Any mandated reporter acting outside his or her professional
131 capacity and any other person having reasonable cause to suspect or
132 believe that any child under the age of eighteen is in danger of being
133 abused, or has been abused or neglected, as defined in section 46b-120,
134 may cause a written, [or] oral or electronic report to be made to the
135 Commissioner of Children and Families or the commissioner's
136 [representative] designee or a law enforcement agency. An electronic
137 report made pursuant to this subsection shall be made in a manner
138 prescribed by the commissioner. The [Commissioner of Children and
139 Families] commissioner or the commissioner's [representative]
140 designee shall use his or her best efforts to obtain the name and
141 address of a person who causes a report to be made pursuant to this
142 section. In the case of an oral report, such report shall be recorded on
143 tape and the commissioner or the commissioner's [representative]

144 designee shall announce to the person making such report that such
145 report is being recorded and shall state the penalty for knowingly
146 making a false report of child abuse or neglect under subsection (d) of
147 section 17a-101e.

148 (b) Notwithstanding the provisions of section 17a-101k, if the
149 identity of any such person who made a report pursuant to subsection
150 (a) of this section is known, and the commissioner or the
151 commissioner's [representative] designee suspects or knows that such
152 person has knowingly made a false report, such identity shall be
153 disclosed to the appropriate law enforcement agency and to the
154 perpetrator of the alleged abuse.

155 (c) If the [Commissioner of Children and Families] commissioner, or
156 the commissioner's designee, receives a report alleging sexual abuse or
157 serious physical abuse, including, but not limited to, a report that: (1)
158 A child has died; (2) a child has been sexually assaulted; (3) a child has
159 suffered brain damage, loss or serious impairment of a bodily function
160 or organ; (4) a child has been sexually exploited; or (5) a child has
161 suffered serious nonaccidental physical injury, he or she shall, within
162 twenty-four hours of receipt of such report, notify the appropriate law
163 enforcement agency.

164 Sec. 8. Section 17a-101h of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective July 1, 2018*):

166 Notwithstanding any provision of the general statutes, any person
167 authorized to conduct an investigation of abuse or neglect shall
168 coordinate investigatory activities in order to minimize the number of
169 interviews of any child and share information with other persons
170 authorized to conduct an investigation of child abuse or neglect, as
171 appropriate. A person reporting child abuse or neglect shall provide
172 any person authorized to conduct an investigation of child abuse or
173 neglect with all information related to the investigation that is in the
174 possession or control of the person reporting child abuse or neglect,
175 except as expressly prohibited by state or federal law. The
176 commissioner shall obtain the consent of parents or guardians or other

177 persons responsible for the care of the child to any interview with a
178 child, except that such consent shall not be required when the
179 department has reason to believe such parent or guardian or other
180 person responsible for the care of the child or member of the child's
181 household is the perpetrator of the alleged abuse or neglect or that
182 seeking such consent would place the child at imminent risk of
183 physical harm. If consent is not required to conduct the interview, such
184 interview shall be conducted in the presence of a disinterested adult
185 unless immediate access to the child is necessary to protect the child
186 from imminent risk of physical harm and a disinterested adult is not
187 available after reasonable search. For purposes of this section, "child"
188 includes any victim described in subdivision (2) of subsection (a) of
189 section 17a-101a.

190 Sec. 9. Subsection (a) of section 17a-114 of the general statutes is
191 repealed and the following is substituted in lieu thereof (*Effective July*
192 *1, 2018*):

193 (a) As used in this section, (1) "approval" or "approved" means that
194 a person has been approved to provide foster care by a child-placing
195 agency licensed pursuant to section 17a-149, (2) "licensed" means a
196 person holds a license to provide foster care issued by the Department
197 of Children and Families, (3) "fictive kin caregiver" means a person
198 who is twenty-one years of age or older and who is unrelated to a child
199 by birth, adoption or marriage but who has an emotionally significant
200 relationship with such child or such child's family amounting to a
201 familial relationship, and (4) "regular unsupervised access" means
202 periodic interaction with a child in the home for purposes of
203 unsupervised child care, medical or other services to the child.

204 Sec. 10. Subsection (a) of section 17a-145 of the 2018 supplement to
205 the general statutes is repealed and the following is substituted in lieu
206 thereof (*Effective July 1, 2018*):

207 (a) No person or entity shall care for or board a child without a
208 license obtained from the Commissioner of Children and Families,
209 except: (1) When a child has been placed by a person or entity holding

210 a license from the commissioner; (2) any residential educational
211 institution exempted by the State Board of Education under the
212 provisions of section 17a-152; (3) residential facilities under contract
213 with or licensed by the Department of Developmental Services
214 pursuant to section 17a-227; (4) facilities providing child care services,
215 as defined in section 19a-77; or (5) any home that houses students
216 participating in a program described in subparagraph (B) of
217 subdivision (8) of section 10a-29. The person or entity seeking a child
218 care facility license shall file with the commissioner an application for
219 a license, in such form as the commissioner furnishes, stating the
220 location where it is proposed to care for such child, the number of
221 children to be cared for, in the case of a corporation, the purpose of the
222 corporation and the names of its chief officers and of the actual person
223 responsible for the child. The Commissioner of Children and Families
224 is authorized to fix the maximum number of children to be boarded
225 and cared for in any such home or institution or by any person or
226 entity licensed by the commissioner. If the population served at any
227 facility, institution or home operated by any person or entity licensed
228 under this section changes after such license is issued, such person or
229 entity shall file a new license application with the commissioner, and
230 the commissioner shall notify the chief executive officer of the
231 municipality in which the facility is located of such new license
232 application, except that no confidential client information may be
233 disclosed.

234 Sec. 11. Subdivision (1) of subsection (j) of section 46b-129 of the
235 2018 supplement to the general statutes is repealed and the following
236 is substituted in lieu thereof (*Effective July 1, 2018*):

237 (j) (1) For the purposes of this subsection and subsection (k) of this
238 section, (A) "permanent legal guardianship" means a permanent
239 guardianship, as defined in section 45a-604, and (B) "caregiver" means
240 (i) a fictive kin caregiver, as defined in section 17a-114, as amended by
241 this act, who is caring for a child, (ii) a relative caregiver, as defined in
242 section 17a-126, who is caring for a child, or (iii) a person who is
243 licensed or approved to provide foster care pursuant to section 17a-

244 114, as amended by this act, who is caring for a child.

245 Sec. 12. (*Effective July 1, 2018*) (a) The Commissioner of Children and
 246 Families may, within existing appropriations, establish and operate a
 247 pilot program to permit certain categories of mandated reporters to
 248 make electronic reports of children such reporters have reasonable
 249 cause to suspect or believe have been abused, neglected or placed at
 250 imminent risk of serious harm. Such categories shall be chosen at the
 251 discretion of the commissioner and such reports shall be made in a
 252 manner prescribed by the commissioner.

253 (b) Any pilot program established pursuant to this section shall
 254 begin operation on or after July 1, 2018, and shall terminate not later
 255 than September 30, 2019.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	17a-22bb(h)
Sec. 2	<i>July 1, 2018</i>	17a-22ff(f)
Sec. 3	<i>July 1, 2018</i>	17a-58
Sec. 4	<i>October 1, 2019</i>	17a-101b(a)
Sec. 5	<i>October 1, 2019</i>	17a-101c
Sec. 6	<i>October 1, 2019</i>	17a-101d
Sec. 7	<i>October 1, 2019</i>	17a-103
Sec. 8	<i>July 1, 2018</i>	17a-101h
Sec. 9	<i>July 1, 2018</i>	17a-114(a)
Sec. 10	<i>July 1, 2018</i>	17a-145(a)
Sec. 11	<i>July 1, 2018</i>	46b-129(j)(1)
Sec. 12	<i>July 1, 2018</i>	New section

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 - Potential Savings	None	less than 50,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which allows the Department of Children and Families to establish a pilot program, starting 10/1/19, to permit certain mandated reporters of child abuse and neglect to submit their reports electronically, is anticipated to result in potential savings of less than \$50,000 in FY 20. Savings are associated with Careline overtime that occurs during the first and second shift overlap on school days.¹ The electronic mandated reporting system is part of the greater Comprehensive Child Welfare Information System build, which is already underway. Other provisions of the bill are not anticipated to results in a fiscal impact to the state or municipalities.

The Out Years

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

¹Approximately five hours of overtime per day, with 180 school days each year, at a mid-range hourly rate of \$54.52.

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)