



PA 18-67—sSB 315
Committee on Children

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

1. extends, from July 1, 2018, to October 1, 2018, the deadline for DCF, in collaboration with the Children’s Mental, Emotional and Behavioral Health Plan Implementation Advisory Board, to report recommendations to the governor and the Appropriations and Children’s committees on addressing certain unmet mental, emotional, and behavioral health needs of children (§ 1);
2. extends, from September 15 to October 1, the day by which that advisory board must annually submit a status report on the implementation plan and related matters to the Children’s Committee (§ 2);
3. eliminates the requirement for an infant’s mother, while in the hospital to give birth, to provide written notice to a hospital health care provider to voluntarily surrender her infant under the state’s safe haven law (§ 3);
4. allows DCF to establish a pilot program to permit certain mandated reporters to submit reports of suspected child abuse and neglect electronically, and beginning on October 1, 2019, allows all mandated reporters and other individuals to file such reports electronically (§§ 4-7, 12);
5. expands the definition of fictive kin caregiver (§ 9);
6. 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 already the case for DDS licensed residential facilities (§ 10); and
7. requires a relative caregiver or foster care provider to be currently caring for a child to be considered a “caregiver” for purposes related to certain child welfare proceedings (§ 11).

The act also makes minor and technical changes.

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

§ 3 — SAFE HAVEN LAW

Under existing law, a parent can voluntarily surrender custody of an infant to

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a hospital within 30 days of the infant's birth. This act eliminates the requirement that a mother at a hospital to give birth provide written notice to a health care provider at the hospital if she intends to surrender her infant. The act also makes conforming changes, including eliminating the requirement that the hospital keeps the written notice in a file separate from the mother's other records.

§§ 4-7, 12 — MANDATED REPORTER ELECTRONIC FILING

Existing law requires mandated reporters of child abuse or neglect to submit their initial report orally by telephone or in person to the DCF commissioner or law enforcement within 12 hours of suspecting child abuse or neglect, and to submit a written report within 48 hours of submitting an oral report.

The act permits DCF to establish, within existing appropriations, a pilot program to allow certain mandated reporters of child abuse and neglect to submit reports electronically, in a manner the commissioner prescribes. Any such program may begin on or after July 1, 2018, and must end by September 30, 2019. The act gives the DCF commissioner the discretion to choose which categories of mandated reporters may participate in the pilot program.

Beginning October 1, 2019, the act allows all mandated reporters of child abuse and neglect to file their reports electronically in a manner the commissioner prescribes. All electronic reports must include the same information currently required for oral and written reports. A reporter who electronically files an initial report must respond to further inquiries DCF makes within 24 hours of receiving the report.

In addition to required reporting, existing law allows mandated reporters acting outside of their professional capacity, or anyone else with reasonable cause to suspect child abuse or neglect, to make oral or written reports to DCF or law enforcement. Starting October 1, 2019, the act allows such reports to also be made electronically, in a manner the commissioner prescribes.

§ 9 — FICTIVE KIN CAREGIVER

Under existing law, a fictive kin caregiver is defined as 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 act expands the definition of a fictive kin caregiver to also include such a person who has an emotionally significant relationship with the child's family amounting to a familial relationship.

Existing law allows DCF to place a child in its custody with a fictive kin caregiver and makes licensed or approved caregivers eligible for guardianship subsidies while caring for a child.

§ 11 — CAREGIVERS

By law, if a court determines that a child's commitment to DCF should be revoked and the child's guardianship should be vested in someone other than the parents or former guardian, or if parental rights are terminated, there is a

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rebuttable presumption that (1) 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 at the time of the revocation or termination and (2) the caregiver is a suitable and worthy person to assume guardianship of or adopt the child.

Under the act, to qualify as "caregivers" in this context and have these presumptions apply to them, relative caregivers and licensed and approved foster care providers must currently be caring for the child. Existing law already requires this for a fictive kin caregiver to be considered a "caregiver" in this context.