



General Assembly

February Session, 2018

Raised Bill No. 5332

LCO No. 1344



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

***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2 the general statutes is repealed and the following is substituted in lieu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-101h of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective July 1, 2018*):

141 Notwithstanding any provision of the general statutes, any person
142 authorized to conduct an investigation of abuse or neglect shall
143 coordinate investigatory activities in order to minimize the number of
144 interviews of any child and share information with other persons
145 authorized to conduct an investigation of child abuse or neglect, as
146 appropriate. A person reporting child abuse or neglect shall provide
147 any person authorized to conduct an investigation of child abuse or
148 neglect with all information related to the investigation that is in the
149 possession or control of the person reporting child abuse or neglect,
150 except as expressly prohibited by state or federal law. The
151 commissioner shall obtain the consent of parents or guardians or other
152 persons responsible for the care of the child to any interview with a
153 child, except that such consent shall not be required when the
154 department has reason to believe such parent or guardian or other
155 person responsible for the care of the child or member of the child's
156 household is the perpetrator of the alleged abuse or neglect or that
157 seeking such consent would place the child at imminent risk of
158 physical harm. If consent is not required to conduct the interview, such
159 interview shall be conducted in the presence of a disinterested adult
160 unless immediate access to the child is necessary to protect the child
161 from imminent risk of physical harm and a disinterested adult is not
162 available after reasonable search. For purposes of this section, "child"
163 includes any victim described in subdivision (2) of subsection (a) of
164 section 17a-101a.

165 Sec. 6. Section 17a-102a of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective July 1, 2018*):

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

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

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

189 (d) A provider involved in the delivery or care of a newborn who, in
190 the estimation of such provider, exhibits physical, neurological or
191 behavioral symptoms consistent with prenatal substance exposure,
192 withdrawal symptoms from prenatal substance exposure or Fetal
193 Alcohol Spectrum Disorder shall notify the Department of Children
194 and Families of such condition in such newborn. Such notice shall be
195 made in a form and manner prescribed by the Commissioner of
196 Children and Families and in addition to any applicable reporting
197 requirements pursuant to chapter 319a. On and after January 15, 2019,
198 such notice shall include a copy of the plan of safe care created
199 pursuant to the guidelines developed pursuant to subsection (c) of this
200 section.

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

202 (1) "Birthing hospital" means a health care facility, as defined in

203 section 19a-630, operated and maintained in whole or in part for the
204 purpose of caring for women during delivery of a child and for women
205 and their newborns following birth; [, and "high-risk newborn"]

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

209 (3) "Provider" means any person licensed pursuant to chapter 370,
210 377 or 378.

211 Sec. 7. Subsection (a) of section 17a-114 of the general statutes is
212 repealed and the following is substituted in lieu thereof (*Effective July*
213 *1, 2018*):

214 (a) As used in this section, (1) "approval" or "approved" means that
215 a person has been approved to provide foster care by a child-placing
216 agency licensed pursuant to section 17a-149, (2) "licensed" means a
217 person holds a license to provide foster care issued by the Department
218 of Children and Families, (3) "fictive kin caregiver" means a person
219 who is twenty-one years of age or older and who is unrelated to a child
220 or such child's family by birth, adoption or marriage but who has an
221 emotionally significant relationship with such child amounting to a
222 familial relationship, and (4) "regular unsupervised access" means
223 periodic interaction with a child in the home for purposes of
224 unsupervised child care, medical or other services to the child.

225 Sec. 8. Subsection (a) of section 17a-145 of the 2018 supplement to
226 the general statutes is repealed and the following is substituted in lieu
227 thereof (*Effective July 1, 2018*):

228 (a) No person or entity shall care for or board a child without a
229 license obtained from the Commissioner of Children and Families,
230 except: (1) When a child has been placed by a person or entity holding
231 a license from the commissioner; (2) any residential educational
232 institution exempted by the State Board of Education under the
233 provisions of section 17a-152; (3) residential facilities under contract

234 with or licensed by the Department of Developmental Services
235 pursuant to section 17a-227; (4) facilities providing child care services,
236 as defined in section 19a-77; or (5) any home that houses students
237 participating in a program described in subparagraph (B) of
238 subdivision (8) of section 10a-29. The person or entity seeking a child
239 care facility license shall file with the commissioner an application for
240 a license, in such form as the commissioner furnishes, stating the
241 location where it is proposed to care for such child, the number of
242 children to be cared for, in the case of a corporation, the purpose of the
243 corporation and the names of its chief officers and of the actual person
244 responsible for the child. The Commissioner of Children and Families
245 is authorized to fix the maximum number of children to be boarded
246 and cared for in any such home or institution or by any person or
247 entity licensed by the commissioner. If the population served at any
248 facility, institution or home operated by any person or entity licensed
249 under this section changes after such license is issued, such person or
250 entity shall file a new license application with the commissioner, and
251 the commissioner shall notify the chief executive officer of the
252 municipality in which the facility is located of such new license
253 application, except that no confidential client information may be
254 disclosed.

255 Sec. 9. Section 17a-153 of the general statutes is repealed and the
256 following is substituted in lieu thereof (*Effective July 1, 2018*):

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

265 (b) If the Commissioner of Children and Families has reason to
266 believe that a violation has occurred for which a civil penalty is

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

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

290 (d) Any person or [corporation] entity which violates any provision
 291 of section 17a-145, as amended by this act, section 17a-149 or section
 292 17a-152 shall be [fined] subject to a civil penalty of not more than one
 293 hundred dollars per day for each day that such person or entity is in
 294 violation of such section.

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	<i>July 1, 2018</i>	17a-28(g)(8)
Sec. 5	<i>July 1, 2018</i>	17a-101h
Sec. 6	<i>July 1, 2018</i>	17a-102a
Sec. 7	<i>July 1, 2018</i>	17a-114(a)
Sec. 8	<i>July 1, 2018</i>	17a-145(a)
Sec. 9	<i>July 1, 2018</i>	17a-153

Statement of Purpose:

To (1) require the Department of Children and Families to include in its strategic plan strategies to eliminate racial and ethnic disparities within child welfare practice; (2) require the Commissioner of Children and Families to collect data on the race and ethnicity of children and families involved with the department, and work to eliminate certain disparities based on race, ethnicity and other factors; (3) require the department to disclose records to the Chief State's Attorney for the purpose of investigating or prosecuting an allegation of fraud in the receipt of certain benefits; (4) create an exception from the requirement that the commissioner obtain consent from the parent or guardian of a child to interview such child for the purpose of investigating a claim of neglect if such parent or guardian is the perpetrator of the alleged neglect; (5) require certain health care providers to notify the department of newborns exhibiting certain symptoms consistent with prenatal substance exposure and other conditions and require the department to establish guidelines for the safe care of such newborns; (6) clarify the definition of "fictive kin caregiver"; (7) clarify that certain residential facilities may care for or board a child without a license obtained from the commissioner; and (8) permit the commissioner to investigate and maintain actions in the name of the state for violations of certain statutes pertaining to the unlicensed caring for, boarding of and placing of a child.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]