



General Assembly

Substitute Bill No. 5332

February Session, 2018



**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2 the general statutes is repealed and the following is substituted in lieu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.*