



Substitute Senate Bill No. 188

Public Act No. 18-140

AN ACT ESTABLISHING THE STATE OVERSIGHT COUNCIL ON CHILDREN AND FAMILIES.

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

Section 1. Section 17a-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) There shall be a State [Advisory] Oversight Council on Children and Families which shall consist of [nineteen members as follows: (1) Thirteen members appointed by the Governor, including two persons who are child care professionals, two persons eighteen to twenty-five years of age, inclusive, served by the Department of Children and Families, one child psychiatrist licensed to practice medicine in this state and one attorney who has expertise in legal issues related to children and youth and seven persons who shall be representative of young persons, parents and others interested in the delivery of services to children and youths, including child protection, behavioral health, juvenile justice and prevention services, at least four of whom shall be parents, foster parents or family members of children who have received, or are receiving, behavioral health services, child welfare services or juvenile services; and (2) six members representing the regional advisory councils established pursuant to section 17a-30, appointed one each by the members of each council. On and after

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October 1, 2014, no] the following members: (1) Two members appointed by the speaker of the House of Representatives, one of whom shall have expertise in providing services through the family assessment response program operated by the Department of Children and Families and one of whom shall be an advocate for children and youths; (2) two members appointed by the president pro tempore of the Senate, one of whom shall have expertise in providing behavioral health services to children and youths served by the Department of Children and Families and one of whom shall be an attorney with expertise in legal issues related to children and youths; (3) two members appointed by the majority leader of the House of Representatives, one of whom shall be between the ages of eighteen and twenty-five and a former recipient of in-home services or supervision provided by the Department of Children and Families and one of whom shall be an advocate for behavioral health services who serves on the Behavioral Health Partnership Oversight Council established pursuant to section 17a-22j; (4) two members appointed by the majority leader of the Senate, one of whom shall be a child psychiatrist licensed to practice medicine in this state and one of whom shall be an advocate for behavioral health services who serves on the Behavioral Health Partnership Oversight Council established pursuant to section 17a-22j; (5) two members appointed by the minority leader of the House of Representatives, one of whom shall be between the ages of eighteen and twenty-five and a former foster child and one of whom shall be a provider of therapeutic foster care; (6) two members appointed by the minority leader of the Senate, one of whom shall be an attorney with expertise in legal issues related to children and youths and one of whom shall be a practicing member of the Connecticut Chapter of the American Academy of Pediatrics; (7) one member appointed by the chairpersons of the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n, who shall be a member of such committee and an advocate for or provider of services to children and youths; (8) the chairpersons and

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ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to children, or their designees; (9) the Child Advocate, or the Child Advocate's designee; (10) the Chief Public Defender, or the Chief Public Defender's designee; and (11) six members appointed one each by the members of the regional advisory councils established pursuant to section 17a-30, who shall be parents, foster parents or family members of children or youths who have received or currently receive behavioral health services, child welfare services or juvenile services. No more than half the members of the council shall be persons who receive income from a private practice or any public or private agency that delivers mental health, substance abuse, child abuse prevention and treatment, child welfare services or juvenile services. Members of the council shall serve without compensation. [except for necessary expenses incurred in the performance of their duties. The Department of Children and Families shall provide the council with funding to facilitate the participation of those members representing families and youth, as well as for other administrative support services.] Members shall serve on the council for terms of two years each and no member shall serve for more than three consecutive terms. The commissioner shall be an ex-officio member of the council without vote and shall attend its meetings. Any member who fails to attend three consecutive meetings or fifty per cent of all meetings during any calendar year shall be deemed to have resigned. Any vacancy shall be filled by the appointing authority. The council shall elect [a chairperson and vice-chairperson to act in the chairperson's absence] two chairpersons, one of whom shall not be a representative of the executive or legislative branch, from among its members.

(b) The [council] State Oversight Council on Children and Families shall meet at least quarterly, and more often upon the call of the [chair] chairpersons or a majority of the members. The council's meetings shall be held at locations that facilitate participation by members of the

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public, and its agenda and minutes shall be posted on the [department's web site] Internet web sites of the Department of Children and Families and the General Assembly. A majority of the members [in office] present, but not less than [six] twelve members, shall constitute a quorum. The council shall have complete access to all records of the institutions and facilities of the department in furtherance of its duties, while at all times protecting the right of privacy of all individuals involved, as provided in section 17a-28.

(c) The duties of the [council] State Oversight Council on Children and Families shall be to: (1) [Recommend to the commissioner programs, legislation or other matters which will improve services for children and youths, including behavioral health services; (2)] Monitor, track and evaluate the policies and practices of the Department of Children and Families with respect to safety, permanency and well-being outcomes for children and youths, including, but not limited to, policies and practices related to ensuring that (A) children and youths are, first and foremost, protected from abuse and neglect; (B) children and youths are safely placed in their homes whenever possible and appropriate; (C) children and youths have permanency and stability in their living situations; (D) the continuity of children and youths' family relationships and connections is preserved; (E) families have enhanced capacity to provide for the needs of children and youths; (F) children and youths receive appropriate services to meet their educational needs; and (G) children and youths receive adequate services to meet their physical and mental health needs; (2) submit policy and legislative recommendations to the Commissioner of Children and Families and the joint standing committee of the General Assembly having cognizance of matters relating to children that will improve safety, permanency and well-being outcomes for children and youths, including, but not limited to, recommendations concerning behavioral health services; (3) annually review and advise the commissioner and the joint standing committees of the General Assembly having

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cognizance of matters relating to appropriations and children regarding the proposed budget; [(3) interpret to the community at large the policies, duties and programs of the department; (4) issue any reports it deems necessary to the Governor and the Commissioner of Children and Families; (5) assist in the development of and review and comment on the strategic plan developed by the department pursuant to subsection (b) of section 17a-3; (6)] (4) receive on a quarterly basis from the commissioner a status report on the department's progress in [carrying out the strategic plan] promoting safety, permanency and well-being outcomes, including, but not limited to, (A) data regarding such outcomes categorized by race, ethnicity, age cohorts, departmental region and, where practicable, disability status, and (B) other relevant information and data requested by the council; (5) receive on an annual basis, beginning not later than January 1, 2019, from the joint standing committee of the General Assembly having cognizance of matters relating to children, information contained in the report card maintained pursuant to section 2-53m that is relevant to the duties of the council; [(7)] (6) independently monitor the department's progress in achieving its goals as expressed in the strategic plan developed by the department pursuant to subsection (b) of section 17a-3, as amended by this act, and any outcome measures established by the council; and [(8)] (7) offer assistance and provide an outside perspective to the department so that it may be able to achieve the goals expressed in the strategic plan and implement the recommendations of the council.

(d) Not later than October 1, 2019, and annually thereafter, the State Oversight Council on Children and Families shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and children. Such report shall include, but need not be limited to, (1) findings and recommendations regarding the policies and practices of the Department of Children and Families;

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(2) information regarding the impact of such policies on safety, permanency and well-being outcomes for children and youths, including those outcomes described in subdivision (1) of subsection (c) of this section; and (3) if applicable, legislative recommendations.

(e) Not later than thirty days after receipt of the report submitted pursuant to subsection (d) of this section, the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and children shall, in conjunction with the chairperson and vice-chairperson of the State Oversight Council on Children and Families, hold an informational forum on such report.

(f) The State Oversight Council on Children and Families may, without remuneration from the state, be staffed by an organization or educational institution with the necessary expertise and resources to assist in the administration of the work of the council.

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

As used in sections 17a-1 to 17a-26, inclusive, as amended by this act, 17a-28 to 17a-49, inclusive, 17a-127 and 46b-120, unless otherwise provided in said sections:

(1) "Commissioner" means the Commissioner of Children and Families;

(2) "Council" means the State [Advisory] Oversight Council on Children and Families;

(3) "Advisory committee" means the Children's Behavioral Health Advisory Committee;

(4) "Department" means the Department of Children and Families;

(5) "Child" means a child, as defined in section 46b-120;

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(6) "Youth" means a youth, as defined in section 46b-120;

(7) "Delinquent child" means a child convicted of a delinquent act, as defined in section 46b-120;

(8) "Child or youth with behavioral health needs" means a child or youth who is suffering from one or more mental disorders as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders";

(9) "Individual service plan" means a written plan to access specialized, coordinated and integrated care for a child or youth with complex behavioral health service needs that is designed to meet the needs of the child or youth and his or her family and may include, when appropriate (A) an assessment of the individual needs of the child or youth, (B) an identification of service needs, (C) an identification of services that are currently being provided, (D) an identification of opportunities for full participation by parents or emancipated minors, (E) a reintegration plan when an out-of-home placement is made or recommended, (F) an identification of criteria for evaluating the effectiveness and appropriateness of such plan, and (G) coordination of the individual service plan with any educational services provided to the child or youth. The plan shall be subject to review at least every six months or upon reasonable request by the parent based on a changed circumstance, and be approved, in writing, by the parents, guardian of a child or youth and emancipated minors;

(10) "Family" means a child or youth with behavioral health needs and (A) one or more biological or adoptive parents, except for a parent whose parental rights have been terminated, (B) one or more persons to whom legal custody or guardianship has been given, or (C) one or more adults who have a primary responsibility for providing continuous care to such child or youth;

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(11) "Parent" means a biological or adoptive parent, except a parent whose parental rights have been terminated;

(12) "Guardian" means a person who has a judicially created relationship between a child or youth and such person that is intended to be permanent and self-sustaining as evidenced by the transfer to such person of the following parental rights with respect to the child or youth: (A) The obligation of care and control; (B) the authority to make major decisions affecting the child's or youth's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment; (C) the obligation of protection of the child or youth; (D) the obligation to provide access to education; and (E) custody of the child or youth;

(13) "Serious emotional disturbance" and "seriously emotionally disturbed" means, with regard to a child or youth, that the child or youth (A) has a range of diagnosable mental, behavioral or emotional disorders of sufficient duration to meet diagnostic criteria specified in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", and (B) exhibits behaviors that substantially interfere with or limit the child's or youth's ability to function in the family, school or community and are not a temporary response to a stressful situation;

(14) "Child or youth with complex behavioral health service needs" means a child or youth with behavioral health needs who needs specialized, coordinated behavioral health services;

(15) "Transition services" means services in the areas of education, employment, housing and community living designed to assist a youth with a serious emotional disturbance who is transitioning into adulthood; and

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(16) "Community collaborative" means a local consortium of public and private health care providers, parents and guardians of children with behavioral health needs and service and education agencies that have organized to develop coordinated comprehensive community resources for children or youths with complex behavioral health service needs and their families in accordance with principles and goals of Connecticut Community KidCare.

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

(b) (1) The department, with the assistance of the State [Advisory] Oversight Council on Children and Families, and in consultation with representatives of the children and families served by the department, providers of services to children and families, advocates, and others interested in the well-being of children and families in this state, shall develop and regularly update a single, comprehensive strategic plan for meeting the needs of children and families served by the department. In developing and updating the strategic plan, the department shall identify and define agency goals and indicators of progress, including benchmarks, in achieving such goals. The strategic plan shall include, but not be limited to: (A) The department's mission statement; (B) the expected results for the department and each of its mandated areas of responsibility; (C) a schedule of action steps and a time frame for achieving such results and fulfilling the department's mission that includes strategies for working with other state agencies to leverage resources and coordinate service delivery; (D) priorities for services and estimates of the funding and other resources necessary to carry them out; (E) standards for programs and services that are based on research-based best practices, when available; and (F) relevant measures of performance.

(2) The department shall begin the strategic planning process on

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July 1, 2009. The department shall hold regional meetings on the plan to ensure public input and shall post the plan and the plan's updates and progress reports on the department's web site. The department shall submit the strategic plan to the State [Advisory] Oversight Council on Children and Families for review and comment prior to its final submission to the General Assembly and the Governor. On or before July 1, 2010, the department shall submit the strategic plan, in accordance with section 11-4a, to the General Assembly and the Governor.

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

Sec. 4. Subsections (e) and (f) of section 17a-4a of the 2018 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(e) Not later than October first of each year, the advisory committee shall submit a status report on local systems of care and practice standards for state-funded behavioral health programs to the Commissioner of Children and Families and the State [Advisory] Oversight Council on Children and Families.

(f) Not later than October first of each odd-numbered year, the advisory committee shall submit recommendations concerning the provision of behavioral health services for all children in the state to the Commissioner of Children and Families and the State [Advisory]

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Oversight Council on Children and Families. The recommendations shall address, but shall not be limited to, the following: (1) The target population for children with behavioral health needs, and assessment and benefit options for children with such needs; (2) the appropriateness and quality of care for children with behavioral health needs; (3) the coordination of behavioral health services provided under the HUSKY Health program with services provided by other publicly-funded programs; (4) performance standards for preventive services, family supports and emergency service training programs; (5) assessments of community-based and residential care programs; (6) outcome measurements by reviewing provider practice; and (7) a medication protocol and standards for the monitoring of medication and after-care programs.

Sec. 5. Subsection (m) of section 17a-6 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(m) Submit to the [state advisory council] State Oversight Council on Children and Families for its comment proposals for new policies or programs and the proposed budget for the department;

Sec. 6. Section 17a-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) The commissioner shall appoint, after consultation with the [state advisory council] State Oversight Council on Children and Families, and may remove in a like manner, two deputy commissioners who shall be in the unclassified service. The deputy commissioner for program services shall be a clinically competent professional person experienced in one or more fields of children's services and in the administration of such services, and shall be responsible for the supervision of all clinical treatment and program services of the department. The deputy commissioner of

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administrative services shall have experience in business or institutional administration and shall be responsible for the organizational and general administrative services of the department.

(b) The commissioner shall appoint, after consultation with the [state advisory council] State Oversight Council on Children and Families, and may remove in like manner, not more than two program directors who shall be in the unclassified service, provided the title or duties of any director appointed pursuant to this subsection may be changed as the commissioner deems necessary after consultation with the state advisory council. Such directors may oversee community programs and services and the operation of institutions and facilities.

(c) The commissioner shall, in accordance with chapter 67 and after consultation with the [state advisory council] State Oversight Council on Children and Families, appoint the administrative heads of all of the institutions and facilities transferred to the department and such other institutions and facilities as now are or hereafter may be established by or transferred to the department. Such administrative heads shall have skill and experience in the administration of children's services and shall manage their institutions and facilities in accordance with the regulations and orders of the commissioner.

(d) The commissioner shall, after consultation with the [state advisory council] State Oversight Council on Children and Families, appoint and may remove in a like manner, up to six regional directors who shall be in the unclassified service. Each regional director shall have skill and experience in the field of children's services and in the administration of such services. Each regional director shall be subject to the direction of the commissioner and shall be responsible for the operation and administration of services provided or funded by the department in the regions created by the commissioner pursuant to subsection (a) of section 17a-30.

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Sec. 7. Section 17a-32a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

(a) The facilities that come under the jurisdiction of the Department of Children and Families, as enumerated in section 17a-32, shall submit an annual report to the State [Advisory] Oversight Council on Children and Families and to their respective advisory groups, established pursuant to subsection (b) of section 17a-6. The report shall include, but not be limited to: (1) Aggregate profiles of the residents; (2) a description of and update on major initiatives; (3) key outcome indicators and results; (4) costs associated with operating the facility; and (5) a description of educational, vocational and literacy programs, and behavioral, treatment and other services available to the residents and their outcomes. Each report submitted pursuant to this subsection shall be posted on the department's web site.

(b) Such advisory groups shall respond to their facility's annual report, submitted pursuant to subsection (a) of this section, and provide any recommendations for improvement or enhancement that they deem necessary.

(c) The Department of Children and Families shall serve as administrative staff of such advisory groups.

Vetoed June 13, 2018