



Senate

General Assembly

File No. 92

February Session, 2018

Substitute Senate Bill No. 188

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 ESTABLISHING THE STATE OVERSIGHT COUNCIL ON CHILDREN AND FAMILIES.

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

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 Section 17a-4 of the general statutes is repealed and the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

3 (a) There shall be a State [Advisory] Oversight Council on Children
4 and Families which shall consist of [nineteen members as follows: (1)
5 Thirteen] the following members: (1) Six members appointed by the
6 Governor, including two persons who are child care professionals, two
7 persons eighteen to twenty-five years of age, inclusive, served by the
8 Department of Children and Families, one child psychiatrist licensed
9 to practice medicine in this state and one attorney who has expertise in
10 legal issues related to children and youth; [and seven persons who
11 shall be representative of young persons, parents and others interested
12 in the delivery of services to children and youths, including child
13 protection, behavioral health, juvenile justice and prevention services,

14 at least four of whom shall be parents, foster parents or family
15 members of children who have received, or are receiving, behavioral
16 health services, child welfare services or juvenile services; and] (2) one
17 member appointed by the speaker of the House of Representatives,
18 who shall have expertise in providing services to children and youths;
19 (3) one member appointed by the president pro tempore of the Senate,
20 who shall have expertise in providing behavioral health services to
21 children and youths served by the Department of Children and
22 Families; (4) one member appointed by the majority leader of the
23 House of Representatives, who shall be a parent, foster parent or
24 family member of a child or youth who has received or is receiving
25 behavioral health services, child welfare services or juvenile services;
26 (5) one member appointed by the majority leader of the Senate, who
27 shall be a parent, foster parent or family member of a child or youth
28 who has received or is receiving behavioral health services, child
29 welfare services or juvenile services; (6) one member appointed by the
30 minority leader of the House of Representatives, who shall be a parent,
31 foster parent or family member of a child or youth who has received or
32 is receiving behavioral health services, child welfare services or
33 juvenile services; (7) one member appointed by the minority leader of
34 the Senate, who is an advocate for children and youths; (8) the
35 chairpersons and ranking members of the joint standing committee of
36 the General Assembly having cognizance of matters relating to
37 children, or their designees; and (9) six members representing the
38 regional advisory councils established pursuant to section 17a-30,
39 appointed one each by the members of each council. On and after
40 October 1, [2014] 2018, no more than half the members of the council
41 shall be persons who receive income from a private practice or any
42 public or private agency that delivers mental health, substance abuse,
43 child abuse prevention and treatment [,] or child welfare services. [or
44 juvenile services.] Members of the council shall serve without
45 compensation, except for necessary expenses incurred in the
46 performance of their duties. The Department of Children and Families
47 shall provide the council with funding to facilitate the participation of
48 those members representing families and youth, as well as for other

49 administrative support services. Members shall serve on the council
50 for terms of two years each and no member shall serve for more than
51 three consecutive terms. The commissioner shall be an ex-officio
52 member of the council without vote and shall attend its meetings. Any
53 member who fails to attend three consecutive meetings or fifty per cent
54 of all meetings during any calendar year shall be deemed to have
55 resigned. Any vacancy shall be filled by the appointing authority. The
56 council shall elect [a chairperson and vice-chairperson to act in the
57 chairperson's absence] two chairpersons from among its members.

58 (b) The [council] State Oversight Council on Children and Families
59 shall meet quarterly, and more often upon the call of the [chair]
60 chairpersons or a majority of the members. The council's meetings
61 shall be held at locations that facilitate participation by members of the
62 public, and its agenda and minutes shall be posted on the
63 [department's web site] Internet web site of the Department of
64 Children and Families. A majority of the members [in office] present,
65 but not less than [six] twelve members, shall constitute a quorum. The
66 council shall have complete access to all records of the institutions and
67 facilities of the department in furtherance of its duties, while at all
68 times protecting the right of privacy of all individuals involved, as
69 provided in section 17a-28.

70 (c) The duties of the [council] State Oversight Council on Children
71 and Families shall be to: (1) Recommend to the commissioner and the
72 joint standing committee of the General Assembly having cognizance
73 of matters regarding to children programs, legislation or other matters
74 which will improve services for children and youths, including
75 behavioral health services; (2) annually review and advise the
76 commissioner regarding the proposed budget; (3) interpret to the
77 community at large the policies, duties and programs of the
78 department; (4) issue any reports it deems necessary to the Governor,
79 [and] the Commissioner of Children and Families and the joint
80 standing committee of the General Assembly having cognizance of
81 matters regarding to children; (5) assist in the development of and
82 review and comment on the strategic plan developed by the

83 department pursuant to subsection (b) of section 17a-3; (6) receive on a
84 quarterly basis from the commissioner a status report on the
85 department's progress in carrying out the strategic plan; (7)
86 independently monitor the department's progress in achieving its
87 goals as expressed in the strategic plan; and (8) offer assistance and
88 provide an outside perspective to the department so that it may [be
89 able to] achieve the goals expressed in the strategic plan.

90 (d) Not later than July 1, 2019, and annually thereafter, the State
91 Oversight Council on Children and Families shall submit a report, in
92 accordance with the provisions of section 11-4a, to the joint standing
93 committees of the General Assembly having cognizance of matters
94 relating to appropriations and children. Such report shall include, but
95 need not be limited to, (1) findings and recommendations regarding
96 the policies and practices of the Department of Children and Families;
97 (2) information regarding the impact of such policies on safety,
98 permanency and well-being outcomes for children and youths; and (3)
99 if applicable, legislative recommendations.

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

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

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

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

113 (2) "Council" means the State [Advisory] Oversight Council on

114 Children and Families;

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

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

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

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

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

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

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

142 (10) "Family" means a child or youth with behavioral health needs
143 and (A) one or more biological or adoptive parents, except for a parent

144 whose parental rights have been terminated, (B) one or more persons
145 to whom legal custody or guardianship has been given, or (C) one or
146 more adults who have a primary responsibility for providing
147 continuous care to such child or youth;

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

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

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

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

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

176 adulthood; and

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

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

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

207 (2) The department shall begin the strategic planning process on
208 July 1, 2009. The department shall hold regional meetings on the plan

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

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

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

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

234 (f) Not later than October first of each odd-numbered year, the
235 advisory committee shall submit recommendations concerning the
236 provision of behavioral health services for all children in the state to
237 the Commissioner of Children and Families and the State [Advisory]
238 Oversight Council on Children and Families. The recommendations
239 shall address, but shall not be limited to, the following: (1) The target
240 population for children with behavioral health needs, and assessment
241 and benefit options for children with such needs; (2) the

242 appropriateness and quality of care for children with behavioral health
243 needs; (3) the coordination of behavioral health services provided
244 under the HUSKY Health program with services provided by other
245 publicly-funded programs; (4) performance standards for preventive
246 services, family supports and emergency service training programs; (5)
247 assessments of community-based and residential care programs; (6)
248 outcome measurements by reviewing provider practice; and (7) a
249 medication protocol and standards for the monitoring of medication
250 and after-care programs.

251 Sec. 5. Subsection (m) of section 17a-6 of the general statutes is
252 repealed and the following is substituted in lieu thereof (*Effective July*
253 *1, 2018*):

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

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

259 (a) The commissioner shall appoint, after consultation with the
260 [state advisory council] State Oversight Council on Children and
261 Families, and may remove in a like manner, two deputy
262 commissioners who shall be in the unclassified service. The deputy
263 commissioner for program services shall be a clinically competent
264 professional person experienced in one or more fields of children's
265 services and in the administration of such services, and shall be
266 responsible for the supervision of all clinical treatment and program
267 services of the department. The deputy commissioner of
268 administrative services shall have experience in business or
269 institutional administration and shall be responsible for the
270 organizational and general administrative services of the department.

271 (b) The commissioner shall appoint, after consultation with the
272 [state advisory council] State Oversight Council on Children and
273 Families, and may remove in like manner, not more than two program

274 directors who shall be in the unclassified service, provided the title or
275 duties of any director appointed pursuant to this subsection may be
276 changed as the commissioner deems necessary after consultation with
277 the state advisory council. Such directors may oversee community
278 programs and services and the operation of institutions and facilities.

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

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

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

300 (a) The facilities that come under the jurisdiction of the Department
301 of Children and Families, as enumerated in section 17a-32, shall submit
302 an annual report to the State [Advisory] Oversight Council on
303 Children and Families and to their respective advisory groups,
304 established pursuant to subsection (b) of section 17a-6. The report shall
305 include, but not be limited to: (1) Aggregate profiles of the residents;
306 (2) a description of and update on major initiatives; (3) key outcome

307 indicators and results; (4) costs associated with operating the facility;
 308 and (5) a description of educational, vocational and literacy programs,
 309 and behavioral, treatment and other services available to the residents
 310 and their outcomes. Each report submitted pursuant to this subsection
 311 shall be posted on the department's web site.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	17a-4
Sec. 2	July 1, 2018	17a-1
Sec. 3	July 1, 2018	17a-3(b)
Sec. 4	July 1, 2018	17a-4a(e) and (f)
Sec. 5	July 1, 2018	17a-6(m)
Sec. 6	July 1, 2018	17a-9
Sec. 7	July 1, 2018	17a-32a

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:*** None***Municipal Impact:*** None***Explanation***

The bill establishes a State Oversight Council on Children and Families. The bill has no fiscal impact as PA 17-236 prohibits transportation allowances for task force membership.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 188*****AN ACT ESTABLISHING THE STATE OVERSIGHT COUNCIL ON CHILDREN AND FAMILIES.*****SUMMARY**

This bill renames the State Advisory Council on Children and Families as the State Oversight Council on Children and Families and increases its membership from 19 to 22. It also increases, from six to 12, the number of members that constitutes a quorum. The bill replaces seven governor-appointed members with six members appointed by legislative leaders. It also adds the Children's Committee chairpersons and ranking members or their designees to the council.

The bill expands the council's duties by requiring it to (1) recommend to the Children's Committee any programs, legislation, or other matters that will improve services for children and youths, in addition to making such recommendations to the Department of Children and Families (DCF) commissioner as required under current law, and (2) issue any reports it deems necessary to the Children's Committee, not just to the governor and DCF commissioner as currently required.

The bill also requires the council, by July 1, 2019, to begin annually reporting to the Appropriations and Children's committees (1) its findings and recommendations regarding DCF policies and practices; (2) information about the impact of those policies on safety, permanency, and well-being outcomes for children and youths; and (3) if applicable, legislative recommendations. Within 30 days of receiving this report, the committees, in conjunction with the council's chairpersons, must hold an informational forum on the report.

The bill also makes conforming changes.

EFFECTIVE DATE: July 1, 2018

COUNCIL MEMBERSHIP

Currently, the council must include seven members the governor appoints who represent young people, parents, and others interested in delivering child protection, behavioral health, juvenile justice, prevention, and other services to children and youths. At least four of those members must be parents, foster parents, or family members of children who received or are receiving behavioral health, child welfare, or juvenile services. The bill replaces these members with six legislative appointees, as shown in Table 1. Any vacancy must be filled by the appointing authority. The bill retains the (1) six other governor-appointed members of the council and their associated qualifications and (2) six members representing regional advisory councils.

Table 1: Legislative Appointees

Appointing Authority	Number of Appointments	Qualifications
House Speaker	One	Expert in providing services to children and youths
Senate President Pro Tempore	One	Expert in providing behavioral health services to children and youths DCF serves
House and Senate majority leaders and House minority leader	One each	Parent, foster parent, or family member of a child or youth who has received or is currently receiving behavioral health, child welfare, or juvenile services
Senate minority leader	One	Child and youth advocate

Currently, the council must select from among its members a (1) chairperson and (2) vice-chairperson to act in his or her absence. The bill instead requires the council to select two chairpersons.

Current law also limits, to no more than half the committee membership, the number of members 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, or juvenile services. The bill eliminates juvenile services from this restriction.

BACKGROUND

Children's Report Card

By law, the Children's Committee, in collaboration with the Offices of Fiscal Analysis and Legislative Research and the Commission on Women, Children, and Seniors, must maintain an annual report card that evaluates the progress of state policies and programs in promoting the result that all Connecticut children grow up in a stable living environment, safe, healthy, and ready to lead successful lives. The report must use data and primary indicators to measure the progress toward these results in a variety of areas (e.g., statewide rates of child abuse and poverty) (CGS § 2-53m).

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 0 (03/15/2018)