AN ACT CONCERNING THE NOTIFICATION OF CERTAIN EMPLOYERS OF THE PLACEMENT OF AN EMPLOYEE ON THE CHILD ABUSE OR NEGLECT REGISTRY.

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

Section 1. Section 17a-101g of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) Upon receiving a report of child abuse or neglect, as provided in sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which the alleged perpetrator is (1) a person responsible for such child's health, welfare or care, (2) a person given access to such child by such responsible person, or (3) a person entrusted with the care of a child, the Commissioner of Children and Families, or the commissioner's designee, shall cause the report to be classified and evaluated immediately. If the report contains sufficient information to warrant an investigation, the commissioner shall make the commissioner's best efforts to commence an investigation of a report concerning an imminent risk of physical harm to a child or other emergency within two hours of receipt of the report and shall commence an investigation of all other reports within seventy-two hours of receipt of the report. A report classified by the commissioner, or the commissioner's designee, as lower risk may be referred for family assessment and services pursuant to subsection [(g)] (h) of this section. Any such report may thereafter be referred for standard child protective services if safety concerns for the child become evident. A report referred for standard
child protective services may be referred for family assessment and
services at any time if the department determines there is a lower risk
to the child. If the alleged perpetrator is a school employee, as defined
in section 53a-65, or is employed by an institution or facility licensed or
approved by the state to provide care for children, the department
shall notify the Department of Education or the state agency that has
issued such license or approval to the institution or facility of the
report and the commencement of an investigation by the
Commissioner of Children and Families. The department shall
complete any such investigation not later than forty-five calendar days
after the date of receipt of the report. If the report is a report of child
abuse or neglect in which the alleged perpetrator is not a person
specified in subdivision (1), (2) or (3) of this subsection, the
Commissioner of Children and Families shall refer the report to the
appropriate local law enforcement authority for the town in which the
child resides or in which the alleged abuse or neglect occurred.

(b) The Commissioner of Children and Families shall establish
protocols for the investigation of and response to reports of child abuse
or neglect of children from birth to three years of age. Such protocols
shall include, but need not be limited to, (1) appropriate supervision of
the case, (2) appropriate visitation by department personnel to such
children, (3) documentation of case activities relevant to the safety and
well-being of such children, and (4) a case supervision tool specific to
the unique needs and risk status of children from birth to three years
of age. All investigations of a report of child abuse or neglect pursuant
to this section shall include a home visit at which the child and any
siblings are observed, if appropriate, a determination of the nature,
extent and cause or causes of the reported abuse or neglect, a
determination of the person or persons suspected to be responsible for
such abuse or neglect, the name, age and condition of other children
residing in the same household and an evaluation of the parents and
the home. The report of such investigation shall be in writing. The
investigation shall also include, but not be limited to, a review of
criminal conviction information concerning the person or persons
alleged to be responsible for such abuse or neglect and previous allegations of abuse or neglect relating to the child or other children residing in the household or relating to family violence. After an investigation into a report of abuse or neglect has been completed, the commissioner shall determine, based upon a standard of reasonable cause, whether a child has been abused or neglected, as defined in section 46b-120. If the commissioner determines that abuse or neglect has occurred, the commissioner shall also determine whether: (A) There is an identifiable person responsible for such abuse or neglect; and (B) such identifiable person poses a risk to the health, safety or well-being of children and should be recommended by the commissioner for placement on the child abuse and neglect registry established pursuant to section 17a-101k. If the commissioner has made the determinations in subparagraphs (A) and (B) of this subsection, the commissioner shall issue notice of a recommended finding to the person suspected to be responsible for such abuse or neglect in accordance with section 17a-101k. If the child is represented by an attorney or guardian ad litem, the commissioner shall notify the child's attorney or guardian ad litem in writing not less than five days prior to the date of any meeting in which the department is considering removing the child from the household, except, if the commissioner, or the commissioner's designee, has authorized the immediate removal of a child from his or her household pursuant to the provisions of subsection [(e)] (f) of this section, the commissioner, or the commissioner's designee, shall not be required to provide advance written notice of such removal to the child's attorney or guardian ad litem.

(c) Except as provided in subsection (d) of this section, no entry of the recommended finding shall be made on the child abuse or neglect registry and no information concerning the finding shall be disclosed by the commissioner pursuant to a check of the child abuse or neglect registry or request for information by a public or private entity for employment, licensure, or reimbursement for child care purposes pursuant to programs administered by the Department of Social
Services or pursuant to any other general statute that requires a check of the child abuse or neglect registry until the exhaustion or waiver of all administrative appeals available to the person suspected to be responsible for the abuse or neglect, as provided in section 17a-101k.

(d) If the child abuse or neglect resulted in or involves (1) the death of a child; (2) the risk of serious physical injury or emotional harm of a child; (3) the serious physical harm of a child; (4) the arrest of a person due to abuse or neglect of a child; (5) a petition filed by the commissioner pursuant to section 17a-112 or 46b-129; or (6) sexual abuse of a child, entry of the recommended finding may be made on the child abuse or neglect registry and information concerning the finding may be disclosed by the commissioner pursuant to a check of the child abuse or neglect registry or request for information by a public or private entity for employment, licensure, or reimbursement for child care purposes pursuant to programs administered by the Department of Social Services or pursuant to any other general statute that requires a check of the child abuse or neglect registry, prior to the exhaustion or waiver of all administrative appeals available to the person suspected to be responsible for the abuse or neglect as provided in section 17a-101k.

(e) If entry of a recommended finding is made on the child abuse or neglect registry, the Commissioner of Children and Families shall make a reasonable effort to determine whether the person against whom such finding was made is employed in a capacity that requires such person to have regular direct contact with children and provide services to or on behalf of children. If the commissioner determines that such person is employed in such capacity, the commissioner shall notify the employer of such person's placement on the abuse or neglect registry.

[(e)] (f) If the Commissioner of Children and Families, or the commissioner's designee, has probable cause to believe that the child or any other child in the household is in imminent risk of physical
harm from the child's surroundings and that immediate removal from
such surroundings is necessary to ensure the child's safety, the
commissioner, or the commissioner's designee, shall authorize any
employee of the department or any law enforcement officer to remove
the child and any other child similarly situated from such
surroundings without the consent of the child's parent or guardian.
The commissioner shall record in writing the reasons for such removal
and include such record with the report of the investigation conducted
under subsection (b) of this section.

[(f)] (g) The removal of a child pursuant to subsection [(e)] (f) of this
section shall not exceed ninety-six hours. During the period of such
removal, the commissioner, or the commissioner's designee, shall
provide the child with all necessary care, including medical care,
which may include an examination by a physician or mental health
professional with or without the consent of the child's parents,
guardian or other person responsible for the child's care, provided
reasonable attempts have been made to obtain consent of the child's
parents or guardian or other person responsible for the care of such
child. During the course of a medical examination, a physician may
perform diagnostic tests and procedures necessary for the detection of
child abuse or neglect. If the child is not returned home within such
ninety-six-hour period, with or without protective services, the
department shall proceed in accordance with section 46b-129.

[(g)] (h) (1) Notwithstanding the provisions of subsections (a) to [(f)]
(g), inclusive, of this section, the commissioner may establish a
program of family assessment response to reports of child abuse and
neglect whereby the report may be referred to appropriate community
providers for family assessment and services without an investigation
or at any time during an investigation, provided there has been an
initial safety assessment of the circumstances of a family and child and
criminal background checks have been performed on all adults
involved in the report. Services provided through family assessment
response shall include an array of community-based services and
supports designed to meet the individual needs of families, build upon their strengths, enhance child development, reduce child abuse and neglect and increase the health, safety and well-being of children.

(2) In response to an accepted family assessment report, the department shall conduct a comprehensive family assessment that shall include a safety and risk assessment and an assessment of family strengths and needs. Such assessment shall include personal interviews with the child and the child's parent or primary caretaker, an evaluation of the home environment and the performance of criminal background checks on all adults residing in the same household. Such assessment may include, as appropriate, personal interviews with other children or adults residing in the same household as well as any other caregivers, family members and collateral contacts. In conducting such assessment, the department shall consider the age and vulnerability of the child, family functioning, family history of abuse and neglect and family history of involvement with the department. The department shall, upon securing any necessary releases, request any relevant out-of-state history of child abuse or neglect involving any adults residing in the same household.

(3) The following reports of suspected child abuse or neglect shall not be referred for family assessment response: (A) Sexual abuse, (B) abuse or neglect occurring in an out-of-home placement, (C) abuse or neglect resulting in the death or serious physical or mental injury of a child, or (D) where the department's safety assessment reveals that the child is unsafe. A case supervisor or manager shall approve all referrals to family assessment response.

(4) Prior to referring a report to an appropriate community provider, the department shall develop a service plan designed to meet the family's immediate needs for services and supports and to guide the community provider's development of a long-term plan of care for the family.
(5) Following a referral pursuant to subdivision (1) of this subsection, a community provider shall schedule an in-person meeting with the family and shall develop a plan of care. Such plan of care shall be developed in consultation with the family and shall include (A) a review of the department's family assessment and service plan and any services and supports the family is currently receiving, and (B) an identification of the family's ongoing needs and the services and supports that may be available to meet such needs. Such plan of care shall identify the family's strengths and needs and describe the services and supports to be offered to (i) address the family's needs, (ii) build upon the family's strengths, and (iii) increase the health, safety and well-being of the child. The provider shall monitor the family's participation and progress with the plan of care.

(6) The community provider shall maintain ongoing contact with the family through in-person meetings, visits to the home, child and family team meetings and phone calls. If at any time following the referral or during the implementation of the plan of care, the provider has reasonable cause to suspect or believe that any child under eighteen years of age (A) has been abused or neglected, as defined in section 46b-120, (B) has suffered a nonaccidental physical injury or an injury that is at variance with the history given for such injury, or (C) is placed at imminent risk of serious harm, the provider shall report or cause a report to be made in accordance with the provisions of sections 17a-101b to 17a-101d, inclusive.

(7) The community provider shall schedule an in-person meeting with the family prior to the end of services. The determination to end services shall be based upon the family's preference and progress in meeting the goals outlined in the plan of care. The community provider shall submit individual child and family specific data and administrative service data to the department not later than thirty days after ending services. Such data shall identify the needs of the family, the services and supports made available to address those needs, the family's met and unmet treatment goals, the final disposition at the
time of ending services and the reasons for the family's discharge from services, including, but not limited to, met treatment goals, family relocation, the receipt of a new report by the department or transfer of the family to another provider.

(8) Subdivisions (5) to (7), inclusive, of this subsection shall apply to all community provider service contracts in effect on June 9, 2016, to the extent they are not in conflict with such contracts, and shall apply to all contracts entered into, amended, extended or renewed on or after June 9, 2016.

(9) The commissioner shall adopt procedures to establish a method for the department to monitor the progress of the child and family referred to a community provider pursuant to subdivision (1) of this subsection and to set standards for reopening an investigation pursuant to this section. Such standards shall include, but need not be limited to, provisions for the reassignment of a report referred for family assessment response for an immediate investigation based on (A) a reassessment of the initial report of child abuse or neglect or the discovery of new or additional facts indicating that the child is unsafe, or (B) a determination that the report meets the criteria of subdivision (3) of this subsection and, as a result, does not qualify for family assessment response. Not later than January 1, 2017, the commissioner shall submit a report regarding such procedures and standards, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to children.

(10) Consistent with the provisions of section 17a-28, the department shall disclose all relevant information in its possession concerning the child and family, including prior child protection activity, to each provider to whom a report has been referred for use by the provider in the assessment, diagnosis and treatment of unique needs of the family and the prevention of future reports. Each provider who has received a report of child abuse or neglect referred pursuant
to this subsection shall disclose to the department, consistent with the
provisions of section 17a-28, all relevant information gathered during
assessment, diagnosis and treatment of the child and family. The
department may use such information solely to monitor and ensure
the continued safety and well-being of the child or children.

(11) Not later than July 1, 2016, and annually thereafter, the
department shall submit a report, in accordance with the provisions of
section 11-4a, to the joint standing committee of the General Assembly
having cognizance of matters relating to children for inclusion in the
annual report card prepared pursuant to section 2-53m on the status of
family assessment response. Such report shall include data from the
previous calendar year, including, but not limited to: (A) The number
of accepted reports of child abuse or neglect, and the percentage of
reports assigned to the family assessment response track; (B) the
disposition of families assigned a family assessment response; (C) for
cases assigned to the family assessment response track, a breakdown
by reporter type; (D) the number and percentage of family assessment
response cases that changed track to investigations; (E) an analysis of
the department's prior or subsequent involvement with a family that
has been assigned to family assessment response, if applicable; (F) an
analysis of the department's prior or subsequent involvement with a
family that has been assigned to a community partner agency; (G) a
description of services that are commonly provided to families referred
to the community support for families program; (H) a description of
the department's staff development and training practices relating to
intake; (I) the number and percentage of referred families who were
ultimately enrolled in the community support for families program; (J)
the number and percentage of families receiving a family assessment
response broken down by race and ethnicity; (K) the reason for
discharge from the community support for families program, as
identified in subdivision (7) of this subsection, broken down by race
and ethnicity; (L) a comparison of the needs identified and the needs
addressed for families referred to the community support for families
program; and (M) an analysis of the efficacy of the department's risk
and safety assessment practices, including information concerning the methodology used to determine the reliability of such practices, the utilization of evidence-based practices and tools, and the effectiveness of such assessment practices for identifying children at risk for abuse or neglect.

Sec. 2. Subsection (b) of section 17a-16a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(b) (1) Whenever a child is placed in out-of-home care by the department pursuant to an emergency order under subsection [(e)] (f) of section 17a-101g, as amended by this act, or an order of temporary custody or an order of commitment under section 46b-129, and at any subsequent change in out-of-home care, any such child may, if it is in the best interests of the child, as determined pursuant to subdivision (3) of this subsection, continue to attend his or her school of origin. Such child shall continue to be a resident of the school district in which such school is located during such attendance for purposes of chapters 168 to 170, inclusive, 172 and 173. The board of education for the school of origin shall continue to provide free school privileges to the child and any services provided by such board shall be in accordance with the provisions of subdivision (2) of subsection (e) of section 10-76d and section 10-253. If the child continues to attend his or her school of origin following placement in out-of-home care by the department, the local or regional board of education of the school of origin shall not be eligible to receive an excess cost grant pursuant to subdivision (2) of subsection (e) of section 10-76d for the cost of such education, including, but not limited to, tuition and transportation costs. For the fiscal year ending June 30, 2013, and each fiscal year thereafter, an excess cost grant pursuant to subdivision (2) of subsection (e) of section 10-76d shall be available to the nexus school district when the nexus school district pays the child's tuition to the local or regional board of education of the school of origin. If the nexus school district placed the child in a private school or regional
educational service center program prior to the child being removed from the home by the department and the child continues to attend such prior placement, the nexus school district, or, if the nexus school district cannot be identified, the town where the child resides, shall be eligible to receive the excess cost grant pursuant to section 10-76g.

(2) Every decision by the department to place a child into out-of-home care under the provisions of subsection [(e)] (f) of section 17a-101g, as amended by this act, and section 46b-129, and any subsequent change in out-of-home care, shall take into account the appropriateness of the school setting and the proximity to the school of origin.

(3) (A) Whenever a child is placed in out-of-home care by the department pursuant to an emergency order under subsection [(e)] (f) of section 17a-101g, as amended by this act, or an order of temporary custody or an order of commitment under section 46b-129, and at any subsequent change in out-of-home care, the department shall immediately determine whether it is in the best interests of the child to remain in the school of origin. There shall be a presumption that it is in the child's best interests to remain in the school of origin. The department shall provide written notice of its decision to the parties not later than three business days after the date on which the decision is made. Such notice shall identify the factors that form the basis of the department's decision. Any party may object to the department's decision not later than three business days after receipt of such notice. The child shall remain in the school of origin until the time for objection has passed and until any disagreement is resolved, except as provided in subparagraph (C) of this subdivision. The child shall be transported to the school of origin pursuant to subsection (c) of this section during any such disagreement except as provided in subparagraph (C) of this subdivision. Such disagreements shall be expeditiously resolved. The department shall bear the burden of proof that the school placement decision is in the child's best interests.
(B) The school placement decision may be revisited at any time during the child's out-of-home care, if circumstances change, in order to ensure that the school placement decision remains in the best interests of the child. Notice of any subsequent decision to change the child's school placement decision shall be provided in accordance with subparagraph (A) of this subdivision. Any school placement decision made pursuant to this section may be challenged through the dispute resolution process for treatment plans. The child shall remain in the school of origin until any such disagreement is resolved, except as provided in subparagraph (C) of this subdivision and shall be provided with transportation in accordance with subsection (c) of this section.

(C) If at any time the department determines that continued placement in the school of origin will jeopardize the child's immediate physical safety, the department may immediately remove the child from the school and shall notify the child's attorney, parents, guardian ad litem and surrogate parent, if any, by phone or by facsimile on the same business day. Any party may object to the decision to change the child's school placement not later than three business days after receipt of such notice. If any party objects to the change in school placement, the department shall hold an administrative hearing not later than three business days after the objection.

This act shall take effect as follows and shall amend the following sections:

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