



General Assembly

Amendment

January Session, 2019

LCO No. 9364



Offered by:
SEN. SLAP, 5th Dist.
REP. LINEHAN, 103rd Dist.

To: Subst. Senate Bill No. 929 File No. 139 Cal. No. 90

"AN ACT CONCERNING THE INCLUSION OF ADDITIONAL MANDATED REPORTERS, THE DURATION OF CHILD ABUSE AND NEGLECT INVESTIGATIONS AND THE REPEAL OF CERTAIN REPORTING REQUIREMENTS OF THE DEPARTMENT OF CHILDREN AND FAMILIES."

1 Strike section 3 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 3. Subsection (b) of section 17a-6a of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July*
5 *1, 2019*):

6 (b) The Commissioner of Children and Families shall require each
7 vendor or contractor of the department and each employee of such
8 vendor or contractor [who] that provides direct services to children or
9 youths in the care and custody of the department or [who] that has
10 access to the department's records to submit to state and national
11 criminal history records checks, in accordance with section 29-17a. The
12 commissioner shall [also] check the (1) state child abuse and neglect

13 registry established pursuant to section 17a-101k for the name of such
14 vendor or contractor and each employee of such vendor or contractor
15 [who] that provides direct services to children or youths in the care
16 and custody of the department or has access to records [or clients] of
17 the department, and (2) child abuse and neglect registry in any state in
18 which a vendor or contractor or employee of a vendor or contractor
19 that provides direct services to children or youths in the care and
20 custody of the department or has access to records of the department
21 has resided in the preceding five years for the name of such vendor or
22 contractor or employee. The commissioner shall comply with any
23 request to check the child abuse and neglect registry established
24 pursuant to section 17a-101k made by the child welfare agency of
25 another state.

26 Sec. 4. Section 17a-114 of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective July 1, 2019*):

28 (a) As used in this section, (1) "approval" or "approved" means that
29 a person has been approved to adopt or provide foster care by a child-
30 placing agency licensed pursuant to section 17a-149, (2) "licensed"
31 means a person holds a license to provide foster care issued by the
32 Department of Children and Families, (3) "fictive kin caregiver" means
33 a person who is twenty-one years of age or older and who is unrelated
34 to a child by birth, adoption or marriage but who has an emotionally
35 significant relationship with such child or such child's family
36 amounting to a familial relationship, and (4) "regular unsupervised
37 access" means periodic interaction with a child in the home for
38 purposes of unsupervised child care, medical or other services to the
39 child.

40 (b) (1) No child in the custody of the Commissioner of Children and
41 Families shall be placed in foster care with any person, unless (A) (i)
42 such person is licensed for that purpose by the department or the
43 Department of Developmental Services pursuant to the provisions of
44 section 17a-227, or (ii) such person's home is approved by a child
45 placing agency licensed by the commissioner pursuant to section 17a-

46 149, or (iii) such person has received approval as provided in this
47 section, and (B) on and after January 1, 2017, for a child twelve years of
48 age or older, such child has received a foster family profile in
49 accordance with the provisions of section 17a-114e. Any person
50 licensed by the department may be a prospective adoptive parent. The
51 commissioner shall adopt regulations, in accordance with the
52 provisions of chapter 54, to establish the licensing procedures and
53 standards.

54 (2) The commissioner shall require each applicant for licensure or
55 approval pursuant to this section and any person sixteen years of age
56 or older living in the household of such applicant to submit to state
57 and national criminal history records checks prior to issuing a license
58 or approval to such applicant to accept placement of a child for
59 purposes of foster care or adoption. Such criminal history records
60 checks shall be conducted in accordance with section 29-17a. The
61 commissioner shall [also] check the (A) state child abuse and neglect
62 registry established pursuant to section 17a-101k for the name of such
63 applicant and for the name of any person sixteen years of age or older
64 living in the household of such applicant, and (B) child abuse and
65 neglect registry in any state in which such applicant or person resided
66 in the preceding five years for the name of such applicant or person.

67 (3) The commissioner shall require each individual licensed or
68 approved pursuant to this section and any person sixteen years of age
69 or older living in the household of such individual to submit to state
70 and national criminal history records checks prior to renewing a
71 license or approval for any individual providing foster care or
72 adopting. Such criminal history records checks shall be conducted in
73 accordance with section 29-17a. [The] Prior to such renewal, the
74 commissioner shall [also] check the (A) state child abuse and neglect
75 registry established pursuant to section 17a-101k for the name of such
76 applicant and for the name of any person sixteen years of age or older
77 living in the household of such applicant, [prior to such renewal] and
78 (B) child abuse and neglect registry in any state in which such
79 applicant or person resided in the preceding five years for the name of

80 such applicant or person.

81 (4) The commissioner shall comply with any request to check the
82 child abuse and neglect registry established pursuant to section 17a-
83 101k made by the child welfare agency of another state.

84 (c) Notwithstanding the requirements of subsection (b) of this
85 section, the commissioner may place a child with a relative or fictive
86 kin caregiver who has not been issued a license or approval, when
87 such placement is in the best interests of the child, provided a
88 satisfactory home visit is conducted, a basic assessment of the family is
89 completed and such relative or fictive kin caregiver attests that such
90 relative or fictive kin caregiver and any adult living within the
91 household has not been convicted of a crime or arrested for a felony
92 against a person, for injury or risk of injury to or impairing the morals
93 of a child, or for the possession, use or sale of a controlled substance.
94 Any such relative or fictive kin caregiver who accepts placement of a
95 child shall be subject to licensure by the commissioner, pursuant to
96 regulations adopted by the commissioner in accordance with the
97 provisions of chapter 54 to implement the provisions of this section or
98 approval by a child-placing agency licensed pursuant to section 17a-
99 149. The commissioner may grant a waiver from such regulations,
100 including any standard regarding separate bedrooms or room-sharing
101 arrangements, for a child placed with a relative or fictive kin caregiver,
102 on a case-by-case basis, if such placement is otherwise in the best
103 interests of such child, provided no procedure or standard that is
104 safety-related may be so waived. The commissioner shall document, in
105 writing, the reason for granting any waiver from such regulations.

106 (d) Any individual who has been licensed or approved to adopt or
107 provide foster care and any relative or fictive kin caregiver shall apply
108 a reasonable and prudent parent standard, as defined in subsection (a)
109 of section 17a-114d, on behalf of the child.

110 Sec. 5. Subsection (a) of section 17a-151 of the general statutes is
111 repealed and the following is substituted in lieu thereof (*Effective July*

112 1, 2019):

113 (a) The Commissioner of Children and Families shall investigate the
114 conditions stated in each application made under the provisions of
115 sections 17a-145 and 17a-149 and shall require any person identified on
116 the application under said sections and any individual eighteen years
117 of age or older who is employed by a child care facility licensed
118 pursuant to section 17a-145 to submit to (1) state and national criminal
119 history records checks, (2) a check of the state child abuse and neglect
120 registry established pursuant to section 17a-101k, and (3) a check of the
121 child abuse and neglect registry in any state in which such person or
122 individual resided in the preceding five years. The commissioner shall
123 comply with any request to check the child abuse and neglect registry
124 established pursuant to section 17a-101k made by the child welfare
125 agency of another state. The commissioner shall investigate the
126 conditions in each application under the provisions of sections 17a-145
127 and 17a-149 and, if the commissioner finds such conditions suitable for
128 the proper care of children, or for the placing out of children, under
129 such standards for the promotion of the health, safety, morality and
130 well-being of such children as the commissioner prescribes, shall issue
131 such license as is required as promptly as possible, without expense to
132 the licensee. If, after such investigation, the commissioner finds that
133 the applicant, notwithstanding good faith efforts, is not able to fully
134 comply with all the requirements the commissioner prescribes, but
135 compliance can be achieved with minimal efforts, the commissioner
136 may issue a provisional license for a period not to exceed sixty days.
137 The provisional license may be renewed for additional sixty-day
138 periods, but in no event shall the total of such periods be for longer
139 than one year. Before issuing any license, the commissioner shall give
140 to the selectmen of the town wherein such licensee proposes to carry
141 on the licensed activity ten days' notice in writing that the issuance of
142 such license is proposed, but such notice shall not be required in case
143 of intention to issue such license to any corporation incorporated for
144 the purpose of caring for or placing such children. Each license so
145 issued shall specify whether it is granted for child-caring or child-

146 placing purposes, shall state the number of children who may be cared
147 for, shall be in force twenty-four months from date of issue, and shall
148 be renewed for the ensuing twenty-four months, if conditions continue
149 to be satisfactory to the commissioner. The commissioner shall [also]
150 provide such periodical inspections and review as shall safeguard the
151 well-being, health and morality of all children cared for or placed
152 under a license issued by the commissioner under this section and
153 shall visit and consult with each such child and with the licensee as
154 often as the commissioner deems necessary but at intervals of not more
155 than ninety days. Each licensee under the provisions of this section
156 shall file annually with the commissioner a report containing such
157 information concerning its functions, services and operation, including
158 financial data, as the commissioner requires. Any license issued under
159 this section may be revoked, suspended or limited by the
160 commissioner for cause, after notice given to the person or entity
161 concerned and after opportunity for a hearing thereon. Any party
162 whose application is denied or whose license is revoked, suspended or
163 limited by the commissioner may appeal from such adverse decision in
164 accordance with the provisions of section 4-183. Appeals under this
165 section shall be privileged in respect to the order of trial assignment."

166 In line 122, strike "4." and insert "6." in lieu thereof