



## Acts Affecting Children

By: Jessica Callahan, Legislative Analyst II  
July 19, 2019 | 2019-R-0153

## Notice to Readers

This report provides summaries of new laws (public acts and special acts) significantly affecting children enacted during the 2019 regular session. OLR's other Acts Affecting reports, including Acts Affecting Education, are, or will soon be, available on OLR's website:

<https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the public act (PA) or special act (SA) number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden.

Complete summaries of public acts are, or will soon be, available on OLR's website:

<https://www.cga.ct.gov/olr/olrsums.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov/>.

A number of new laws affect schools and students, including early childhood education. Please refer to OLR's Acts Affecting Education report for these new laws.

# Table of Contents

Child Health and Safety .....	5
Advanced Practice Registered Nurses .....	5
Child Care Immunization and Exam Requirements.....	5
Dry-Land Water Safety Instruction Pilot Program .....	5
First Responder Training .....	5
HIV Prophylaxis for Minors.....	5
Medicaid Coverage for Breast Milk.....	6
Newborn Screening.....	6
Parking Placards for Children with Disabilities .....	6
Safe Storage of Firearms in Homes with Minors .....	6
Smoking and Vaping Age and Prohibited Locations.....	7
Wilderness School Epi-Pens .....	7
Child Protection and Welfare .....	7
Albert J. Solnit Children’s Center Licensure .....	7
Children in Care Bill of Rights and Expectations.....	7
Congregate Care Facilities.....	8
DCF Voluntary Admission Task Force .....	8
Mandated Reporting.....	8
Courts and Criminal Law .....	9
Probate Court Matters .....	9
Sexual Assault Statute of Limitations.....	9
Early Childhood and Childcare Programs.....	9
Early Childhood Interventions .....	9
Grants for State-Licensed Child Care Centers for Disadvantaged Children .....	10
LEAP Program and Licensing .....	10
Juvenile Justice .....	10
Department of Correction’s (DOC) Ombudsman Services .....	10
Fire Starting Behavior Diversionary Program.....	10
Juvenile Justice Various Revisions.....	10
Motor Vehicle Theft Diversionary Program or Detention.....	11
Miscellaneous .....	11
Child Poverty and Prevention Council Report .....	11
Databases on Providers’ Backgrounds .....	11

Financial Statement Confidentiality.....12  
Legislative Commission Consolidation .....12  
Working Papers Exemption .....12  
Youth Service Bureaus .....12

## **Child Health and Safety**

### ***Advanced Practice Registered Nurses***

A new law adds advanced practice registered nurses (APRNs) to various statutes (including some specifically related to children) that previously only referenced physicians. For example, it allows APRNs certified as psychiatric mental health providers to authorize emergency treatment for a child hospitalized for psychiatric disabilities if parental consent is withheld or immediately unavailable and the APRN determines that treatment is necessary to prevent serious harm ([PA 19-98](#), effective October 1, 2019).

### ***Child Care Immunization and Exam Requirements***

A new law grants children in foster care a 45-day grace period to comply with immunization and physical exam requirements in state child care regulations. The law also requires such centers or homes to maintain the foster child's records for at least two years after he or she leaves their care ([PA 19-121](#), §§ 2 & 3, effective July 1, 2019).

### ***Dry-Land Water Safety Instruction Pilot Program***

A new law establishes, within available appropriations, a two-year dry-land water safety instruction program. The Commission on Women, Children, Seniors, Equity and Opportunity must administer the program and provide dry-land water safety instruction to children in up to 15 municipalities. Municipalities must meet certain criteria to participate, including lack of availability of public school swimming facilities. The commission must report on the program's implementation to the Children's Committee by January 1, 2022 ([SA 19-21](#), effective upon passage).

### ***First Responder Training***

A new law expands first responders' access to training on handling incidents involving children and adults with autism spectrum disorder (ASD), nonverbal learning disorder (NLD), and cognitive impairment. It also requires the UConn Center for Excellence in Developmental Disabilities to develop and publish on its website a communication aid for certain first responders to use to communicate with children and adults with ASD, NLD, or cognitive impairment during emergencies when verbal communication may be hindered or impossible ([PA 19-147](#), most provisions effective July 1, 2019).

### ***HIV Prophylaxis for Minors***

Under a new law, physicians and APRNs may provide prophylaxis (i.e., preventative medicine other than a vaccine) to minors for HIV without parental or guardian consent, under the same conditions

in which they may already treat minors for HIV or AIDS without such consent. They may do so only after determining that (1) notifying them would result in denial of such prophylaxis or (2) the minor will not pursue or continue the prophylaxis if the parents or guardian are notified. Under the act, if the minor is age 12 or younger and receiving such prophylaxis or treatment without parental or guardian consent, the physician or APRN must report to the Department of Children and Families (DCF) for an investigation of possible abuse or neglect ([PA 19-109](#), effective July 1, 2019).

### ***Medicaid Coverage for Breast Milk***

A new law requires the Department of Social Services (DSS) to provide Medicaid coverage for medically necessary pasteurized donor breast milk, to the extent permissible under federal law. Under the act, this service is medically necessary, and therefore eligible for reimbursement, if a qualifying health professional signs an order stating that the mother or infant is unable to sufficiently breastfeed for physical or medical reasons ([PA 19-48](#), effective July 1, 2019).

### ***Newborn Screening***

A new law expands the Department of Public Health's (DPH) Newborn Screening Program to include any disorder listed on the federal Recommended Uniform Screening Panel, subject to the Office of Policy and Management secretary's approval ([PA 19-117](#), § 148, effective October 1, 2019).

Under another new law, starting in 2020, health care institutions caring for newborn infants must test them as soon as is medically appropriate for spinal muscular atrophy, unless a parent objects based on religious grounds ([PA 19-176](#), effective October 1, 2019).

### ***Parking Placards for Children with Disabilities***

A new law allows each parent or guardian of a child (under age 18) with disabilities to get a parking placard, up to two per eligible child. Under prior law, only one placard could be issued per eligible child ([PA 19-161](#), § 37, effective October 1, 2019).

### ***Safe Storage of Firearms in Homes with Minors***

A new law expands the firearm safe storage laws. Under existing law, the legal duty to securely store a firearm applies when the weapon is loaded and the person in control of the premises knows or reasonably should know that a minor under age 16 is likely to gain access to it without his or her parent's or guardian's permission. The new law applies the storage requirement to unloaded firearms and increases the age of a minor for these purposes to under age 18. As under existing law, a person who fails to securely store a firearm is strictly liable for damages, regardless of intent.

By law, criminally negligent storage of a firearm is a class D felony, punishable by up to a \$5,000 fine, up to five years in prison, or both ([PA 19-5](#), §§ 1-3, effective October 1, 2019).

### ***Smoking and Vaping Age and Prohibited Locations***

A new law increases the legal smoking age (including e-cigarettes) from 18 to 21. The act makes various other changes to smoking laws, such as expanding the existing ban on smoking at schools and child care centers. For example, it (1) expands existing law's prohibition on e-cigarette use to include the grounds of a child care facility, instead of only inside the facility, and (2) extends the prohibition to include cigarette and other tobacco products. As under existing law for e-cigarettes, the prohibition applies to family child care homes (i.e., private homes caring for up to six children) only when a child enrolled in the home is present ([PA 19-13](#), effective October 1, 2019).

### ***Wilderness School Epi-Pens***

The DCF Wilderness School in East Hartland is a prevention, intervention, and transition program for youth licensed as a youth camp by the Office of Early Childhood (OEC).

A new law authorizes appropriately trained Wilderness School employees over age 18 to administer epinephrine by a premeasured commercially prepared auto-injector (e.g., EpiPen) for emergency first aid purposes to a student who experiences a presumed allergic reaction and does not have a prescription for such medication. The injector may only be used if a parent or guardian has previously provided written authorization. The act requires the school to maintain a stock of such auto-injectors ([PA 19-96](#), effective upon passage).

## **Child Protection and Welfare**

### ***Albert J. Solnit Children's Center Licensure***

A new law requires DCF, in consultation with DSS, DPH, and the Office of the Child Advocate, to submit a report with recommendations for legislation on DPH licensure for the operation of the North and South Campuses of the Albert J. Solnit Children's Center. DCF must submit the report to the Children's Committee by December 31, 2019 ([SA 19-16](#), effective upon passage).

### ***Children in Care Bill of Rights and Expectations***

A new law establishes a bill of rights and expectations for children placed by DCF in out-of-home care pursuant to a temporary custody or commitment order. It establishes certain rights for such children, absent extraordinary circumstances related to the child's health or safety or unless otherwise indicated in his or her case plan. For example, it gives these children the right to (1) develop and maintain their own values, hopes, goals, religion, spirituality, and identity, and (2)

participate in the development of their case and permanency plans. The caseworker, when applicable and appropriate, must provide and explain the bill of rights to the child annually and at any time a child is placed in a new out-of-home placement ([PA 19-44](#), effective July 1, 2019).

### ***Congregate Care Facilities***

A new law requires the DCF commissioner, in consultation with the child advocate and DCF-licensed congregate care facility operators, to develop a process to collect and make publicly available information about the monitoring and inspection of such facilities. The commissioner must report to the Children's Committee on these processes by December 31, 2019 ([SA 19-19](#), effective upon passage).

### ***DCF Voluntary Admission Task Force***

A new law extends the reporting deadline of the task force to study voluntary admission to DCF from January 1, 2019, to June 1, 2020. The task force must terminate on January 1, 2021 ([SA 19-9](#), effective from passage).

### ***Mandated Reporting***

New laws make numerous changes to the mandated reporting statutes. Among other things, they:

1. add certain individuals to the statutory list of mandated reporters of suspected child abuse and neglect, such as DCF-contracted individuals who have regular contact with children;
2. expand requirements for DCF to check the state child abuse and neglect registry for individuals employed by certain DCF-licensed facilities; and
3. require DCF to check the child abuse and neglect registry in any state in which various individuals resided in the previous five years, and comply with any request from a child welfare agency of another state to check the child abuse and neglect registry.

A new law modifies, from 45 calendar days to 33 business days, the time DCF has to complete a child abuse or neglect investigation. It also repeals certain DCF reporting and notification requirements, including a law requiring DCF to report to the Children's Committee on certain at-risk children and youth ([PA 19-120](#), effective July 1, 2019, except October 1, 2019, for additions to the mandated reporter list, and [PA 19-117](#), §§ 157-159, effective July 1, 2019).

Another new law removes DPH employees from the list of mandated reporters of child abuse and neglect, to conform to the transfer of licensing child care facilities and youth camps from DPH to OEC under an earlier law ([PA 19-118](#), § 24, effective July 1, 2019).

## **Courts and Criminal Law**

### ***Probate Court Matters***

Recent legislation makes various changes to laws governing probate court matters. Among these changes, it requires the DCF commissioner, after investigating and substantiating a child abuse or neglect allegation against someone who lives with a probate court-appointed guardian of a minor, to notify the probate court of her findings. Existing law already requires her to provide this notice if she investigates and substantiates an allegation of child abuse or neglect against a child's probate court-appointed guardian ([PA 19-47](#), § 2, effective January 1, 2020).

The new law also removes the probate court's ability to, on its own motion, appoint a guardian for a minor who has no parent or guardian and instead allows only an adult relative, person with physical custody of the minor, or the minor's attorney to petition for a guardian appointment. Additionally, it alters certain notice requirements involving termination of parental rights proceedings, including requiring notice to minor children age 12 or older who are involved in such proceedings ([PA 19-47](#), §§ 5 & 7-9, most provisions effective October 1, 2019).

### ***Sexual Assault Statute of Limitations***

A new law makes various changes to the civil and criminal statutes of limitations for sexual assault, sexual abuse, and related conduct, such as (1) eliminating the criminal statute of limitations for any offense involving sexual abuse, sexual exploitation, or sexual assault of a minor and (2) extending the time to file a civil case related to sexual abuse or related conduct for victims under age 21 by allowing any such victim to file the lawsuit up until his or her 51<sup>st</sup> birthday. The new law also creates a task force to study whether to amend the civil statute of limitations for sexual abuse or sexual assault ([PA 19-16](#), as amended by [PA 19-93](#), various effective dates).

## **Early Childhood and Childcare Programs**

### ***Early Childhood Interventions***

By January 1, 2020, a new law requires OEC to develop a one-page document (1) listing key developmental milestones for children from birth to age five and (2) containing notice that parents or guardians concerned that their child has not met any developmental milestones may access the OEC Child Development Infoline for information on appropriate services. Each operator of a child care center, group child care home, or family care home must post a copy of the document in a conspicuous place on the premises beginning February 1, 2020 ([PA 19-106](#), effective July 1, 2019).

## ***Grants for State-Licensed Child Care Centers for Disadvantaged Children***

The act establishes a floor, rather than a ceiling, for the state's per child cost grant amount for these centers where applicable by contract. The act also requires, beginning in FY 20, that any state financial assistance for these centers that exceeds the funding they received in FY 19 must be used exclusively to increase the salaries of educators employed by these centers ([PA 19-117](#), § 258, effective July 1, 2019).

## ***LEAP Program and Licensing***

A new law adds Leadership, Education, and Athletics in Partnership, Inc. (LEAP), a New Haven-based nonprofit youth development organization, to the list of services exempted from state child care licensing requirements. As with previously exempted services, the law also requires LEAP to notify participating children's parents or guardians that the program is not licensed by OEC ([PA 19-122](#), effective upon passage).

## **Juvenile Justice**

### ***Department of Correction's (DOC) Ombudsman Services***

A new law requires the DOC commissioner to hire an ombudsman to provide certain services to individuals age 18 or younger who are in his custody. Under the act, "ombudsman services" includes taking and investigating complaints from such individuals regarding the department's decisions, actions or omissions, policies, procedures, rules, and regulations. The individuals in custody must reasonably pursue a resolution of the complaint through any existing internal DOC grievance procedures, prior to obtaining ombudsman services ([PA 19-117](#), § 68, effective July 1, 2019).

### ***Fire-Starting Behavior Diversionary Program***

A new law allows a child charged with a delinquency offense involving an "act of fire starting" to file a court motion for an evaluation to determine if he or she would benefit from participating in a fire-starting behavior treatment program. The court may suspend the delinquency proceeding so the child may attend the program, and if he or she successfully completes it and complies with the suspension order, the court may dismiss the delinquency charges ([PA 19-135](#), effective July 1, 2019).

### ***Juvenile Justice Various Revisions***

Recent legislation makes various changes to the juvenile justice laws. Among these changes, it:

1. allows the adult court to return an automatically transferred juvenile case back to juvenile court if the charges are reduced and generally makes the proceedings and records of cases transferred from juvenile to adult court confidential;
2. requires the DOC commissioner and Court Support Services Division executive director to ensure that independent ombudsperson services are available at their juvenile detention centers or correctional facilities where individuals younger than age 18 are detained and makes these ombudspersons and certain other facility employees mandated reporters of child abuse and neglect; and
3. requires the Juvenile Justice Policy and Oversight Council to (a) review methods other states use to detain and transfer children ages 15 to 17 from juvenile to adult court and (b) devise a plan to implement changes in Connecticut by July 1, 2021 ([PA 19-187](#), §§ 1, 2, 6 & 7, various effective dates).

### ***Motor Vehicle Theft Diversionary Program or Detention***

A new law allows a child charged with a delinquency offense involving a motor vehicle to request a suspension of the delinquency proceedings for up to six months, during which time the child must participate in services to address any condition or behavior directly related to the offense. If the court finds that the child successfully completed the treatment or other services and complied with the other suspension order conditions, it may dismiss the suspended delinquency charges.

Under existing law, the court may only order a child to be detained after he or she is arrested for an alleged crime on certain grounds, including probable cause to believe that the risk that the child poses to public safety if released to the community cannot be managed in a less restrictive setting. The new law specifies that a court may determine that a child poses a risk to public safety for these purposes if he or she is charged with committing 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree larceny involving a motor vehicle and has a criminal or delinquency history meeting certain criteria ([PA 19-110](#), effective October 1, 2019, except July 1, 2019, for the detention provisions).

## **Miscellaneous**

### ***Child Poverty and Prevention Council Report***

This session, the legislature eliminated the requirement that budgeted state agencies providing prevention services to children annually report, until 2020, to the Appropriations, Children's, and Human Services committees ([PA 19-118](#), § 20, effective July 1, 2019).

### ***Databases on Providers' Backgrounds***

A new law requires the executive director of the Commission on Women, Children, Seniors, Equity and Opportunity to (1) provide a portal on the commission's website with links to publicly available

background databases and (2) convene a working group to develop strategies to raise public awareness of these databases to people hiring providers to care for adults age 60 and older, children, or individuals with disabilities.

The executive director must keep records of how often the portal is used and report to the legislature by January 1, 2021 ([PA 19-116](#), effective October 1, 2019).

### ***Financial Statement Confidentiality***

Existing law requires certain public officials and state employees to annually file financial interest statements that identify certain assets and liabilities held by them, their spouses, and dependent children. A new law exempts the names of dependent children residing in the filer's household from public disclosure under the Freedom of Information Act ([PA 19-2](#), effective upon passage).

### ***Legislative Commission Consolidation***

The biennial budget act merges the legislative Equity and Opportunity (CEO) and the Women, Children and Seniors (CWCS) commissions into a single entity, the Commission on Women, Children, Seniors, Equity and Opportunity. It organizes the new commission into a 44-member advisory board, an eight-member executive committee, and six subcommissions.

The new commission must focus its efforts on issues affecting the two prior commissions' constituencies of underrepresented and underserved populations. It generally establishes the same powers and duties for the new commission that previously existed for CEO and CWCS ([PA 19-117](#), §§ 105-143 & 398, effective July 1, 2019).

### ***Working Papers Exemption***

The law generally requires (1) employers to obtain a certificate showing the age of an employee under age 18 (i.e., his or her "working papers") and (2) school superintendents, or their agents, to provide these certifications upon request. Under a new law, however, these requirements will not apply when such employees are employed through a regional workforce development board's youth development program ([PA 19-117](#), §§ 97 & 98, effective July 1, 2019).

### ***Youth Service Bureaus***

A new law transfers from the State Department of Education to DCF responsibility for administering the youth service bureau (YSB) grant and enhancement grant programs. YSBs provide resources and community-based services and programs for children, youth, and their families.

The act also allows YSBs that applied for a grant during FY 19 to be eligible for such a grant through the program. The deadline under prior law for such applications was FY 18 with prior approval for the town's contribution for the grant. Under existing law, the amount of grants payable to YSBs must annually be reduced proportionately if the total grant amounts exceed the amount appropriated for them for that year. Starting FY 20, the act additionally requires the grants to be increased proportionately if the total for the fiscal year is less than the amount appropriated ([PA 19-117](#), §§ 251-256, effective July 1, 2019).