



Substitute Senate Bill No. 308

Public Act No. 22-135

AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF THE CHILD ADVOCATE.

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

Section 1. Subsection (a) of section 46a-13l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) The Child Advocate shall:

(1) Evaluate the delivery of services to children by state agencies and those entities that provide services to children through funds provided by the state;

(2) Review periodically the procedures established by any state agency providing services to children to carry out the provisions of sections 46a-13k to 46a-13p, inclusive, with a view toward the rights of the children and recommend revisions to such procedures;

(3) Review complaints of persons concerning the actions of any state or municipal agency providing services to children and of any entity that provides services to children through funds provided by the state, make appropriate referrals and investigate those where the Child Advocate determines that a child or family may be in need of assistance

Substitute Senate Bill No. 308

from the Child Advocate or that a systemic issue in the state's provision of services to children is raised by the complaint;

(4) Pursuant to an investigation, provide assistance to a child or family who the Child Advocate determines is in need of such assistance including, but not limited to, advocating with an agency, provider or others on behalf of the best interests of the child;

(5) Periodically review the facilities and procedures of any and all institutions or residences, public or private, where a juvenile has been placed by any agency or department;

(6) Recommend changes in state policies concerning children including changes in the system of providing juvenile justice, child care, foster care and treatment;

(7) Take all possible action including, but not limited to, conducting programs of public education, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil and special rights of children who reside in this state;

(8) Provide training and technical assistance to attorneys representing children and guardians ad litem appointed by the Superior Court;

(9) Periodically review the number of special needs children in any foster care or permanent care facility and recommend changes in the policies and procedures for the placement of such children;

(10) Serve or designate a person to serve as a member of the child fatality review panel established in subsection (b) of this section;

(11) Take appropriate steps to advise the public of the services of the Office of the Child Advocate, the purpose of the office and procedures

Substitute Senate Bill No. 308

to contact the office; [and]

(12) Prepare an in-depth report on conditions of confinement, including, but not limited to, compliance with section 46a-152, regarding children [twenty] twenty-one years of age or younger who are held in secure detention or correctional confinement in any facility operated by a state agency. Such report shall be submitted, 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 not later than March 1, 2017, and every two years thereafter; and

(13) Present to the advisory committee, established pursuant to section 46a-13r, as amended by this act, at least three times each year, a report on the goals of and projects undertaken by the Office of the Child Advocate, within available appropriations, that are consistent with the responsibilities of the Child Advocate.

Sec. 2. Subsection (a) of section 46a-13m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) Notwithstanding any provision of the general statutes concerning the confidentiality of records and information, the Child Advocate may request and shall have access to, including the right to promptly inspect and copy, any records necessary to carry out the responsibilities of the Child Advocate as provided in [subsection (a) of] section 46a-13l, as amended by this act. Such records shall be provided to the Child Advocate not later than fourteen days from the date of such request. If the Child Advocate is denied access to any records necessary to carry out said responsibilities, [he] the Child Advocate may issue a subpoena for the production of such records as provided in subsection (c) of this section.

Substitute Senate Bill No. 308

Sec. 3. Section 46a-13n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) The name, address and other personally identifiable information of a person who makes a complaint to the Child Advocate as provided in section 46a-13l, as amended by this act, all information obtained or generated by the office in the course of an investigation and all confidential records obtained by the Child Advocate or a designee shall be confidential and shall not be subject to disclosure under the Freedom of Information Act or otherwise, except that such information and records, other than confidential information concerning a pending law enforcement investigation or a pending prosecution, may be disclosed if the Child Advocate determines that disclosure is (1) in the general public interest or (2) necessary to enable the Child Advocate to perform his responsibilities under subsection (a) of section 46a-13l, as amended by this act. If the Child Advocate determines that disclosure of confidential information is not in the public interest but is necessary to enable the Child Advocate to perform responsibilities under subsection (a) of section 46a-13l, as amended by this act, or to identify, prevent or treat the abuse or neglect of a child, the Child Advocate may disclose such information to the appropriate agency responsible for the welfare of such child or the legal representative for such child.

(b) No state or municipal agency or any agency or entity providing publicly funded services shall discharge, or in any manner discriminate or retaliate against, any employee who in good faith makes a complaint to the Child Advocate or cooperates with the Office of the Child Advocate in an investigation.

Sec. 4. Section 46a-13r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) There is established an advisory committee to the Office of the Child Advocate established under section 46a-13k. Said committee shall

Substitute Senate Bill No. 308

prepare and submit to the Governor a list of candidates for appointment of the Child Advocate. The advisory committee shall consist of seven members as follows: (1) One appointed by the president pro tempore of the Senate; (2) one appointed by the speaker of the House of Representatives; (3) one appointed by the majority leader of the Senate; (4) one appointed by the majority leader of the House of Representatives; (5) one appointed by the minority leader of the Senate; (6) one appointed by the minority leader of the House of Representatives; and (7) one appointed by the Governor. The committee shall select a chairperson who shall preside at meetings of the committee. No member of the advisory committee shall be a person who is a volunteer for, a board member of, or is employed by, any entity or agency subject to the review of, or evaluation or monitoring by the Child Advocate pursuant to section 46a-13l, as amended by this act, or is a communicator lobbyist who pursuant to such lobbyist's registration under chapter 10, lobbies on behalf of any entity or agency subject to the review of, or evaluation or monitoring by the Child Advocate pursuant to said section 46a-13l, as amended by this act. Each member of the advisory committee shall serve a term of five years and may be reappointed at the conclusion of such term. All initial appointments to the advisory committee shall be made not later than September 1, 2011. Each member of the advisory committee shall serve a five-year term from July first of the year of their appointment. Any vacancy in the membership of the committee shall be filled by the appointing authority for the unexpired portion of the term.

(b) The advisory committee shall meet at least three times each year with the Child Advocate, and the Child Advocate's staff, for the purposes described in subdivision (13) of subsection (a) of section 46a-13l, as amended by this act.

(c) The advisory committee shall provide for an annual evaluation of the effectiveness of the Office of the Child Advocate.

Substitute Senate Bill No. 308

Approved May 27, 2022