



House of Representatives

File No. 514

General Assembly

February Session, 2022 **(Reprint of File No. 274)**

Substitute House Bill No. 5243
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 18, 2022

**AN ACT CONCERNING THE IDENTIFICATION AND PREVENTION OF
AND RESPONSE TO ADULT SEXUAL MISCONDUCT AGAINST
CHILDREN.**

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

1 Section 1. (NEW) (*Effective July 1, 2022*) (a) For the school year
2 commencing July 1, 2022, and biennially thereafter, the Department of
3 Public Health shall administer the Connecticut School Health Survey to
4 students in grades nine to twelve, inclusive, provided the department
5 receives funding from the federal Centers for Disease Control and
6 Prevention for such purpose. The survey shall be based on the Youth
7 Risk Behavior Survey developed by the federal Centers for Disease
8 Control and Prevention. The department shall provide guidelines to the
9 local or regional board of education regarding the administration of the
10 survey to those high schools selected at random by the federal Centers
11 for Disease Control and Prevention. Such local or regional board of
12 education shall administer the survey to each high school selected to
13 participate in the survey in accordance with the guidelines provided by

14 the department, including, but not limited to, (1) the survey protocol as
15 required by the federal Centers for Disease Control and Prevention, (2)
16 the requirement to provide parents the opportunity to exclude their
17 children from the survey by denying permission in writing, on a form
18 prescribed by the department, (3) the requirement for the survey to be
19 anonymous and administered in a manner designed to protect student
20 privacy, (4) the timeframe for completion of the survey, and (5) the
21 process by which the results of such survey are to be submitted to the
22 department.

23 (b) The department, in consultation with the Department of Mental
24 Health and Addiction Services, the Department of Children and
25 Families, the Department of Education and any other agency or public
26 interest group the department deems necessary, may develop
27 additional survey questions to be included as part of the Connecticut
28 School Health Survey that are relevant to the health concerns of high
29 school students in the state.

30 Sec. 2. (NEW) (*Effective July 1, 2022*) Not later than October 1, 2022,
31 the Child Advocate, in consultation with the Department of Public
32 Health and the Department of Children and Families, shall develop and
33 update, as necessary, questions designed to assess the risk of youths
34 becoming victims of sexual assault or misconduct by an adult. Such
35 questions shall be included as part of the Connecticut School Health
36 Survey administered pursuant to section 1 of this act.

37 Sec. 3. (NEW) (*Effective from passage*) Not later than January 1, 2023,
38 the Department of Education, in consultation with the Department of
39 Public Health, shall develop for use by a local or regional board of
40 education (1) a uniform policy concerning timely notification to the
41 parents or guardians of students in grades nine to twelve, inclusive,
42 about the Connecticut School Health Survey not later than twenty-one
43 calendar days prior to the date such board will be administering the
44 survey at a high school governed by such board, and (2) a form to be
45 distributed to parents or guardians for the purposes of the notification
46 required pursuant to subdivision (1) of this section that includes, but is

47 not limited to, (A) an explanation of the Connecticut School Health
48 Survey and how a parent or guardian may opt out of such survey being
49 administered to his or her child, and (B) the Internet link to the survey
50 that will be administered.

51 Sec. 4. Section 17a-101 of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective October 1, 2022*):

53 (a) The public policy of this state is: To protect children whose health
54 and welfare may be adversely affected through injury and neglect; to
55 strengthen the family and to make the home safe for children by
56 enhancing the parental capacity for good child care; to provide a
57 temporary or permanent nurturing and safe environment for children
58 when necessary; and for these purposes to require the reporting of
59 suspected child abuse or neglect, investigation of such reports by a
60 social agency, and provision of services, where needed, to such child
61 and family.

62 (b) The following persons shall be mandated reporters: (1) Any
63 physician or surgeon licensed under the provisions of chapter 370, (2)
64 any resident physician or intern in any hospital in this state, whether or
65 not so licensed, (3) any registered nurse, (4) any licensed practical nurse,
66 (5) any medical examiner, (6) any dentist, (7) any dental hygienist, (8)
67 any psychologist, (9) any school employee, as defined in section 53a-65,
68 (10) any social worker, (11) any person who holds or is issued a coaching
69 permit by the State Board of Education, is a coach of intramural or
70 interscholastic athletics and is eighteen years of age or older, (12) any
71 individual who is employed as a coach or director of youth athletics and
72 is eighteen years of age or older, (13) any individual who is employed
73 as a coach or director of a private youth sports organization, league or
74 team and is eighteen years of age or older, (14) any paid administrator,
75 faculty, staff, athletic director, athletic coach or athletic trainer employed
76 by a public or private institution of higher education who is eighteen
77 years of age or older, excluding student employees, (15) any police
78 officer, (16) any juvenile or adult probation officer, (17) any juvenile or
79 adult parole officer, (18) any member of the clergy, (19) any pharmacist,

80 (20) any physical therapist, (21) any optometrist, (22) any chiropractor,
81 (23) any podiatrist, (24) any mental health professional, (25) any
82 physician assistant, (26) any person who is a licensed or certified
83 emergency medical services provider, (27) any person who is a licensed
84 or certified alcohol and drug counselor, (28) any person who is a
85 licensed marital and family therapist, (29) any person who is a sexual
86 assault counselor or a domestic violence counselor, as defined in section
87 52-146k, (30) any person who is a licensed professional counselor, (31)
88 any person who is a licensed foster parent, (32) any person paid to care
89 for a child in any public or private facility, child care center, group child
90 care home or family child care home licensed by the state, (33) any
91 employee of the Department of Children and Families or any person
92 who, in the performance of such person's duties, has regular contact
93 with and provides services to or on behalf of children pursuant to a
94 contract with or credential issued by the Department of Children and
95 Families, (34) any employee of the Office of Early Childhood who is
96 responsible for the licensing of child care centers, group child care
97 homes, family child care homes or youth camps, (35) any paid youth
98 camp director, [or] assistant director and staff member who is twenty-
99 one years of age or older, (36) the Child Advocate and any employee of
100 the Office of the Child Advocate, (37) any person who is a licensed
101 behavior analyst, (38) any family relations counselor, family relations
102 counselor trainee or family services supervisor employed by the Judicial
103 Department, (39) any victim services advocate employed by the Office
104 of Victim Services within the Judicial Department, (40) any employee of
105 a juvenile justice program operated by or pursuant to a contract with the
106 Court Support Services Division of the Judicial Department, and (41)
107 any person employed, including any person employed under contract
108 and any independent ombudsperson, to work at a juvenile detention
109 facility or any other facility where children under eighteen years of age
110 are detained and who has direct contact with children as part of such
111 employment.

112 (c) The Commissioner of Children and Families shall develop an
113 educational training program and refresher training program for the

114 accurate and prompt identification and reporting of child abuse and
115 neglect. Such training program and refresher training program shall be
116 made available to all persons mandated to report child abuse and
117 neglect at various times and locations throughout the state as
118 determined by the Commissioner of Children and Families. Such
119 training program and refresher training program shall be provided in
120 accordance with the provisions of subsection (g) of section 17a-101i, as
121 amended by this act, to each school employee, as defined in section 53a-
122 65, within available appropriations.

123 (d) [On or before October 1, 2011, the] The Department of Children
124 and Families, in consultation with the Department of Education, shall
125 develop a model mandated reporting policy for use by local and
126 regional boards of education. Such policy shall state applicable state law
127 regarding mandated reporting and any relevant information that may
128 assist school districts in the performance of mandated reporting. Such
129 policy shall include, but not be limited to, the following information: (1)
130 Those persons employed by the local or regional board of education
131 who are required pursuant to this section to be mandated reporters, (2)
132 the type of information that is to be reported, (3) the time frame for both
133 written and verbal mandated reports, (4) a statement that the school
134 district may conduct its own investigation into an allegation of abuse or
135 neglect by a school employee, provided such investigation does not
136 impede an investigation by the Department of Children and Families,
137 and (5) a statement that retaliation against mandated reporters is
138 prohibited. Such policy shall be updated and revised as necessary.

139 Sec. 5. Subsections (f) and (g) of section 17a-101i of the general
140 statutes are repealed and the following is substituted in lieu thereof
141 (*Effective July 1, 2022*):

142 (f) (1) On or before February 1, 2016, each local and regional board of
143 education shall adopt a written policy, in accordance with the
144 provisions of subsection (d) of section 17a-101, as amended by this act,
145 regarding the reporting by school employees, as defined in section 53a-
146 65, of suspected child abuse or neglect in accordance with sections 17a-

147 101a to 17a-101d, inclusive, and 17a-103 or a violation of section 53-70,
148 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a against a victim, as
149 described in subdivision (2) of subsection (a) of section 17a-101a. Such
150 policy shall annually be distributed [annually] electronically to all
151 school employees employed by the local or regional board of education.
152 The local or regional board of education shall document that all such
153 school employees have received such written policy and completed the
154 training and refresher training programs required by subsection (c) of
155 section 17a-101, as amended by this act.

156 (2) For the school year commencing July 1, 2022, and each school year
157 thereafter, each local and regional board of education shall distribute
158 electronically to all school employees, as defined in section 53a-65, the
159 members of the board of education and the parents and guardians of
160 students enrolled in the schools under the jurisdiction of the board, a
161 copy of the guidelines regarding identifying and reporting child sexual
162 abuse, developed pursuant to section 17a-101r.

163 (3) For the school year commencing July 1, 2023, and each school year
164 thereafter, each local and regional board of education shall distribute
165 electronically to all school employees, as defined in section 53a-65, the
166 members of the board of education and the parents and guardians of
167 students enrolled in the schools under the jurisdiction of the board,
168 information regarding the sexual abuse and assault awareness and
169 prevention program identified or developed pursuant to section 17a-
170 101q, as amended by this act.

171 (g) (1) Each school employee, as defined in section 53a-65, hired by a
172 local or regional board of education on or after July 1, 2011, shall be
173 required to complete the training program developed pursuant to
174 subsection (c) of section 17a-101, as amended by this act. Each such
175 school employee shall complete the refresher training program,
176 developed pursuant to subsection (c) of section 17a-101, as amended by
177 this act, not later than three years after completion of the initial training
178 program, and shall thereafter retake such refresher training course at
179 least once every three years.

180 (2) On or before July 1, 2012, each school employee, as defined in
181 section 53a-65, hired by a local or regional board of education before
182 July 1, 2011, shall complete the refresher training program developed
183 pursuant to subsection (c) of section 17a-101, as amended by this act,
184 and shall thereafter retake such refresher training course at least once
185 every three years.

186 (3) On and after July 1, 2023, each school employee, as defined in
187 section 53a-65, employed by a local or regional board of education shall
188 complete the (A) training regarding the prevention and identification of,
189 and response to, child sexual abuse and assault, (B) bystander training
190 program, and (C) appropriate interaction with children training
191 program, in accordance with the provisions of section 17a-101q, as
192 amended by this act. Each such employee shall repeat such training at
193 least once every three years.

194 [(3)] (4) The principal for each school under the jurisdiction of a local
195 or regional board of education shall annually certify to the
196 superintendent for the board of education that each school employee, as
197 defined in section 53a-65, working at such school, is in compliance with
198 the provisions of this subsection. The superintendent shall certify such
199 compliance to the State Board of Education.

200 Sec. 6. Section 17a-101q of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective July 1, 2022*):

202 (a) Not later than July 1, [2016] 2023, the Department of Children and
203 Families, in collaboration with the Department of Education and
204 Connecticut Alliance to End Sexual Violence, or a similar entity, shall
205 identify or develop a state-wide sexual abuse and assault awareness and
206 prevention program for use by local and regional boards of education.
207 Such program shall be implemented in each local and regional school
208 district and shall include:

209 (1) For [teachers] school employees, as defined in section 53a-65,
210 instructional modules that may include, but not be limited to, (A)
211 training regarding the prevention and identification of, and response to,

212 child sexual abuse and assault, [and] (B) resources to further student,
213 teacher and parental awareness regarding child sexual abuse and
214 assault and the prevention of such abuse and assault, (C) bystander
215 training program, and (D) appropriate interaction with children
216 training program;

217 (2) For students, age-appropriate educational materials designed for
218 children in grades kindergarten to twelve, inclusive, regarding child
219 sexual abuse and assault awareness and prevention that may include,
220 but not be limited to, (A) the skills to recognize (i) child sexual abuse
221 and assault, (ii) boundary violations and unwanted forms of touching
222 and contact, and (iii) ways offenders groom or desensitize victims, and
223 (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii)
224 mobilize bystanders; and

225 (3) A uniform child sexual abuse and assault response policy and
226 reporting procedure that may include, but not be limited to, (A) actions
227 that child victims of sexual abuse and assault may take to obtain
228 assistance, (B) intervention and counseling options for child victims of
229 sexual abuse and assault, (C) access to educational resources to enable
230 child victims of sexual abuse and assault to succeed in school, and (D)
231 uniform procedures for reporting instances of child sexual abuse and
232 assault to school staff members.

233 (b) [Not later than October 1, 2016] For the school year commencing
234 July 1, 2023, and each school year thereafter, each local and regional
235 board of education shall implement the sexual abuse and assault
236 awareness and prevention program identified or developed pursuant to
237 subsection (a) of this section.

238 (c) No student in grades kindergarten to twelve, inclusive, shall be
239 required by any local or regional board of education to participate in the
240 sexual abuse and assault awareness and prevention program offered
241 within the public schools. A written notification to the local or regional
242 board of education by the student's parent or legal guardian shall be
243 sufficient to exempt the student from such program in its entirety or

244 from any portion thereof so specified by the parent or legal guardian.

245 (d) If a student is exempted from the sexual abuse and assault
246 awareness and prevention program pursuant to subsection (c) of this
247 section, the local or regional board of education shall provide, during
248 the period of time in which the student would otherwise be
249 participating in such program, an opportunity for other study or
250 academic work.

251 Sec. 7. (NEW) (*Effective July 1, 2022*) On and after July 1, 2023, the
252 Department of Children and Families shall make available, upon
253 request of a youth-serving organization or religious organization, any
254 materials relating to the training regarding the prevention and
255 identification of, and response to, child sexual abuse and assault,
256 bystander training program and the appropriate interaction with
257 children training program described in section 17a-101q of the general
258 statutes, as amended by this act.

259 Sec. 8. (*Effective from passage*) (a) There is established a task force to
260 study the sexual abuse and exploitation of children on the Internet or
261 facilitated by Internet users in the state during the period beginning
262 January 1, 2019, and ending December 31, 2021. Such study shall include
263 an examination of (1) the types and frequency of such abuse and
264 exploitation, (2) grooming tactics utilized by adults in order to engage
265 in such abuse and exploitation, and (3) any barriers that may prevent
266 the adequate or timely investigation or prosecution of such abuse and
267 exploitation.

268 (b) The task force shall consist of the following members:

269 (1) One appointed by the speaker of the House of Representatives,
270 who is a member of the Trafficking in Persons council established
271 pursuant to section 46a-170 of the general statutes;

272 (2) One appointed by the president pro tempore of the Senate, who
273 shall have expertise in the prosecution of child sexual abuse and
274 exploitation originating on the Internet;

275 (3) One appointed by the majority leader of the House of
276 Representatives, who is a representative of a nonprofit organization that
277 raises awareness of online child sex abuse and exploitation;

278 (4) One appointed by the majority leader of the Senate, who shall
279 have expertise in data and behavioral trends concerning child sexual
280 abuse and exploitation;

281 (5) One appointed by the minority leader of the House of
282 Representatives, who is a representative of the Connecticut Police
283 Chiefs Association;

284 (6) One appointed by the minority leader of the Senate, who is a
285 representative of the Alliance to End Sexual Violence;

286 (7) The Commissioner of Children and Families, or the
287 commissioner's designee;

288 (8) The Commissioner of the Department of Emergency Services and
289 Public Protection, or the commissioner's designee; and

290 (9) The Chief State's Attorney, or the Chief State's Attorney's
291 designee.

292 (c) All initial appointments to the task force shall be made not later
293 than thirty days after the effective date of this section. Any vacancy shall
294 be filled by the appointing authority.

295 (d) The chairpersons of the joint standing committee of the General
296 Assembly having cognizance of matters relating to children shall select
297 the chairperson of the task force from among the members of the task
298 force. Such chairperson shall schedule the first meeting of the task force,
299 which shall be held not later than sixty days after the effective date of
300 this section.

301 (e) The administrative staff of the joint standing committee of the
302 General Assembly having cognizance of matters relating to children
303 shall serve as administrative staff of the task force.

304 (f) Not later than January 1, 2023, the task force shall submit a report
305 on its findings and recommendations to the joint standing committee of
306 the General Assembly having cognizance of matters relating to children,
307 in accordance with the provisions of section 11-4a of the general statutes.
308 The report shall include, but not be limited to, (1) the number of
309 allegations of such abuse and exploitation reported to law enforcement,
310 (2) the number of such reports that resulted in arrest and the number of
311 such reports that resulted in prosecution, and (3) to the extent the task
312 force can determine, the reasons why certain allegations were not
313 prosecuted. The report shall not contain personally identifying
314 information concerning victims of child sexual abuse or exploitation.
315 The task force shall terminate on the date that it submits such report or
316 January 1, 2023, whichever is later.

317 Sec. 9. Section 54-240 of the general statutes is repealed and the
318 following is substituted in lieu thereof (*Effective July 1, 2022*):

319 As used in this chapter:

320 (1) "Address confidentiality program" or "program" means the
321 program established pursuant to this chapter;

322 (2) "Agency" has the same meaning as "public agency" or "agency", as
323 provided in section 1-200;

324 (3) "Application assistant" means a person authorized by the
325 Secretary of the State to assist applicants in the completion of
326 applications for program participation;

327 (4) "Authorized personnel" means an employee in the office of the
328 Secretary of the State who has been designated by the Secretary of the
329 State, or an employee of an agency who has been designated by the chief
330 executive officer of such agency, to process and have access to records
331 pertaining to a program participant, including, but not limited to, voter
332 registration applications, voting records and marriage records;

333 (5) "Certification card" means a card issued by the Secretary of the

334 State pursuant to section 54-240d;

335 (6) "Confidential address" means a program participant's address or
336 addresses as listed on such participant's application for program
337 participation that are not to be disclosed, including such participant's
338 residential address in this state and work and school addresses in this
339 state, if any;

340 (7) "Family violence" has the same meaning as provided in section
341 46b-38a;

342 (8) "Injury or risk of injury to a child" means any act or conduct that
343 constitutes a violation of section 53-21;

344 (9) "Kidnapping" means any act that constitutes a violation of section
345 53a-92, 53a-92a, 53a-94 or 53a-94a;

346 [(9)] (10) "Law enforcement agency" means the office of the Attorney
347 General, the office of the Chief State's Attorney, the Division of State
348 Police within the Department of Emergency Services and Public
349 Protection or any municipal police department;

350 [(10)] (11) "Marriage records" means an application for a marriage
351 license, an issued marriage license, a license certificate or other
352 documents related thereto;

353 [(11)] (12) "Program address" means the post office box number and
354 fictitious street address assigned to a program participant by the
355 Secretary of the State;

356 [(12)] (13) "Program participant" or "participant" means any person
357 certified by the Secretary of the State to participate in the address
358 confidentiality program;

359 [(13)] (14) "Record" has the same meaning as "public records or files"
360 as provided in section 1-200;

361 [(14)] (15) "Sexual assault" means any act that constitutes a violation

362 of section 53a-70b of the general statutes, revision of 1958, revised to
363 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
364 53a-73a; [and]

365 [(15)] (16) "Stalking" means any act that constitutes a violation of
366 section 53a-181c, 53a-181d or 53a-181e; and

367 (17) "Trafficking in persons" means any act that constitutes a violation
368 of section 53a-192a.

369 Sec. 10. Section 54-240a of the general statutes is repealed and the
370 following is substituted in lieu thereof (*Effective July 1, 2022*):

371 (a) There shall be an address confidentiality program established in
372 the office of the Secretary of the State to provide a substitute mailing
373 address for any person who wishes to keep such person's residential
374 address confidential because of safety concerns and (1) has been a victim
375 of (A) family violence, (B) injury or risk of injury to a child, (C)
376 kidnapping, (D) sexual assault, [or] (E) stalking, [and who wishes to
377 keep such person's residential address confidential because of safety
378 concerns] (F) trafficking in persons, or (G) child abuse or neglect, where
379 such abuse or neglect was substantiated by the Department of Children
380 and Families and was the basis for the issuance of a restraining order
381 under section 46b-15 or civil protection order under section 46b-16a, or
382 (2) a termination of parental rights was granted pursuant to section 45a-
383 717 or 46b-129.

384 (b) The Secretary of the State shall adopt regulations, in accordance
385 with the provisions of chapter 54, to carry out the provisions of this
386 chapter. Such regulations may include, but need not be limited to,
387 provisions for applications for participation in the address
388 confidentiality program, certification of program participants,
389 certification cancellation, agency use of program addresses, forwarding
390 of program participants' mail, voting by program participants and
391 recording of vital statistics for program participants.

392 Sec. 11. Section 54-240c of the general statutes is repealed and the

393 following is substituted in lieu thereof (*Effective July 1, 2022*):

394 The Secretary of the State shall certify an applicant or the person on
395 whose behalf an application is made as a program participant if the
396 application is filed in the manner and on the application form prescribed
397 by the Secretary of the State and includes:

398 (1) A statement made under penalty of false statement, as provided
399 in section 53a-157b, that [(A)] the applicant or the person on whose
400 behalf the application is made (A) is a victim of (i) family violence, (ii)
401 injury or risk of injury to a minor, (iii) kidnapping, (iv) sexual assault,
402 [or] (v) stalking, (vi) trafficking in persons, or (vii) child abuse or neglect,
403 where such abuse or neglect was substantiated by the Department of
404 Children and Families and was the basis for the issuance of a restraining
405 order under section 46b-15 or civil protection order under section 46b-
406 16a, or (B) a termination of parental rights was granted pursuant to
407 section 45a-717 or 46b-129, and [(B)] (C) the applicant fears for the
408 [applicant's safety, for the safety of the applicant's children, for the
409 safety of the person on whose behalf the application is made, or for the
410 safety of the children] safety of the applicant, children living in the
411 applicant's home, person on whose behalf the application is made or
412 children living in the home of the person on whose behalf the
413 application is made;

414 (2) Documentation supporting the statement made pursuant to
415 subdivision (1) of this section;

416 (3) A designation of the Secretary of the State as the agent of the
417 applicant or the person on whose behalf the application is made for
418 service of process and for receipt of first class mail;

419 (4) The residential address in this state, the work and school
420 addresses in this state, if any, and the phone number or numbers, if
421 available, that are to remain confidential, but which may be used by the
422 Secretary of the State or authorized personnel to contact the applicant
423 or the person on whose behalf the application is made; and

424 (5) The application preparation date, the applicant's signature and the
 425 signature of the application assistant who assisted the applicant in
 426 completing the application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	New section
Sec. 2	<i>July 1, 2022</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2022</i>	17a-101
Sec. 5	<i>July 1, 2022</i>	17a-101i(f) and (g)
Sec. 6	<i>July 1, 2022</i>	17a-101q
Sec. 7	<i>July 1, 2022</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>July 1, 2022</i>	54-240
Sec. 10	<i>July 1, 2022</i>	54-240a
Sec. 11	<i>July 1, 2022</i>	54-240c

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:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Children & Families, Dept.	GF - Potential	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to laws on adult sexual misconduct against students and requires the Department of Children and Families (DCF) to include bystander training in the state-wide sexual abuse and assault awareness and prevention program. It is anticipated that DCF may need additional, minimal funding to complete this requirement.

House "A" eliminates the original bill and its associated fiscal impact and results in the impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5243 (as amended by House "A")******AN ACT CONCERNING THE IDENTIFICATION AND PREVENTION OF AND RESPONSE TO ADULT SEXUAL MISCONDUCT AGAINST CHILDREN.*****SUMMARY**

This bill makes various changes in laws on adult sexual misconduct against students and related matters.

The bill creates a mechanism by which adult sexual misconduct can be identified by requiring the Department of Public Health (DPH), starting with the 2022-23 school year, to biennially administer the Connecticut School Health Survey to randomly selected high schools. It requires the State Department of Education (SDE), in consultation with DPH, to develop a uniform parent notification policy and form related to the survey (§§ 1-3).

The bill also allows the Department of Children and Families (DCF), starting July 1, 2023, to include bystander and appropriate interaction with children training programs in its state-wide sexual abuse and assault awareness and prevention program's instructional modules. The bill extends these instructional modules to all school employees, starting in the 2023-24 school year. It also requires DCF to make certain related materials available to youth-serving and religious organizations upon their request (§§ 6 & 7).

The bill generally requires local and regional boards of education ("boards of education") to annually distribute the board's mandated reporter policy electronically to all school employees. It also requires these boards to annually distribute electronically, to all school employees, board members, and parents and guardians of enrolled

students, (1) guidelines on identifying and reporting child sexual abuse, starting in the 2022-23 school year, and (2) information on DCF's sexual abuse and assault awareness and prevention program, starting in the 2023-24 school year (§ 5).

Starting July 1, 2023, it also requires school employees to complete training every three years on the (1) prevention and identification of, and response to, child sexual abuse and assault and (2) bystander and appropriate interaction with children training programs (§ 5).

The bill expands the list of mandated reporters to include paid youth camp staff members age 21 or older (§ 4).

It establishes a task force to study the sexual abuse and exploitation of children on the Internet or facilitated by in-state Internet users from 2019 through 2021 (§ 8).

Lastly, it expands the state's address confidentiality program by allowing victims of kidnapping, trafficking, or substantiated child abuse or children who are subjects of parental termination orders to participate (§§ 9-11).

*House Amendment "A", among other things, (1) requires DCF to include bystander and appropriate interaction with children training programs in its statewide sexual abuse and assault awareness and prevention program's instructional modules, rather than developing them in conjunction with various other agencies; (2) requires school boards to distribute the training program materials rather than include them in their in-service training, and requires school employees to complete related training every three years; (3) adds paid youth camp staff members who are age 21 or older to the mandated reporter list, instead of volunteers age 18 or older; and (4) adds the provisions establishing the task force and expanding the address confidentiality program.

It also removes from the underlying bill provisions on the statute of limitations for a mandated reporter's failure to report, victim sensitivity

training program, hiring check list, DCF's framework on sexual misconduct in schools and the associated school board policies, and state board of education disciplinary action.

EFFECTIVE DATE: July 1, 2022, except the provisions on (1) SDE's parent notification policy and form (§ 3) and the child abuse and exploitation task force (§ 8) are effective upon passage and (2) expanding the list of mandated reporters (§ 4) is effective October 1, 2022.

§§ 1-3 — CONNECTICUT SCHOOL HEALTH SURVEY

The bill requires DPH, starting with the 2022-23 school year, to biennially administer the Connecticut School Health Survey to students in grades nine through 12, if the department receives funding from the federal Centers for Disease Control and Prevention (CDC) for it.

Under the bill, the survey must be (1) based on the CDC's Youth Risk Behavior Survey and (2) administered in the high schools the CDC randomly selects.

Additional Survey Questions (§§ 1 & 2)

The bill allows DPH to develop additional survey questions that are relevant to the health concerns of the state's high school students. If DPH does this, it must be in consultation with the departments of Children and Families, Education, and Mental Health and Addiction Services, and any other agency or public interest group DPH deems necessary.

It also requires the child advocate, in consultation with DPH and DCF and by October 1, 2022, to develop and update, as necessary, questions to assess the risk of youths becoming victims of sexual assault or misconduct by an adult. These questions must be included in the survey.

DPH Guidelines (§ 1)

The bill requires DPH to provide boards of education with guidelines on administering the survey, and the boards must do so according to

these guidelines.

Under the bill, the guidelines must include the:

1. CDC survey protocol;
2. requirement to give parents the opportunity to exclude their children from the survey by denying permission in writing, on a DPH-prescribed form;
3. requirement for the survey to be anonymous and designed to protect student privacy;
4. timeframe for completing the survey; and
5. process for submitting survey results to the department.

SDE Uniform Parent Notification Policy and Form (§ 3)

The bill requires SDE, by January 1, 2023, and in consultation with DPH, to develop a uniform parental notification policy and form for boards of education to use in administering the survey.

Under the bill, SDE's uniform policy must address timely notification to the parents or guardians of students in grades nine to 12 about the Connecticut School Health Survey at least 21 days before the date the board will administer the survey.

It also requires SDE to develop a notification form for parents and guardians that includes (1) an explanation of the survey and how a parent or guardian may opt out and (2) the Internet link to the survey.

§ 6 — STATE-WIDE SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION PROGRAM

By law, DCF, in collaboration with SDE and Connecticut Alliance to End Sexual Violence, or a similar entity, must identify or develop a state-wide sexual abuse and assault awareness and prevention program for use by boards of education. The bill delays the deadline for DCF to develop the program until July 1, 2023, and correspondingly delays the

deadline for school boards to implement the program until the 2023-24 school year.

Under current law, the program must include instructional modules for teachers that may include:

1. training on preventing, identifying, and responding to child sexual abuse and assault and
2. resources to further student, teacher, and parental awareness about child sexual abuse and assault and their prevention.

Under the bill, starting July 1, 2023, these instructional modules (1) must be for all school employees, not only teachers, and (2) may include a bystander training program and an appropriate interaction with children training program.

Under the bill, a “school employee” is:

1. a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach (a) employed by a board of education or a private elementary, middle, or high school or (b) working in a public or private elementary, middle, or high school; or
2. anyone who, in the performance of his or her duties, has regular contact with students and provides services to or on behalf of students enrolled in a public or private elementary, middle, or high school, under a contract with the board of education or private school’s supervisory agent.

§ 7 — DCF MATERIALS TO CERTAIN ORGANIZATIONS

Starting July 1, 2023, the bill requires DCF to make available, upon request of a youth-serving organization or religious organization, any materials relating to the training regarding the (1) preventing, identifying, and responding to child sexual abuse and assault; (2)

bystander training program; and (3) appropriate interaction with children training program.

§ 5 — BOARD OF EDUCATION POLICIES ON REPORTING CHILD ABUSE AND NEGLECT

Policy Distribution

By law, each board of education must adopt a written policy for the mandatory reporting of suspected child abuse or neglect by school employees. (School employee has the same meaning as under § 6 above.)

Under existing law, the policy must be distributed annually to all school employees employed by the board. The bill requires that this annual distribution be done electronically.

Starting with the 2022-23 school year, the bill requires each local and regional school board to distribute a copy of the guidelines on identifying and reporting child sexual abuse developed by the governor's task force on justice for abused children. It must be distributed electronically to all school employees, board members, and the parents and guardians of students enrolled in the schools under the board's jurisdiction.

Starting with the 2023-24 school year, the bill requires each board of education to distribute electronically to all school employees, board members, and the parents and guardians of enrolled students, information on DCF's sexual abuse and assault awareness and prevention program (see § 6 above).

School Employee Training

Starting on July 1, 2023, the bill requires each school employee employed by a board of education to complete:

1. training on preventing, identifying, and responding to child sexual abuse and assault;
2. the bystander training program; and

3. the appropriate interaction with children training program.

Under the bill, each school employee must repeat the training at least once every three years.

§ 4 — MANDATED REPORTERS

The law generally imposes a legal responsibility on a specified class of individuals and entities (e.g., doctors, social workers, and school employees) to report to the appropriate authorities any reasonable suspicion or belief that a child is being abused or neglected (“mandated reporters”).

The bill expands the list of mandated reporters to include paid youth camp staff members age 21 or older. Under existing law, paid youth camp directors and paid assistant directors are already mandated reporters.

By law, failure to report suspected child abuse or neglect is a class A misdemeanor if a mandated reporter fails to report within the prescribed time period. But it is a class E felony if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge that a child was abused or neglected, or a student was the victim of sexual assault.

§ 8 — TASK FORCE ON CHILD SEXUAL ABUSE AND EXPLOITATION

Purpose

The bill establishes a 9-member task force to study the sexual abuse and exploitation of children on the Internet, or facilitated by Internet users in the state, from January 1, 2019, through December 31, 2021.

The study must examine:

1. the types and frequency of this abuse and exploitation,
2. grooming tactics used by adults to engage in this abuse and exploitation, and

3. any barriers that may prevent the adequate or timely investigation or prosecution of this abuse and exploitation.

Members and Appointments

The task force includes the following members:

1. one appointed by the House speaker, who is a member of the Trafficking in Persons Council;
2. one appointed by the Senate president, who must have expertise in prosecuting child sexual abuse and exploitation originating online;
3. one appointed by the House majority leader, who represents a non-profit organization that raises awareness of online child sex abuse and exploitation;
4. one appointed by the Senate majority leader, who must have expertise in data and behavioral trends concerning child sexual abuse and exploitation;
5. one appointed by the House minority leader, who represents the Connecticut Police Chiefs Association;
6. one appointed by the Senate minority leader, who represents the Alliance to End Sexual Violence;
7. the DCF and Department of Emergency Services and Public Protection commissioners, or their designees; and
8. the chief state's attorney or his or her designee.

All initial appointments must be made within 30 days after the bill passes and any vacancy must be filled by the appointing authority.

The Children's Committee's chairpersons must select the task force's chairperson from among its members. The task force chairperson must schedule the first task force meeting, to be held within 60 days after the

bill passes.

The Children's Committee's staff must serve as the task force's administrative staff.

Reporting and Termination

The task force must report its findings and recommendations to the Children's Committee by January 1, 2023. The report must include the:

1. number of allegations of this abuse and exploitation reported to law enforcement;
2. number of these reports that resulted in arrest and the number that resulted in prosecution; and
3. to the extent the task force can determine, the reasons why certain allegations were not prosecuted.

The report must not contain personally identifying information concerning victims of child sexual abuse or exploitation.

The task force terminates when it submits the report on January 1, 2023, whichever is later.

§§ 9-11 — ADDRESS CONFIDENTIALITY PROGRAM

By law, the address confidentiality program, administered by the Secretary of the State (SOTS), allows certain victims to receive a substitute mailing address to keep their residential address confidential due to safety concerns (see BACKGROUND).

The bill expands the program by allowing the following individuals to participate:

1. victims of (a) 1st or 2nd degree kidnapping, (b) 1st or 2nd degree kidnapping with a firearm, or (c) human trafficking;
2. victims of child abuse that was substantiated by DCF and the basis for issuing a restraining order or civil protection order; and

3. children who are the subject of petitions to terminate parental rights granted by the court.

Current law already allows victims of family violence; injury or risk of injury to a child; 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; 3rd degree sexual assault with a firearm; sexual assault in a spousal or cohabiting relationship; or 1st, 2nd, or 3rd degree stalking to participate in the program.

Under the bill, SOTS must certify an application from any of the above persons if it is filed on the prescribed form and includes a statement made under penalty of false statement that the person, or the person on whose behalf the application is filed, is such a victim or child and fears for their safety or that of any children living in the home. As under existing law, the application must also (1) be dated and signed, (2) designate SOTS as the agent for service of process and mailing purposes, (3) include supporting documentation, and (4) provide a Connecticut residential address and phone numbers, if available.

(Presumably, DCF, a temporary or permanent guardian, or adoptive parent would initiate the program application on a child's behalf, following a process determined by SOTS under its authority to adopt regulations for this program.)

BACKGROUND

CDC's Youth Risk Behavior Survey

Under existing agency practice, DPH biennially conducts the CDC's Youth Risk Behavior Survey, administered in Connecticut as the Connecticut School Health Survey, with funding provided through a cooperative agreement with the CDC. The CDC randomly selects approximately 50 high schools that are a representative sample of public high school students. DPH staff obtain permission from the CDC-selected schools to conduct the survey.

Address Confidentiality Program

By law, once an applicant to the address confidentiality program is

certified by SOTS, he or she receives a substitute address. SOTS, as the participant’s legal agent, receives any mail and service of process sent to that substitute address and forwards it to the participant’s confidential address free-of-charge.

Participants may generally have (1) their street address omitted from voter registries, (2) correspondence from state agencies sent to their substitute address, and (3) their marriage records kept confidential. Participants may renew their certification every four years. SOTS may cancel a participant’s certification under certain circumstances, but the participants may reapply at any time (CGS § 54-240 et seq. and Conn. Agencies Regs. § 54-240-1 et seq.).

Related Bill

sSB 123 (File 256), reported favorably by the Children’s Committee, contains similar provisions as this bill on the address confidentiality program.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 1 (03/15/2022)