



Senate

General Assembly

File No. 152

February Session, 2022

Substitute Senate Bill No. 308

Senate, March 28, 2022

The Committee on Children reported through SEN. ANWAR of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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:

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 Section 46a-13k of the general statutes is repealed and the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

3 (a) (1) There is established, within the Office of Governmental
4 Accountability established under section 1-300, an Office of the Child
5 Advocate. The Governor, with the approval of the General Assembly,
6 shall appoint a person with knowledge of the child welfare system and
7 the legal system to fill the Office of the Child Advocate. Such person
8 shall be qualified by training and experience to perform the duties of the
9 office as set forth in section 46a-13l, as amended by this act. Upon any
10 vacancy in the position of Child Advocate, the advisory committee
11 established pursuant to section 46a-13r shall meet to consider and
12 interview successor candidates and shall submit to the Governor a list
13 of not fewer than three and not more than five of the most outstanding
14 candidates, not later than sixty days after the occurrence of said vacancy,

15 except that upon any vacancy in said position occurring after January 1,
16 2012, but before June 15, 2012, the advisory committee shall submit such
17 list to the Governor on or before July 31, 2012. Such list shall rank the
18 candidates in the order of committee preference. Not later than eight
19 weeks after receiving the list of candidates from the advisory committee,
20 the Governor shall designate a candidate for Child Advocate from
21 among the choices on such list. If at any time any of the candidates
22 withdraw from consideration prior to confirmation by the General
23 Assembly, the designation shall be made from the remaining candidates
24 on the list submitted to the Governor. If, not later than eight weeks after
25 receiving the list, the Governor fails to designate a candidate from the
26 list, the candidate ranked first shall receive the designation and be
27 referred to the General Assembly for confirmation. If the General
28 Assembly is not in session, the designated candidate shall serve as
29 acting Child Advocate and be entitled to the compensation, privileges
30 and powers of the Child Advocate until the General Assembly meets to
31 take action on said appointment. The person appointed Child Advocate
32 shall serve for a term of four years and may be reappointed, in
33 accordance with the provisions of subdivision (2) of this subsection, or
34 shall continue to hold office until such person's successor is appointed
35 and qualified. Upon any vacancy in the position of Child Advocate and
36 until such time as a candidate has been confirmed by the General
37 Assembly or, if the General Assembly is not in session, has been
38 designated by the Governor, the Associate Child Advocate shall serve
39 as the acting Child Advocate and be entitled to the compensation,
40 privileges and powers of the Child Advocate.

41 (2) At the conclusion of the Child Advocate's four-year term, such
42 person may submit a request for reappointment to the advisory
43 committee. The advisory committee shall meet to consider such request
44 for reappointment and may, not later than sixty days after receipt of
45 such request for reappointment, submit to the Governor a
46 recommendation that such person be reappointed. Not later than eight
47 weeks after receiving such recommendation for reappointment from the
48 advisory committee, the Governor may reappoint such person as the
49 Child Advocate. If, not later than eight weeks after receiving such

50 recommendation for reappointment, the Governor fails to reappoint
51 such person, such person shall be referred to the General Assembly for
52 confirmation. If the General Assembly is not in session, such person
53 shall serve as acting Child Advocate and be entitled to the
54 compensation, privileges and powers of the Child Advocate until the
55 General Assembly meets to take action on such reappointment.

56 (b) Notwithstanding any other provision of the general statutes, the
57 Child Advocate shall act independently of any state department in the
58 performance of the advocate's duties.

59 (c) The Child Advocate may, within available funds, appoint such
60 staff as may be deemed necessary provided, for the fiscal years ending
61 June 30, 1996, and June 30, 1997, such staff shall not exceed one and one-
62 half full-time positions or the equivalent thereof. The duties of the staff
63 may include the duties and powers of the Child Advocate if performed
64 under the direction of the Child Advocate.

65 (d) The General Assembly shall annually appropriate such sums as
66 necessary for the payment of the salaries of the staff and for the payment
67 of office expenses and other actual expenses incurred by the Child
68 Advocate in the performance of his or her duties. Any legal or court fees
69 obtained by the state in actions brought by the Child Advocate shall be
70 deposited in the General Fund.

71 (e) The Child Advocate shall annually submit, in accordance with the
72 provisions of section 11-4a, to the Governor, the joint standing
73 committees of the General Assembly having cognizance of matters
74 relating to the judiciary, children and human services and the advisory
75 committee established pursuant to section 46a-13r a detailed report
76 analyzing the work of the Office of the Child Advocate.

77 (f) Notwithstanding any other provision of the general statutes, the
78 salary of the Child Advocate shall be equal to that established for
79 executive pay plan salary group three by the Commissioner of
80 Administrative Services, except that the Child Advocate shall not
81 receive a salary less than that provided to a family support magistrate,

82 as defined in section 46b-231.

83 Sec. 2. Subsection (a) of section 46a-13l of the general statutes is
84 repealed and the following is substituted in lieu thereof (*Effective July 1,*
85 *2022*):

86 (a) The Child Advocate shall:

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

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

95 (3) Review complaints of persons concerning the actions of any state
96 or municipal agency providing services to children and of any entity
97 that provides services to children through funds provided by the state,
98 make appropriate referrals and investigate those where the Child
99 Advocate determines that a child or family may be in need of assistance
100 from the Child Advocate or that a systemic issue in the state's provision
101 of services to children is raised by the complaint;

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

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

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

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

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

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

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

125 (11) Take appropriate steps to advise the public of the services of the
126 Office of the Child Advocate, the purpose of the office and procedures
127 to contact the office; [and]

128 (12) Prepare an in-depth report on conditions of confinement,
129 including, but not limited to, compliance with section 46a-152,
130 regarding children [twenty] twenty-one years of age or younger who
131 are held in secure detention or correctional confinement in any facility
132 operated by a state agency. Such report shall be submitted, in
133 accordance with the provisions of section 11-4a, to the joint standing
134 committee of the General Assembly having cognizance of matters
135 relating to children not later than March 1, 2017, and every two years
136 thereafter; and

137 (13) Present to the advisory committee, established pursuant to
138 section 46a-13r, at least twice annually, a report on the goals of and
139 projects undertaken by the Office of the Child Advocate, within
140 available appropriations, that are consistent with the responsibilities of
141 the Child Advocate.

142 Sec. 3. Subsection (a) of section 46a-13m of the general statutes is

143 repealed and the following is substituted in lieu thereof (*Effective July 1,*
144 *2022*):

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

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

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

176 of such child or the legal representative for such child.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	46a-13k
Sec. 2	July 1, 2022	46a-13l(a)
Sec. 3	July 1, 2022	46a-13m(a)
Sec. 4	July 1, 2022	46a-13n

Statement of Legislative Commissioners:

In Section 2(a)(13), "advisory committee" was changed to "advisory committee, established pursuant to section 46a-13r," for clarity.

KID Joint Favorable Subst. -LCO

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 \$
Governmental Accountability, Off.	GF - Cost	16,834	16,834

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill makes changes to statutes related to the Office of the Child Advocate. The bill establishes a reappointment process and sets a minimum salary for the Child Advocate which results in a cost of \$16,834 to adjust the current salary.

The \$16,834 increase is based on an adjustment of the Child Advocate's current salary to meet the minimum salary established in the bill. The bill specifies that the Child Advocate cannot receive a salary less than that of a family support magistrate. State statute 46b-231 sets the minimum salary for a family support magistrate at \$143,060. The current salary of the Child Advocate (\$126,226) will need to be increased by \$16,834 to meet this requirement.

The bill also increases the age limit for which the Child Advocate must report confinement conditions, requires the Child Advocate to present biannually to an advisory committee, extends whistleblower protections in existing law, and places a 14-day limit for which requested records shall be provided to the Child Advocate. These components of the bill are not anticipated to result in a fiscal impact to the state or municipalities.

The Out Years

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

Sources: Core-CT Financial Accounting System

OLR Bill Analysis**sSB 308*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF THE CHILD ADVOCATE.*****SUMMARY**

This bill makes several changes in laws related to the Office of the Child Advocate (OCA). It:

1. establishes a reappointment process and compensation for the child advocate;
2. expands the age range, from children age 20 or younger to children age 21 and under, for which the child advocate must report confinement conditions;
3. requires the child advocate to biannually report to the OCA advisory committee on the office's goals and projects, within available appropriations, that are consistent with the child advocate's responsibilities, and
4. extends whistleblower protections in existing law that prohibit municipal agencies from discharging, discriminating, or retaliating against employees who make good faith complaints to OCA or cooperate with OCA investigations to employees of any agency or entity providing publicly funded services.

Under existing law, the child advocate has the right to inspect and copy any records necessary to carry out her responsibilities. The bill specifies that the child advocate has the right to request and promptly inspect and copy these records. Additionally, the bill requires requested records to be provided to her within 14 days of the request. By law, the child advocate may issue a subpoena for records they are denied access to.

The bill also allows the child advocate to disclose confidential information to a child's legal representative if the disclosure is necessary to enable the child advocate to perform her responsibilities or to identify, prevent, or treat the abuse or neglect of a child. Under current law, the child advocate may only disclose this information to the appropriate agency responsible for the welfare of such child.

EFFECTIVE DATE: July 1, 2022

CHILD ADVOCATE REAPPOINTMENT AND COMPENSATION

The bill allows the child advocate to submit a request for reappointment to the OCA advisory committee at the end of her four-year term. The advisory committee must meet to consider the request and may submit a recommendation for reappointment to the governor within sixty days of receiving it. The governor may reappoint the child advocate within eight weeks of receiving the recommendation for reappointment, and if he fails to reappoint the child advocate within this time the child advocate will be referred to the General Assembly for confirmation. If the General Assembly is not in session, the child advocate will serve as acting child advocate and is entitled to the compensation, privileges, and powers of the child advocate until the General Assembly meets to act on the reappointment.

Under the bill, the child advocate receives a salary equal to the executive pay plan salary group three established by the Commissioner of Administrative Services. The bill specifies that the Child Advocate cannot receive a salary less than that of a family support magistrate (which statute sets at \$143,060).

REPORTING ON YOUTH CONFINEMENT CONDITIONS

Under current law, the child advocate must prepare an in-depth report on the conditions of confinement for children age 20 or younger held in secure detention or correctional confinement in any state-operated facility, including facilities' compliance with the law limiting the use of restraint and seclusion. The bill expands the age range of children for which the child advocate must report on to include children

age 21 and under. Under existing law, the child advocate must submit the report biennially to the Children’s Committee.

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 10 Nay 3 (03/10/2022)