



General Assembly

February Session, 2022

***Raised Bill No. 308***

LCO No. 1880



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:  
(KID)

***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 Section 46a-13k of the general statutes is repealed and the  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, at least twice annually, a  
138 report on the goals of and projects undertaken by the Office of the Child  
139 Advocate, within available appropriations, that are consistent with the  
140 responsibilities of the Child Advocate.

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

142 repealed and the following is substituted in lieu thereof (*Effective July 1,*  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

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

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 Section 46a-13n of the general statutes is repealed and the  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

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

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

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

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

**Statement of Purpose:**

To establish a reappointment process for the Child Advocate, to establish the compensation of the Child Advocate, and to make other revisions to the statutes relating to the responsibilities of the Child Advocate.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*