
OLR Bill Analysis

sSB 1012

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' RECOMMENDATIONS FOR REVISIONS TO STATUTES CONCERNING CHILDREN.

SUMMARY

This bill makes several changes in laws related to the Department of Children and Families (DCF).

The bill limits when DCF may do certain background checks on foster care provider applicants by (1) increasing, from 16 to 18, the minimum age at which household members must submit to these checks and (2) generally prohibiting them if they have been done in the last 12 months (§ 1).

It also reorganizes and combines current laws on emergency placements and placements with a relative or fictive kin (i.e., a person who has a family-like relationship with the child); and in doing so, eliminates the duplicative background checks required for licensure for these placements under current law (§§ 1 & 8).

Among other things, the bill also:

1. specifically allows the mandatory home visits to investigate a report of child abuse or neglect to be done by video or other conferencing platform during certain state or national emergencies (e.g., a pandemic) (§ 2);
2. allows subsidies (e.g., special-need subsidy) received by an adoptive parent who dies or becomes disabled or ill to transfer to a successor guardian in certain circumstances (§ 3);
3. requires urgent crisis centers that are dedicated to treating children's urgent mental or behavioral health needs to operate

under DCF oversight rather than under a DCF issued license as required under current law (§§ 4 & 5);

4. requires DCF, by January 1, 2024, to update its existing guidelines for the safe care of substance-exposed newborns (§ 6); and
5. requires DCF to disclose records, without the subject's consent, to the Department of Public Health (DPH) for purposes relating to licensure of the Albert J. Solnit Children's Center ("Solnit Children's Center") (§ 7).

It also makes changes to conform to the Connecticut Parentage Act (PA 21-15) which, among other things, removed certain gender specific references (e.g., "mother" to "birth parent").

Lastly, the bill makes technical changes, including eliminating obsolete language on regular unsupervised access (§ 1).

EFFECTIVE DATE: July 1, 2023, except the provision giving DPH access to DCF records regarding licensure of Solnit Children's Center is effective upon passage.

§§ 1 & 8 — BACKGROUND CHECKS

Foster Care License, Adoption Approval, or Renewal (§ 1)

Under current law, before issuing a license to someone who applied to become a foster care provider or an approval to adopt a child ("applicant"), DCF must first require state and national criminal history and state child abuse registry records checks on the applicant and anyone living in the applicant's household who is age 16 or older. The care provider and anyone age 16 or older living in the household must again submit to these same background checks at the time of license or approval renewal. The bill increases, from 16 to 18, the minimum age at which an applicant's household member must submit to background checks.

The bill also prohibits the commissioner from requiring an applicant or anyone age 18 or older living in the applicant's household to submit to the state and national criminal history records checks if the person

has submitted to these background checks within the previous 12-month period in connection with an emergency placement (see below).

Emergency Placement (§§ 1 & 8)

Under certain circumstances, current law allows the commissioner to place a child with a relative or fictive kin caregiver who has not been issued a license or approval, if, among other things, it is in the child’s best interests. Instead of “relative or fictive kin,” the bill refers to this type of placement as an “emergency placement,” and makes conforming changes to the laws that address required licensure and approval of a person who accepts placement on an emergency basis. It repeals the current statute that governs emergency placements and simultaneously combines it with that on placement with a relative or fictive kin. In doing so, the bill eliminates the duplicative background checks required for licensure under current law for these placements.

Current law authorizes the commissioner to make a placement with such a relative or fictive kin caregiver if:

1. a satisfactory home visit is conducted and a basic assessment of the family is completed; and
2. the relative or fictive kin caregiver attests that they, and any adult living in the household, have not been convicted of a crime or arrested for a felony against a person; injury or risk of injury to or impairing the morals of a child; or possession, use, or sale of a controlled substance.

The bill no longer requires the caregiver to make an attestation about any convictions or arrests for these crimes. Instead, the bill requires the commissioner to do what current law allows for emergency placements, which is to request a criminal justice agency to do a federal name-based criminal history search. Under current law, the commissioner may do so for each person residing in the home. The bill requires her to do so only for each person aged 18 or older residing in the home and to also do a state child abuse and neglect registry check for these individuals.

The other emergency placement provisions under existing law

generally remain unchanged under the bill, such as those related to the:

1. required state and national criminal history records checks that must occur after the name-based search has been completed (the bill increases, from five to 15 days, the deadline for DCF to request the state police to perform the check after the search);
2. commissioner's mandate to remove the child from the home of anyone who refuses to provide fingerprints or other positive identification; and
3. person's right to request a state or national criminal history check if denied emergency placement based on a name-based search.

Under existing law, unchanged by the bill, an "emergency placement" is the placement of a child by DCF in someone's home, including a child's neighbor, friend, or relative, because of the sudden unavailability of the child's primary caretaker.

§ 2 — HOME VISITS IN A PANDEMIC

By law, all investigations of any report of abuse or neglect of a child must include a home visit by DCF. The bill specifically allows these home visits to be done by video or other conferencing platform (i.e., online), instead of in-person, in the event of a pandemic or communicable disease outbreak resulting in a declaration of a public health emergency by the Governor or a national emergency by the President. Under the bill, these home visits can be done online for as long as the declaration lasts.

§ 3 — SUBSIDIZED GUARDIANSHIP PROGRAM

Under existing law, if a caregiver who is receiving guardianship subsidies dies or becomes severely disabled or seriously ill, the DCF commissioner may transfer the subsidies to a successor guardian who meets the department's foster care safety requirements and who is appointed as legal guardian by a court. The bill allows the commissioner to also do this in a case involving an adoptive parent under similar circumstances who was receiving a subsidy.

As is the case for a caregiver under existing law, the bill requires the adoptive parent to identify the successor guardian in the subsidy agreement and any addendum to it.

By law, if DCF certifies a child as special needs before adoption, it must provide certain subsidies for the adopting parents. This may include a special-need subsidy (i.e., a lump sum payment to the service provider), a periodic subsidy to the adopting family for the cost of care, or both. In addition, Medicaid benefits that were provided before the adoption must continue if the child qualifies as the adoptive parent's dependent for federal tax purposes (CGS § 17a-117).

§§ 4 & 5 — URGENT CRISIS CENTERS

Under current law, an “urgent crisis center” is a DCF-licensed center dedicated to treating children’s urgent mental or behavioral health needs and “urgent crisis center services” are pediatric mental and behavioral health services provided at one of these centers. Under the bill, these centers must operate under DCF’s oversight rather than under the department’s direct licensure, as required by current law. In doing so, the bill allows these centers to be licensed by an agency other than DCF (presumably, DPH), but they must operate under DCF’s oversight.

This applies to existing laws that govern (1) protocols DPH’s Office of Emergency Medical Services must develop by January 1, 2024, for certain emergency medical services providers to transport children with mental or behavioral health needs by ambulance to urgent crisis centers and (2) health insurance coverage for, and emergency access to, urgent crisis center services (e.g., prohibition on balance billing, higher out-of-network billing, and pre-authorization).

§ 6 — SAFE CARE OR SUBSTANCE-EXPOSED NEWBORNS

The law required, by January 1, 2019, the DCF commissioner, in consultation with other departments, agencies, or entities concerned with the health and wellbeing of children, to develop guidelines for the safe care of newborns who exhibit (1) physical, neurological, or behavioral symptoms consistent with prenatal substance exposure; (2) associated withdrawal symptoms; or (3) fetal alcohol syndrome. As

under existing law, the guidelines must include instructions to providers on the discharge planning process, including written plans of safe care. The bill (1) replaces the term “plans of safe care” with “family care plan” and (2) requires the commissioner to update these guidelines by January 1, 2024.

It also conforms to the Connecticut Parentage Act (PA 21-15) by removing certain gender-specific references (e.g., “mother” to “birth parent” and “women” to “pregnant parents”).

§ 7 — DPH ACCESS TO DCF INFORMATION FOR SOLNIT CHILDREN’S CENTER LICENSURE

By law, records maintained by DCF are generally confidential and must not be disclosed without the subject’s consent, subject to various exceptions. Existing law requires DCF to disclose records, without consent, to inform DPH that the DCF commissioner placed a DPH-licensed or -certified person on the child abuse and neglect registry. This bill requires DCF to also disclose information to DPH without consent for purposes relating to the licensure of Solnit Children’s Center. (Solnit is operated by DCF and licensed by DPH.)

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 17 Nay 2 (02/28/2023)