



Senate

General Assembly

File No. 69

January Session, 2023

Substitute Senate Bill No. 1048

Senate, March 14, 2023

The Committee on Children reported through SEN. MAHER, C. of the 26th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING FINDINGS OF NEGLECT AND RISK OF INJURY TO A CHILD.

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

1 Section 1. Subdivision (4) of section 46b-120 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

4 (4) (A) A child may be found "neglected" who, for reasons other than
5 being impoverished, [(A)] (i) has been abandoned, [(B)] (ii) is being
6 denied [proper] necessary care and attention, physically, educationally,
7 emotionally or morally, or [(C)] (iii) is being permitted to live under
8 conditions, circumstances or associations [injurious to the] that present
9 an obvious danger to the health or well-being of the child and which the
10 parent, guardian or caretaker who is responsible for such child's health
11 or well-being wilfully or recklessly disregard as an obvious danger;

12 (B) A child may not be found "neglected" solely because such child is
13 participating in independent activities, except if such activities present

14 an obvious danger to the child's health or safety as understood by and
15 based upon the parent, guardian or other caregiver's knowledge of the
16 child's maturity, condition and abilities. Such independent activities are
17 activities conducted by a child without direct supervision or being
18 attended by a parent, guardian or other caretaker, including, but not
19 limited to: (i) Traveling to and from school or commercial or recreational
20 facilities by means including walking, running, bicycling or other
21 similar mode of travel; (ii) engaging in outdoor play; and (iii) being in a
22 home or other location;

23 Sec. 2. Section 53-21 of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective October 1, 2023*):

25 (a) Any person who (1) wilfully or unlawfully causes or permits any
26 child under the age of sixteen years to be placed in such a situation that
27 the life or limb of such child is endangered, the health of such child is
28 likely to be injured or the morals of such child are likely to be impaired,
29 or does any act likely to impair the health or morals of any such child,
30 [or] (2) has contact with the intimate parts, as defined in section 53a-65,
31 of a child under the age of sixteen years or subjects a child under sixteen
32 years of age to contact with the intimate parts of such person, in a sexual
33 and indecent manner likely to impair the health or morals of such child,
34 or (3) permanently transfers the legal or physical custody of a child
35 under the age of sixteen years to another person for money or other
36 valuable consideration or acquires or receives the legal or physical
37 custody of a child under the age of sixteen years from another person
38 upon payment of money or other valuable consideration to such other
39 person or a third person, except in connection with an adoption
40 proceeding that complies with the provisions of chapter 803, shall be
41 guilty of (A) a class C felony for a violation of subdivision (1) or (3) of
42 this subsection, and (B) a class B felony for a violation of subdivision (2)
43 of this subsection, except that, if the violation is of subdivision (2) of this
44 subsection and the victim of the offense is under thirteen years of age,
45 such person shall be sentenced to a term of imprisonment of which five
46 years of the sentence imposed may not be suspended or reduced by the
47 court.

48 (b) The act of a parent or agent leaving an infant thirty days or
49 younger with a designated employee pursuant to section 17a-58 shall
50 not constitute a violation of this section.

51 (c) The act of a parent, guardian or caretaker of a child permitting
52 such child to engage in independent activities, as described section 46b-
53 120, as amended by this act, shall not constitute a violation of this
54 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	46b-120(4)
Sec. 2	October 1, 2023	53-21

KID Joint Favorable Subst.

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: None

Municipal Impact: None

Explanation

This bill makes a definitional change by narrowing circumstances of child neglect and does not have a fiscal impact.

The bill does not allow for parents, guardians, and caretakers for children to be charged with criminal negligence for a child under their care solely for the child engaging in appropriate independent activities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1048*****AN ACT CONCERNING FINDINGS OF NEGLECT AND RISK OF INJURY TO A CHILD.*****SUMMARY**

This bill narrows the circumstances under which a child may be found neglected. In doing so, the bill limits the circumstances under which the crime of neglect or risk of injury to a minor may be found.

Under current law, among other things, a child may be found neglected when the child is being allowed to live under conditions, circumstances, or associations harmful to the child's well-being. Under the bill, instead, the child may be found neglected if the condition, circumstance, or association presents an obvious danger to the child's health or well-being and the parent, guardian, or caretaker responsible for the child's health or well-being, willfully or recklessly disregards it as an obvious danger.

Under the bill, a child may not be found neglected solely because the child is participating in an independent activity (e.g., traveling to and from school), unless the parent, guardian, or other caregiver, based on their knowledge of the child's maturity, condition, and abilities, understands that the activity presents an obvious danger to the child's health or safety.

Lastly, the bill specifically excludes situations where a parent, guardian, or caretaker allows the child to engage in independent activities, as described below, as a criminal act of neglect or risk of injury to a minor (see BACKGROUND).

EFFECTIVE DATE: October 1, 2023

NEGLECT

Under current law, a child may be found neglected if, for reasons other than poverty, the child is being denied proper care and attention, physically, educationally, emotionally, or morally. The bill changes the standard for these types of care and attention from proper to necessary.

INDEPENDENT ACTIVITIES

Under the bill, independent activities are those done by a child without a parent, guardian, or other caretaker or without their supervision. They include:

1. traveling to and from school, commercial, or recreational facilities by walking, running, bicycling, or other similar ways;
2. engaging in outdoor play; and
3. being in a home or other location (the bill does not define “other location”).

BACKGROUND

Neglect or Risk of Injury to a Minor

By law, a person who does any act likely to impair a child’s health or morals may be found guilty of the crime of neglect or risk of injury to a minor. Among other things, this includes when a person willfully or unlawfully causes or allows any child under age 16 to be placed in a situation that (1) endangers the child’s life or limb, (2) injures the child’s health, or (3) impairs the child’s morals.

Neglect or risk of injury to a minor is a class C felony (punishable by up to 10 years imprisonment) or class B felony (punishable by up to 20 years imprisonment, up to a \$15,000 fine, or both) depending on the child’s age and the nature of the violation.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute
Yea 19 Nay 0 (03/03/2023)