



General Assembly

Substitute Bill No. 1048

January Session, 2023



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2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2023*):

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

13 (B) A child may not be found "neglected" solely because such child
14 is participating in independent activities, except if such activities
15 present an obvious danger to the child's health or safety as understood
16 by and based upon the parent, guardian or other caregiver's
17 knowledge of the child's maturity, condition and abilities. Such
18 independent activities are activities conducted by a child without

19 direct supervision or being attended by a parent, guardian or other
20 caretaker, including, but not limited to: (i) Traveling to and from
21 school or commercial or recreational facilities by means including
22 walking, running, bicycling or other similar mode of travel; (ii)
23 engaging in outdoor play; and (iii) being in a home or other location;

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 Section 53-21 of the general statutes is repealed and the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

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

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

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

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

KID *Joint Favorable Subst.*