



Senate Bill No. 127

Public Act No. 24-79

AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES RELATING TO BACKGROUND CHECKS, CERTAIN SUBSIDIES, URGENT CRISIS CENTERS, DEPARTMENTAL RECORDS AND SPECIAL POLICE OFFICERS.

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

Section 1. Section 17a-114 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) As used in this section, (1) "approval" or "approved" means that a person has been approved to adopt or provide foster care by a child-placing agency licensed pursuant to section 17a-149, (2) "licensed" means a person holds a license to provide foster care issued by the Department of Children and Families, and (3) "fictive kin caregiver" means a person who is twenty-one years of age or older and who is unrelated to a child by birth, adoption or marriage but who has an emotionally significant relationship with such child or such child's family amounting to a familial relationship. [, and (4) "regular unsupervised access" means periodic interaction with a child in the home for purposes of unsupervised child care, medical or other services to the child.]

(b) (1) No child in the custody of the Commissioner of Children and

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Families shall be placed in foster care with any person, unless (A) (i) such person is licensed for that purpose by the department or the Department of Developmental Services pursuant to the provisions of section 17a-227, [or] (ii) such person's home is approved by a child placing agency licensed by the commissioner pursuant to section 17a-149, or (iii) such person has received approval as provided in this section, and (B) on and after January 1, 2017, for a child twelve years of age or older, such child has received a foster family profile in accordance with the provisions of section 17a-114e. Any person licensed by the department may be a prospective adoptive parent. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the licensing procedures and standards.

(2) [The] (A) Except as provided in subparagraph (B) of this subdivision, the commissioner shall require each applicant for licensure or approval pursuant to this section and any person [sixteen] eighteen years of age or older living in the household of such applicant to submit to state and national criminal history records checks prior to issuing a license or approval to such applicant to accept placement of a child for purposes of foster care or adoption. Such criminal history records checks shall be conducted in accordance with section 29-17a. The commissioner shall check the [(A)] (i) state child abuse and neglect registry established pursuant to section 17a-101k for the name of such applicant and for the name of any person [sixteen] eighteen years of age or older living in the household of such applicant, and [(B)] (ii) child abuse and neglect registry in any state in which such applicant or person resided in the preceding five years for the name of such applicant or person.

(B) If an applicant for licensure or approval or any person eighteen years of age or older living in the household of such applicant has submitted to the state and national criminal history records checks described in subsection (c) of this section within the previous twelve-

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month period, the commissioner shall not require such applicant or person to submit to the state and national criminal history records checks described in subparagraph (A) of this subdivision in connection with the issuance of a license or approval.

(3) The commissioner shall require each individual licensed or approved pursuant to this section and any person [sixteen] eighteen years of age or older living in the household of such individual to submit to state and national criminal history records checks prior to renewing a license or approval for any individual providing foster care or adopting. Such criminal history records checks shall be conducted in accordance with section 29-17a. Prior to such renewal, the commissioner shall check the (A) state child abuse and neglect registry established pursuant to section 17a-101k for the name of such applicant and for the name of any person [sixteen] eighteen years of age or older living in the household of such applicant, and (B) child abuse and neglect registry in any state in which such applicant or person resided in the preceding five years for the name of such applicant or person.

(4) The commissioner shall comply with any request to check the child abuse and neglect registry established pursuant to section 17a-101k made by the child welfare agency of another state.

(c) (1) Notwithstanding the requirements of subsection (b) of this section, the commissioner may place a child with a relative or fictive kin caregiver who has not been issued a license or approval, when such placement is in the best interests of the child, provided a satisfactory home visit is conducted [,] and a basic assessment of the family is completed. [and such relative or fictive kin caregiver attests that such relative or fictive kin caregiver and any adult living within the household has not been convicted of a crime or arrested for a felony against a person, for injury or risk of injury to or impairing the morals of a child, or for the possession, use or sale of a controlled substance.] When the commissioner makes such a placement, the commissioner

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shall (A) request a criminal justice agency to perform a federal name-based criminal history search of each person eighteen years of age or older residing in the home, and (B) check the state child abuse and neglect registry established pursuant to section 17a-101k for the name of each person eighteen years of age or older residing in the home. The results of such name-based search shall be provided to the commissioner.

(2) Not later than ten calendar days after a name-based search is performed pursuant to subdivision (1) of this subsection, the commissioner shall request the State Police Bureau of Identification to perform a state and national criminal history records checks of each person eighteen years of age or older residing in the home, in accordance with section 29-17a. Such criminal history records checks shall be deemed as required by this section for the purposes of section 29-17a and the commissioner may request that such criminal history records checks be performed in accordance with subsection (c) of said section. The results of such criminal history records checks shall be provided to the commissioner. If any person refuses to provide fingerprints or other positive identifying information for the purposes of such criminal history records checks when requested, the commissioner shall immediately remove the child from the home.

(3) If the commissioner denies a placement with a relative or fictive kin caregiver or removes a child from such home based on the results of a federal name-based criminal history search performed pursuant to subdivision (1) of this subsection, the person whose name-based search was the basis for such denial or removal may contest such denial or removal by requesting that state and national criminal history records checks be performed pursuant to subdivision (2) of this subsection.

(4) Any such relative or fictive kin caregiver who accepts placement of a child shall be subject to licensure by the commissioner, pursuant to regulations adopted by the commissioner in accordance with the

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provisions of chapter 54 to implement the provisions of this section or approval by a child-placing agency licensed pursuant to section 17a-149. The commissioner may grant a waiver from such regulations, including any standard regarding separate bedrooms or room-sharing arrangements, for a child placed with a relative or fictive kin caregiver, on a case-by-case basis, if such placement is otherwise in the best interests of such child, provided no procedure or standard that is safety-related may be so waived. The commissioner shall document, in writing, the reason for granting any waiver from such regulations.

(d) Any individual who has been licensed or approved to adopt or provide foster care and any relative or fictive kin caregiver with whom a child has been placed pursuant to subsection (c) of this section shall apply a reasonable and prudent parent standard, as defined in subsection (a) of section 17a-114d, on behalf of the child.

Sec. 2. Subsection (i) of section 17a-126 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(i) In the case of the death, severe disability or serious illness of a caregiver who is receiving a guardianship subsidy or an adoptive parent who is receiving a subsidy pursuant to section 17a-117 or 17a-118, the commissioner may transfer [the guardianship] such subsidy to a successor guardian who meets the department's foster care safety requirements and who is appointed as legal guardian by a court of competent jurisdiction. For purposes of maximizing federal reimbursement for the costs of the subsidized guardianship program, the commissioner shall request that the caregiver or adoptive parent identify such successor guardian in the subsidy agreement and any addendum thereto.

Sec. 3. Subsection (b) of section 19a-179f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1,*

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2024):

(b) On or before January 1, 2024, the Office of Emergency Medical Services shall develop protocols for a licensed or certified emergency medical services organization or provider to transport a pediatric patient with mental or behavioral health needs by ambulance to an urgent crisis center. As used in this subsection, "urgent crisis center" means a center [licensed] certified as an urgent crisis center by the Department of Children and Families that is dedicated to treating children's urgent mental or behavioral health needs.

Sec. 4. Subdivision (7) of subsection (a) of section 38a-477aa of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(7) "Urgent crisis center" means a center [licensed] that is certified as an urgent crisis center by the Department of Children and Families that is dedicated to treating children's urgent mental or behavioral health needs.

Sec. 5. Subdivision (30) of subsection (g) of section 17a-28 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(30) The Department of Public Health for (A) the purpose of notification when the Commissioner of Children and Families places an individual licensed or certified by the Department of Public Health on the child abuse and neglect registry established pursuant to section 17a-101k, and (B) purposes relating to the licensure of the Albert J. Solnit Children's Center and the administration of licensing requirements established pursuant to or set forth in sections 19a-134 and 19a-498;

Sec. 6. Subsection (e) of section 17a-3b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

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(e) (1) The unit shall employ a uniform system of state-wide electronic record transfers for maintaining and sharing educational records for any child who resides in a juvenile justice facility and any incarcerated child in an educational program to be overseen by a directory manager as designated by the commissioner. Such system shall be aligned with recommendations by the Individualized Education Program Advisory Council established pursuant to section 10-76nn.

(2) Educational records of any child who resides in a juvenile justice facility and any incarcerated child in an educational program to be overseen by a directory manager as designated by the commissioner shall be disclosed to the department upon request, in accordance with the department's status as a state educational authority pursuant to the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended from time to time.

Sec. 7. (NEW) (*Effective July 1, 2024*) The Commissioner of Emergency Services and Public Protection shall appoint not more than two persons nominated by the Commissioner of Children and Families to act as special police officers. Each such special police officer shall serve at the pleasure of the Commissioner of Emergency Services and Public Protection, and have all powers conferred on state police officers while conducting state and national criminal history records checks in accordance with section 17a-6a of the general statutes, conducting and responding to threat assessments in and around any building or facility under the supervision or control of the Department of Children and Families and responding to acute crises or security concerns in and around such buildings and facilities.

Sec. 8. Subdivision (9) of section 7-294a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(9) "Police officer" means a sworn member of an organized local

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police department or of the Division of State Police within the Department of Emergency Services and Public Protection, an appointed constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a, [or] 29-19 or section 7 of this act, or any member of a law enforcement unit who performs police duties;

Sec. 9. Section 17a-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) The department shall plan, create, develop, operate or arrange for, administer and evaluate a comprehensive and integrated state-wide program of services, including preventive services, for children and youths [whose behavior does not conform to the law or to acceptable community standards, or who are mentally ill, including deaf and hard of hearing children and youths who are mentally ill, emotionally disturbed, substance abusers,] who have mental health needs and substance use disorders and who have been abused, neglected or uncared for. [, including all] The department shall provide such services to all children and youths, including children and youths who are deaf, deafblind and hard of hearing, who are or may be committed to it by any court, and all children and youths voluntarily admitted to, or remaining voluntarily under the supervision of, the commissioner for services of any kind. [Services shall not be denied] The department shall not deny such services to any such child or youth solely because of other complicating or multiple disabilities. The department shall work in cooperation with other child-serving agencies and organizations to provide or arrange for preventive programs, including, but not limited to, teenage pregnancy and youth suicide prevention programs, for children and youths and their families.

(b) The [program] state-wide program of services shall provide services and placements that are clinically indicated and appropriate to the needs of [the] each child or youth. In furtherance of this purpose, the

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department shall: (1) Develop a comprehensive program for prevention and treatment of problems [of] experienced by children and youths and provide a flexible, innovative and effective program for the placement, care and treatment of children and youths committed by any court to the department, transferred to the department by other departments, or voluntarily admitted to the department; (2) provide appropriate services to the families of children and youths as needed to achieve the purposes of sections 17a-1 to 17a-26, inclusive, 17a-28 to 17a-49, inclusive, and 17a-51; (3) establish incentive paid work programs for children and youths under the care of the department and the rates to be paid such children and youths for work done in such programs, and may provide allowances to children and youths in the custody of the department; (4) [be responsible to] collect, interpret and publish statistics relating to children and youths [within] committed to the department; (5) conduct studies of any program, service or facility developed, operated, contracted for, licensed or supported by the department in order to evaluate its effectiveness; (6) establish staff development and other training and educational programs designed to improve the quality of departmental services and programs, which shall include, but not be limited to, training in the prevention, identification and effects of family violence, [provided no] and may establish educational or training programs for children, youths, parents or other interested persons on any matter related to the promotion of the well-being of children, including, but not limited to, the prevention and treatment of mental illness, substance use disorders and other disabilities in children and youths; (7) require each social worker trainee [shall be assigned a case load prior to completing training, and may establish educational or training programs for children, youths, parents or other interested persons on any matter related to the promotion of the well-being of children, or the prevention of mental illness, emotional disturbance and other disabilities in children and youths; (7)] to complete the training in the prevention, identification and effects of family violence established pursuant to subdivision (6) of this

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subsection prior to being assigned a case load; (8) develop and implement aftercare and follow-up services appropriate to the needs of any child or youth under the care of the department; [(8)] (9) establish a case audit unit to monitor each regional office's compliance with regulations and procedures; [(9)] (10) develop and maintain a database listing available community service programs funded by the department; [(10)] (11) provide outreach and assistance to persons caring for children whose parents are unable to [do so] care for such children by informing such persons of programs and benefits for which they may be eligible; and [(11)] (12) collect data sufficient to identify the housing needs of children served by the department and share such data with the Department of Housing.

[(b)] (c) Not later than July 1, 2021, the Commissioner of Children and Families shall submit, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations and the budgets of state agencies and to the State Advisory Council of Children and Families the following reports for which the commissioner most recently received approval from the Administration for Children and Families pursuant to federal law: (1) The Child and Family Services Plan, (2) the Annual Progress and Services Report, (3) the Final Report of the Child and Family Services Review, and (4) any Program Improvement Plan. Thereafter, the commissioner shall submit, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to children and appropriations and the budgets of state agencies and to the State Advisory Council of Children and Families said reports not later than thirty days after the Administration for Children and Families approves the reports.

[(c)] (d) The Department of Children and Families shall maintain on the department's Internet web site information on services provided to

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persons with disabilities. The department's Internet web site shall include a link to the Internet web page maintained by the Department of Aging and Disability Services pursuant to section 46a-33a, containing information about services for deaf, deafblind and hard of hearing individuals.

Sec. 10. Section 17a-115a of the general statutes is repealed. (*Effective July 1, 2024*)

Approved May 30, 2024