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## **OLR Bill Analysis**

**sHB 5262 (as amended by House "A")\***

### ***AN ACT CONCERNING A SEXUAL ABUSE AND ASSAULT SURVEY.***

#### **SUMMARY**

This bill makes various changes in laws that relate to the protection of children from sexual abuse.

Starting July 1, 2026, the bill requires the Department of Public Health (DPH) to include a sexual abuse and assault awareness prevention survey for high school administrators in the Connecticut School Health Survey (see below).

The bill also replaces the term “child pornography” with “child sexual abuse material” in statutes that define the term and criminalize the possession, importation, and transmission of this material. In changing the terminology, the bill retains the elements of, and penalties for, the crimes. It also makes corresponding changes in related statutes.

It also (1) establishes a 22-member task force to study the responsiveness of certain state agencies and the judicial branch to child sexual abuse issues and (2) requires the task force to report its recommendations to the Children’s and Judiciary committees by July 1, 2025.

Lastly, it requires the Office of the Child Advocate (OCA) to (1) review state agency practices and procedures for ensuring the care and protection of minors in probate court guardianship proceedings and (2) report the findings to the Children’s and Judiciary committees by January 1, 2025.

**EFFECTIVE DATE:** Upon passage, except (1) July 1, 2024, for the provision on the sexual abuse and assault survey and (2) October 1, 2024, for the child sexual abuse material-related provisions.

\*House Amendment "A" adds provisions to the underlying bill that (1) replace the statutory term "child pornography" with "child sexual abuse material" in certain statutes, (2) establish a task force to study the responsiveness of state agencies and the judicial branch to child sexual abuse issues, and (3) require OCA to review state agency practices and procedures regarding the care and protection of children in probate court guardianship.

### **SEXUAL ABUSE AND ASSAULT AWARENESS PREVENTION SURVEY**

Beginning July 1, 2026, this bill requires DPH to include a sexual abuse and assault awareness prevention survey for high school administrators each time it administers the Connecticut School Health Survey (see below). The bill requires each survey to be distributed to and completed by the school's administrators. The administrator's survey results must be submitted to DPH at the same time as the student survey results.

By law, DPH must biennially administer the Connecticut School Health Survey to students in grades nine through 12, if the department receives funding from the federal Centers for Disease Control and Prevention (CDC) for it. This survey was created as part of the statewide sexual abuse and assault awareness and prevention program and must be (1) based on the CDC's Youth Risk Behavior Survey and (2) administered in high schools the CDC randomly selects.

### **CHILD SEXUAL ABUSE MATERIAL**

This bill replaces the term "child pornography" with "child sexual abuse material" in statutes that define the term and criminalize the possession, importation, and transmission of this material. These offenses include 1st, 2nd, and 3rd degree possession; importing; and possession and transmission by a minor. In changing the terminology, the bill retains the elements of, and penalties for, these crimes.

By law, "child pornography" ("child sexual abuse material" under the bill) is any visual depiction (e.g., photograph, film, videotape, picture, or computer-generated image or picture) of sexually explicit conduct involving in its production a person under age 16 engaging in sexually explicit conduct, whether made or produced electronically,

digitally, mechanically, or by other means.

### **TASK FORCE TO STUDY THE RESPONSIVENESS OF STATE AGENCIES AND THE JUDICIAL BRANCH TO CHILD SEXUAL ABUSE ISSUES**

The bill establishes a 22-member task force to study certain state agencies' and the judicial branch's responsiveness to child sexual abuse issues.

#### ***Task Force Charge***

The task force must examine state agency and judicial branch policies and practices relating to and impacting children in order to identify opportunities to detect, mitigate, prevent, and effectively respond to child abuse.

Under the bill, for the purpose of the task force study, "state agency" means the Children and Families, Education, Emergency Services and Public Protection, Developmental Services, Mental Health and Addiction Services, Public Health, and Social Services departments.

#### ***Membership and Appointments***

The task force must consist of 22 members, appointed as follows:

1. a Judiciary Committee member appointed by the House speaker;
2. a psychologist with expertise in treating children who have suffered from child sexual abuse appointed by the Senate president pro tempore;
3. a clinical social worker with expertise in identifying child sexual abuse appointed by the House majority leader;
4. a physician with expertise in pediatric medicine appointed by the Senate majority leader;
5. a Connecticut licensed attorney with expertise in child welfare appointed by the House minority leader;
6. a representative of a state-wide organization dedicated to the

- prevention of sexual violence appointed by the Senate minority leader;
7. a representative of a children's advocacy center appointed by the governor;
  8. the Children and Families, Education, Emergency Services and Public Protection, Developmental Services, Mental Health and Addiction Services, Public Health, and Social Services departments' commissioners or their designees;
  9. the chief court administrator, probate court administrator, chief state's attorney, chief public defender, and child advocate or their designees;
  10. the Commission on Women, Children, Seniors, Equity and Opportunity executive director or his designee;
  11. a member of the Trafficking in Persons Council, designated by the council's chairperson; and
  12. a member of the Governor's Task Force on Justice for Abused Children, jointly designated by the task force's chairpersons.

The six legislative leaders may appoint legislators and all initial appointments must be made by 30 days after the bill passes. Any vacancy must be filled by the appointing authority.

### ***Staffing and Governance***

The House speaker and the Senate president pro tempore must select the chairpersons of the task force from among its members. The chairpersons must schedule the first meeting to be held by 60 days after the bill passes.

The Children's Committee administrative staff must serve as the task force administrative staff.

### ***Task Force Report and Termination***

By July 1, 2025, the task force must report its findings and

recommendations to the Children’s and Judiciary committees, including (1) any legislative recommendations and (2) recommendations for changes to the policies or procedures of any state agency or the judicial branch that would aid in their detection, mitigation, and prevention of, and effective response to, child sexual abuse.

The task force terminates on the date that it submits the report or July 1, 2025, whichever is later.

## **OCA REVIEW OF STATE AGENCY PRACTICES AND PROCEDURES**

### ***Practices and Procedures Review***

By January 1, 2025, the bill requires OCA to (1) review state agency practices and procedures for ensuring the care and protection of minors in Probate Court guardianship proceedings and (2) report to the Children’s and Judiciary committees on the adequacy of the practices and procedures.

### ***Report to the Legislature***

Under the bill, OCA’s report to the Children’s and Judiciary committees must include an analysis of the following:

1. statutory requirements applicable to probate court guardianship proceedings;
2. applicable court rules and policies and quality assurance measures;
3. practices, procedures, and quality assurance framework applicable to the Department of Children and Families’ work in probate court matters;
4. training and contractual expectations for counsel assigned to minors and guardians ad litem in probate court guardianship matters; and
5. practices and procedures for providing guardianship subsidies to eligible recipients by the Department of Social Services and the quality assurance framework applicable to the administration of the benefits.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 14 Nay 5 (03/05/2024)

Education Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/01/2024)