



**PA 24-79—SB 127**  
*Committee on Children*

**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**

**SUMMARY:** This act makes various unrelated changes in laws addressing the Department of Children and Families (DCF) matters, such as background checks for emergency child placement and adoption and foster care approval, adoptive parent subsidies, urgent crisis centers, record disclosure, and special police officers.

Regarding the child placement and background check-related changes, the act limits foster care emergency placement to relatives and fictive kin caregivers and eliminates caregiver attestation as a placement condition; requires DCF to check the child abuse and neglect registry; requires name-based searches and criminal history records checks only for household members age 18 or older; and increases, from 16 to 18, the age when license and approval applicants and household members must submit to criminal history records check and limits it to once in a 12-month period (§§ 1 & 10).

Among other things, it also does the following:

1. allows DCF, upon the death, severe disability, or serious illness of a subsidized adoptive parent, to transfer the subsidy to a successor adoptive parent (§ 2);
2. allows urgent crisis centers to be DCF-certified rather than DCF-licensed, which allows them to be licensed by other state agencies (§§ 3 & 4);
3. expands the purposes for which DCF must disclose, without the subject's consent, records to the Department of Public Health (DPH) to include the licensing of the Albert J. Solnit Children's Center (see BACKGROUND) (§ 5);
4. requires the DCF-designated directory manager to disclose to DCF, upon the department's request, the educational records of children who are (a) residing in a juvenile justice facility or (b) incarcerated and in an educational program (§ 6);
5. requires the Department of Emergency Services and Public Protection (DESPP) commissioner to appoint up to two people to act as special police officers at DCF to assist with background checks, among other things (§§ 7 & 8); and
6. makes minor, technical, and conforming changes.

**EFFECTIVE DATE:** July 1, 2024

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### §§ 1 & 10 — BACKGROUND CHECKS RELATED TO CHILD PLACEMENT AND ADOPTION AND FOSTER CARE APPROVAL

The act makes various changes to the background check requirements necessary before DCF can (1) place a child with certain individuals under certain circumstances (i.e., emergency placement, including placement with a relative or fictive kin caregiver) or (2) issue an initial or renewal foster care license or approval for adoption or foster care.

#### *Relative and Fictive Kin Emergency Placement (§§ 1(c) & 10)*

Under the law and the act, a “fictive kin caregiver” is a person age 21 or older and unrelated to a child by birth, adoption, or marriage, but who has an emotionally significant family-like relationship with the child. Under specified circumstances, the law allows the DCF commissioner to place a child in the agency’s custody with a relative or fictive kin caregiver who is not DCF-licensed or -approved. Prior law also allowed the commissioner to place the child on an emergency basis with certain individuals, such as relatives and fictive kin caregivers.

*Emergency Placement Limited.* The act repeals the provisions that allowed the DCF commissioner to place a child in the home of a private individual, including a neighbor, friend, or relative of a child, because of the sudden unavailability of the child’s primary caretaker (i.e., “emergency placement”). Simultaneously, it generally applies prior law’s background check requirements for emergency placements to cases where, in the best interest of the child and under certain circumstances, the commissioner places the child with a relative or fictive kin caregiver who is not DCF-licensed or -approved. In doing so, the act generally limits emergency placements to relatives and fictive kin caregivers who pass certain background checks (see below).

*Caregiver Attestation Eliminated.* The act modifies certain relative or fictive kin placement conditions while leaving others unchanged. Under the law, unchanged by the act, before DCF may place a child with a relative or fictive kin caregiver, it must conduct a satisfactory home visit and complete a basic assessment of the family. Prior law also required the caregiver to attest that he or she and anyone living in the household has not been convicted of a crime or arrested for certain felonies, including (1) injury or risk of injury to, or impairing the morals of, a child; or (2) possession, sale, or use of a controlled substance. The act eliminates the requirement for the caregiver’s attestation.

*Federal Name-Based Criminal History Search Required.* For relative or fictive kin placement, the act specifically requires DCF to request a federal name-based criminal history search from a criminal justice agency for anyone age 18 or older living in the home where a child has been placed. For emergency placements under prior law, the commissioner was allowed, rather than required, to request the name-based search for anyone residing in the home regardless of age.

Unchanged by the act, if a name-based search results in placement denial or removal of the child from the home, the person may request a state or federal criminal history records check as described below.

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*Child Abuse and Neglect Registry Check Required.* In addition to the federal name-based criminal history search described above, the act requires the commissioner when making the placement with a relative or fictive kin caregiver to check the state's child abuse and neglect registry for each household member age 18 or older. This was not required for emergency placements under prior law.

### *Reasonable Prudent Parent Standard (§ 1(d))*

As is required under existing law for individuals licensed or approved to adopt or provide foster care, the act specifies that any relative or fictive kin caregiver with whom a child has been placed under its provisions must apply a reasonable and prudent parent standard on behalf of the child. By law, a "reasonable and prudent parent standard" is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child (CGS § 17a-114d(a)).

*State and National Criminal History Records Checks.* The act increases, from 5 to 10, the number of calendar days after the name-based search is done, by which DCF must ask the State Police Bureau of Identification to do a full state and national criminal history records check. Under prior law, for all emergency placements this applied to anyone living in the home. Under the act, this applies only to those age 18 or older living in the prospective relative or fictive kin caregiver's home. The act maintains the requirement for the commissioner to immediately remove the child from the home if anyone refuses to give fingerprints or other identifying information for these criminal history records checks when requested.

### *Background Checks for Foster Care Licensure or Approval to Adopt or Provide Foster Care (§ 1(b))*

By law, the DCF commissioner must require (1) applicants for (a) foster care licensure or (b) approval to adopt or provide foster care and (2) certain people living in the applicant's household to submit to state and national criminal history records checks before issuing the initial license or approval and before renewing them.

The act reduces the number of criminal history records check in these cases by making the following two changes to the requirements:

1. it increases, from 16 to 18, the age when a household member must submit to them and
2. prohibits the commissioner from submitting applicants or household members to these background checks during the 12-month period after they have already done so as part of the DCF licensing and approval process.

### *Obsolete Term (§ 1a)*

The act eliminates the obsolete term "regular unsupervised access," which applied to a provision that was eliminated in 2018 that allowed criminal history, child abuse registry, and criminal background checks on certain individuals who had regular unsupervised access to children in the home.

## § 2 — ADOPTIVE PARENT SUBSIDIES

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The act extends to subsidized adoptive parents a provision available to subsidized guardian caregivers under existing law that allows the commissioner, under certain circumstances, to transfer the subsidy to a successor if the subsidy recipient dies or becomes seriously ill or severely disabled.

By law, the commissioner may do so if the successor (1) meets the department's foster care safety requirements (e.g., passes a criminal background check) and (2) is the child's court-appointed legal guardian.

Additionally, to maximize federal funding, the act requires the commissioner to ask adoptive parents to identify a successor guardian in the subsidy agreement or any addendum to it, as is the case for guardian caregivers under existing law.

### §§ 3 & 4 — URGENT CRISIS CENTERS

The act allows urgent crisis centers to be DCF-certified, rather than DCF-licensed as under prior law. In doing so, the act allows these centers to be licensed by other state agencies. (For example, a hospital emergency department or other DPH-licensed facility would be able to operate an urgent crisis center, as long as the center was certified by DCF.)

Under the law, unchanged by the act, urgent crisis centers are dedicated to treating children's urgent mental or behavioral health needs.

The act also makes a conforming change in the law that addresses cost-sharing and health care provider reimbursements for urgent crisis center services.

### § 5 — DCF RECORD DISCLOSURES AND THE SOLNIT CHILDREN'S CENTER

By law, DCF generally must get consent from the subject of a record before disclosing privileged or confidential information created or obtained in connection with its child protection activities, activities of a child while in DCF care or custody, or the department's abuse or neglect registry. However, the law requires the department to disclose the records without the subject's consent to specified entities for specified purposes.

Existing law requires DCF to disclose the records, without consent, to notify DPH when it places a DPH-certified or -licensed individual on the DCF child abuse and neglect registry. The act further requires DCF to disclose records to DPH, without consent, for purposes of licensing the Solnit Children's Center and administering related requirements, such as inspecting, investigating, and auditing the center.

### § 6 — JUVENILE'S AND INCARCERATED CHILDREN'S EDUCATIONAL RECORD TRANSFER

Under the law, DCF's administrative unit that oversees the education of children who are in a juvenile justice facility or incarcerated and in an educational program must use a uniform state-wide electronic record transfer system to maintain and share these children's educational records.

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The act requires a DCF-designated directory manager to oversee these records and disclose them, upon request, to DCF acting in its capacity as a state educational authority under the federal Family Educational Rights and Privacy Act.

### §§ 7 & 8 — DCF SPECIAL POLICE OFFICERS

The act requires the DESPP commissioner to appoint up to two people the DCF commissioner nominates to act as special police officers serving at the pleasure of the DESPP commissioner. Under the act, the special police officers:

1. have all powers conferred on state police officers while conducting state and national criminal history records checks on (a) each applicant for a DCF position and (b) all vendors or contractors and their employees who provide direct services to children in DCF custody,
2. conduct and respond to threat assessments in and around any building or facility under DCF supervision or control, and
3. respond to acute crises or security concerns in DCF-supervised or -controlled buildings or facilities.

The act also makes a conforming change.

### § 9 — TERMINOLOGY AND MISCELLANEOUS UPDATES

The act makes various changes in statutes relating to DCF's state-wide program of services to children with behavioral health needs.

Firstly, in its reference to these children and youth, the act eliminates prior law's terms "mentally ill," "emotionally disturbed," and "substance abusers," and replaces them with the term "mental health needs and substance use disorders."

Additionally, regarding DCF's duties in furthering the program's purpose, the act:

1. specifically requires DCF to study and evaluate the effectiveness of any DCF-licensed program, service, or facility; in addition to the effectiveness of those developed, operated, contracted for, or supported by the department as required under prior law;
2. authorizes DCF to establish educational or training programs for children, youths, parents, or other interested persons on anything related to promoting children's wellbeing, including the prevention and treatment of mental illness, substance use disorders, and other disabilities in children and youths; and
3. prohibits DCF from assigning a caseload to social worker trainees before they have completed the family violence prevention, identification, and effects training.

Lastly, it makes other minor and technical changes.

## BACKGROUND

*Albert J. Solnit Children's Center*

## OLR PUBLIC ACT SUMMARY

PA 21-2 required the Albert J. Solnit Children's Center hospital and psychiatric residential treatment facility to be licensed by DPH; under prior law it was licensed by DCF. The act also required the DPH commissioner to adopt regulations on the licensure of these facilities.