



General Assembly

February Session, 2024

Raised Bill No. 127

LCO No. 1046



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

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:

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 Section 17a-114 of the general statutes is repealed and the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

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

14 to the child.]

15 (b) (1) No child in the custody of the Commissioner of Children and
16 Families shall be placed in foster care with any person, unless (A) (i)
17 such person is licensed for that purpose by the department or the
18 Department of Developmental Services pursuant to the provisions of
19 section 17a-227, [or] (ii) such person's home is approved by a child
20 placing agency licensed by the commissioner pursuant to section 17a-
21 149, or (iii) such person has received approval as provided in this
22 section, and (B) on and after January 1, 2017, for a child twelve years of
23 age or older, such child has received a foster family profile in accordance
24 with the provisions of section 17a-114e. Any person licensed by the
25 department may be a prospective adoptive parent. The commissioner
26 shall adopt regulations, in accordance with the provisions of chapter 54,
27 to establish the licensing procedures and standards.

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

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

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

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

64 (4) The commissioner shall comply with any request to check the
65 child abuse and neglect registry established pursuant to section 17a-
66 101k made by the child welfare agency of another state.

67 (c) (1) Notwithstanding the requirements of subsection (b) of this
68 section, the commissioner may place a child with a relative or fictive kin
69 caregiver who has not been issued a license or approval, when such
70 placement is in the best interests of the child, provided a satisfactory
71 home visit is conducted [,] and a basic assessment of the family is
72 completed, [and such relative or fictive kin caregiver attests that such
73 relative or fictive kin caregiver and any adult living within the
74 household has not been convicted of a crime or arrested for a felony
75 against a person, for injury or risk of injury to or impairing the morals
76 of a child, or for the possession, use or sale of a controlled substance.]
77 When the commissioner makes such a placement, the commissioner
78 shall (A) request a criminal justice agency to perform a federal name-
79 based criminal history search of each person eighteen years of age or

80 older residing in the home, and (B) check the state child abuse and
81 neglect registry established pursuant to section 17a-101k for the name
82 of each person eighteen years of age or older residing in the home. The
83 results of such name-based search shall be provided to the
84 commissioner.

85 (2) Not later than ten calendar days after a name-based search is
86 performed pursuant to subdivision (1) of this subsection, the
87 commissioner shall request the State Police Bureau of Identification to
88 perform a state and national criminal history records checks of each
89 person eighteen years of age or older residing in the home, in
90 accordance with section 29-17a. Such criminal history records checks
91 shall be deemed as required by this section for the purposes of section
92 29-17a and the commissioner may request that such criminal history
93 records checks be performed in accordance with subsection (c) of said
94 section. The results of such criminal history records checks shall be
95 provided to the commissioner. If any person refuses to provide
96 fingerprints or other positive identifying information for the purposes
97 of such criminal history records checks when requested, the
98 commissioner shall immediately remove the child from the home.

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

106 (4) Any such relative or fictive kin caregiver who accepts placement
107 of a child shall be subject to licensure by the commissioner, pursuant to
108 regulations adopted by the commissioner in accordance with the
109 provisions of chapter 54 to implement the provisions of this section or
110 approval by a child-placing agency licensed pursuant to section 17a-149.
111 The commissioner may grant a waiver from such regulations, including
112 any standard regarding separate bedrooms or room-sharing

113 arrangements, for a child placed with a relative or fictive kin caregiver,
114 on a case-by-case basis, if such placement is otherwise in the best
115 interests of such child, provided no procedure or standard that is safety-
116 related may be so waived. The commissioner shall document, in writing,
117 the reason for granting any waiver from such regulations.

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

123 Sec. 2. Subsection (i) of section 17a-126 of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective July 1,*
125 *2024*):

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

137 Sec. 3. Subsection (b) of section 19a-179f of the general statutes is
138 repealed and the following is substituted in lieu thereof (*Effective July 1,*
139 *2024*):

140 (b) On or before January 1, 2024, the Office of Emergency Medical
141 Services shall develop protocols for a licensed or certified emergency
142 medical services organization or provider to transport a pediatric
143 patient with mental or behavioral health needs by ambulance to an
144 urgent crisis center. As used in this subsection, "urgent crisis center"

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

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

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

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

158 (30) The Department of Public Health for (A) the purpose of
159 notification when the Commissioner of Children and Families places an
160 individual licensed or certified by the Department of Public Health on
161 the child abuse and neglect registry established pursuant to section 17a-
162 101k, and (B) purposes relating to the licensure of the Albert J. Solnit
163 Children's Center and the administration of licensing requirements
164 established pursuant to or set forth in sections 19a-134 and 19a-498;

165 Sec. 6. Subsection (e) of section 17a-3b of the general statutes is
166 repealed and the following is substituted in lieu thereof (*Effective July 1,*
167 *2024*):

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

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

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

194 Sec. 8. Subdivision (9) of section 7-294a of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective July 1,*
196 *2024*):

197 (9) "Police officer" means a sworn member of an organized local
198 police department or of the Division of State Police within the
199 Department of Emergency Services and Public Protection, an appointed
200 constable who performs criminal law enforcement duties, a special
201 policeman appointed under section 29-18, 29-18a, [or] 29-19 or section 7
202 of this act, or any member of a law enforcement unit who performs
203 police duties;

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

206 (a) The department shall plan, create, develop, operate or arrange for,

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

226 (b) The [program] state-wide program of services shall provide
227 services and placements that are clinically indicated and appropriate to
228 the needs of [the] each child or youth. In furtherance of this purpose, the
229 department shall: (1) Develop a comprehensive program for prevention
230 and treatment of problems [of] experienced by children and youths and
231 provide a flexible, innovative and effective program for the placement,
232 care and treatment of children and youths committed by any court to
233 the department, transferred to the department by other departments, or
234 voluntarily admitted to the department; (2) provide appropriate
235 services to the families of children and youths as needed to achieve the
236 purposes of sections 17a-1 to 17a-26, inclusive, 17a-28 to 17a-49,
237 inclusive, and 17a-51; (3) establish incentive paid work programs for
238 children and youths under the care of the department and the rates to
239 be paid such children and youths for work done in such programs, and
240 may provide allowances to children and youths in the custody of the

241 department; (4) [be responsible to] collect, interpret and publish
242 statistics relating to children and youths [within] committed to the
243 department; (5) conduct studies of any program, service or facility
244 developed, operated, contracted for, licensed or supported by the
245 department in order to evaluate its effectiveness; (6) establish staff
246 development and other training and educational programs designed to
247 improve the quality of departmental services and programs, which shall
248 include, but not be limited to, training in the prevention, identification
249 and effects of family violence, [provided no] and may establish
250 educational or training programs for children, youths, parents or other
251 interested persons on any matter related to the promotion of the well-
252 being of children, including, but not limited to, the prevention and
253 treatment of mental illness, substance use disorders and other
254 disabilities in children and youths; (7) require each social worker trainee
255 [shall be assigned a case load prior to completing training, and may
256 establish educational or training programs for children, youths, parents
257 or other interested persons on any matter related to the promotion of
258 the well-being of children, or the prevention of mental illness, emotional
259 disturbance and other disabilities in children and youths; (7)] to
260 complete the training in the prevention, identification and effects of
261 family violence established pursuant to subdivision (6) of this
262 subsection prior to being assigned a case load; (8) develop and
263 implement aftercare and follow-up services appropriate to the needs of
264 any child or youth under the care of the department; [(8)] (9) establish a
265 case audit unit to monitor each regional office's compliance with
266 regulations and procedures; [(9)] (10) develop and maintain a database
267 listing available community service programs funded by the
268 department; [(10)] (11) provide outreach and assistance to persons
269 caring for children whose parents are unable to [do so] care for such
270 children by informing such persons of programs and benefits for which
271 they may be eligible; and [(11)] (12) collect data sufficient to identify the
272 housing needs of children served by the department and share such data
273 with the Department of Housing.

274 [(b)] (c) Not later than July 1, 2021, the Commissioner of Children and

275 Families shall submit, in accordance with the provisions of section 11-
 276 4a, to the joint standing committees of the General Assembly having
 277 cognizance of matters relating to children and appropriations and the
 278 budgets of state agencies and to the State Advisory Council of Children
 279 and Families the following reports for which the commissioner most
 280 recently received approval from the Administration for Children and
 281 Families pursuant to federal law: (1) The Child and Family Services
 282 Plan, (2) the Annual Progress and Services Report, (3) the Final Report
 283 of the Child and Family Services Review, and (4) any Program
 284 Improvement Plan. Thereafter, the commissioner shall submit, in
 285 accordance with the provisions of section 11-4a, to the joint standing
 286 committees of the General Assembly having cognizance of matters
 287 relating to children and appropriations and the budgets of state agencies
 288 and to the State Advisory Council of Children and Families said reports
 289 not later than thirty days after the Administration for Children and
 290 Families approves the reports.

291 [(c)] (d) The Department of Children and Families shall maintain on
 292 the department's Internet web site information on services provided to
 293 persons with disabilities. The department's Internet web site shall
 294 include a link to the Internet web page maintained by the Department
 295 of Aging and Disability Services pursuant to section 46a-33a, containing
 296 information about services for deaf, deafblind and hard of hearing
 297 individuals.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	17a-114
Sec. 2	<i>July 1, 2024</i>	17a-126(i)
Sec. 3	<i>July 1, 2024</i>	19a-179f(b)
Sec. 4	<i>July 1, 2024</i>	38a-477aa(a)(7)
Sec. 5	<i>July 1, 2024</i>	17a-28(g)(30)
Sec. 6	<i>July 1, 2024</i>	17a-3b(e)

Sec. 7	<i>July 1, 2024</i>	New section
Sec. 8	<i>July 1, 2024</i>	7-294a(9)
Sec. 9	<i>July 1, 2024</i>	17a-3
Sec. 10	<i>July 1, 2024</i>	Repealer section

Statement of Purpose:

To (1) exempt certain applicants for foster care licensure and individuals eighteen years of age or older living in such applicants' homes from submitting to criminal history records checks requirements under certain circumstances, (2) increase the age upon which an individual living in the home of an applicant for foster care licensure must submit to criminal history records checks and child abuse registry checks from sixteen to eighteen, (3) permit the transfer of adoptive parent subsidies to a successor guardian, (4) authorize the Department of Public Health to access certain records of the Department of Children and Families, (5) require the disclosure of certain educational records to the Department of Children and Families, (6) require the appointment of special police officers for the Department of Children and Families, and (7) make minor and technical changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]