
OLR Bill Analysis

SB 127

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 bill makes the following changes to the Department of Children and Families (DCF) statutes:

1. modifies one method of foster care emergency placement, including changes to background checks, and repeals another method (§§ 1 & 10);
2. allows for the transfer of DCF adoptive parent subsidies to and from an adoptive parent in the case of the death, severe disability, or serious illness of an adoptive parent (§ 2);
3. allows urgent crisis centers to be DCF-certified rather than DCF-licensed (§§ 3-4);
4. specifies, for the purpose of satisfying Solnit Center licensure requirements, that DCF must disclose records without the subject's consent to the Department of Public Health (DPH) (§ 5);
5. requires the educational records of (1) a child residing in a juvenile justice facility and (2) any incarcerated child in an educational program to be disclosed to DCF upon request (§ 6);
6. 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
7. makes other minor and conforming changes.

EFFECTIVE DATE: July 1, 2024

**RELATIVE AND FICTIVE KIN FOSTER EMERGENCY PLACEMENT
(§§ 1 & 10)**

Under current law, there are two methods for DCF to place a child in the agency's custody with a relative or fictive kin caregiver without DCF license or approval. The bill repeals the emergency placement method but adds similar provisions to the remaining placement method.

The method the bill repeals authorizes DCF to request a federal name-based criminal history search from a criminal justice agency for anyone living in the home where a child has been placed. These emergency placements include private homes of the child's neighbors, friends, or relatives and are the result of the sudden unavailability of his or her primary caregiver.

For the remaining method of placement, the bill modifies some placement conditions while leaving others unchanged. Current law requires a satisfactory home visit and a basic assessment of the family before the DCF commissioner can place a child with a relative or fictive kin caregiver who has not been approved or issued a license as a foster home. The bill adds that when making the placement, the commissioner must (1) request a criminal justice agency to do a federal name-based criminal history search of each person age 18 or over residing in the household and (2) check the state's child abuse and neglect registry for each person age 18 or over in the household.

The bill eliminates the requirement that the relative or fictive kin caregiver attests that they and any adult living in the home have not been convicted of or arrested for certain felonies, including injury or risk of injury to, or impairing the morals of, a child or the possession or sale of a controlled substance.

By law, a fictive kin caregiver is a person who is age 21 or older and unrelated to a child by birth, adoption, or marriage, but who has an emotionally significant relationship with the child amounting to a familial relationship (CGS § 17a-114).

The bill also states that any relative or fictive kin caregiver with whom a child has been placed with under this provision must apply a

reasonable and prudent parent standard as defined in law on behalf of the child.

Background Checks Request Deadline

The bill increases, from five to 10 calendar days after the name-based search is done, the period in which DCF must ask the State Police Bureau of Identification to do a full state and national criminal history record check for anyone 18 years old or older living in the home. By law, if anyone refuses to give fingerprints or other identifying information for these checks when requested, the department must immediately remove the child from the home.

APPROVED AND LICENSED FOSTER CARE PROVIDER BACKGROUND CHECKS (§ 1)

Additionally, the bill changes the background check requirements in two places for the licensure and approval process. Current law requires checks for all household members age 16 or over. The bill changes this to apply these background checks to household members age 18 and older. The bill also applies this age change to those applying for license renewal or approval.

The bill eliminates the requirement that any person in the household submit to state and national criminal history records checks if they have already done so within the previous year as part of the DCF licensing process.

ADOPTIVE PARENT SUBSIDIES (§ 2)

Existing law allows the transfer of a guardianship subsidy from one caregiver to another if the subsidy recipient dies, becomes seriously ill or severely disabled. The bill additionally allows these transfers to and from adoptive parents.

By law, if the caregiver receiving the subsidy dies or becomes seriously ill or severely disabled, DCF may transfer the subsidy to a successor guardian who (1) meets the department’s foster care safety requirements (e.g., passes a criminal background check), (2) is the child’s court-appointed legal guardian, and (3) can be identified in the subsidy agreement or any related addendum (CGS § 17a-126). Under the bill, these conditions also apply to a successor adoptive parent.

URGENT CRISIS CENTERS (§§ 3-4)

The bill allows urgent crisis centers to be DCF-certified, rather than DCF-licensed, allowing 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 current law, an “urgent crisis center” is a DCF-licensed center dedicated to treating children’s urgent mental or behavioral health needs.

DCF RECORD DISCLOSURES AND THE SOLNIT CHILDREN’S CENTER (§ 5)

The bill expands the entities to whom DCF must disclose certain records without the subject’s consent. Existing law generally requires the department to obtain consent from the subject of a record before disclosing 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. The bill creates exceptions for disclosures to DPH for the purposes of licensing the Albert J. Solnit Children’s Center and conducting other necessary inspections, investigations, and audits of the institution (see BACKGROUND).

By law, DCF may not disclose its records to anyone unless (1) state law or federal regulations require or allow the disclosure or (2) the subject of the record or his or her authorized representative consents to the disclosure.

JUVENILE JUSTICE FACILITY EDUCATIONAL RECORD TRANSFERS (§ 6)

The bill requires a DCF-designated directory manager who oversees the educational records of (1) a child residing in a juvenile justice facility and (2) any incarcerated child in an educational program to disclose these records to DCF upon request, in keeping with the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

SPECIAL POLICE OFFICERS (§§ 7-8)

The bill 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 bill, 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 department 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 bill also makes a conforming change.

UPDATES TERMINOLOGY (§ 9)

The bill updates terminology in statutes relating to the provision of services to children with behavioral health needs. Among other things, it refers to children and youths who have “mental health needs and substance use disorders” rather than children and youths who are “mentally ill, emotionally disturbed, substance abusers.”

It makes other and minor and technical changes.

BACKGROUND

Albert J. Solnit Children’s Center

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 requires the DPH commissioner to adopt regulations on the licensure of these facilities.

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 17 Nay 0 (02/29/2024)