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## **OLR Bill Analysis**

### **SB 437**

#### ***AN ACT CONCERNING THE STRUCTURE OF THE OFFICE OF THE CHILD ADVOCATE WITHIN THE OFFICE OF GOVERNMENTAL ACCOUNTABILITY.***

#### **SUMMARY**

This bill converts the advisory committee to the Office of the Child Advocate (OCA) into the OCA Board and requires the new board to appoint any new child advocate on or after January 1, 2025. Under current law, the governor selects an advocate from a list of candidates prepared by the advisory committee, who is then confirmed by the legislature. By law, the child advocate's duties include, among other things, evaluating state agency service delivery to children and leading OCA (see "BACKGROUND").

The bill specifies the new board's duties, including those related to appointing a child advocate, and makes minor changes to some of the advocate's duties. It also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2025

#### **OCA BOARD**

Under current law, the advisory committee to OCA is responsible for (1) preparing a list of candidates from which the governor must choose someone for the child advocate position, (2) meeting with the advocate at least three times each year to hear a report on the office's goals and projects, and (3) preparing an annual evaluation of the office's effectiveness.

The bill sunsets the advisory committee on December 31, 2024, and starting January 1, 2025, converts it into the OCA Board. It makes the new board an independent, nonpartisan board within OCA and a successor to the advisory committee. Any advisory committee member

appointed before that date is automatically appointed to the new board for the remainder of his or her term.

Like the current advisory committee:

1. the new board has seven members, with one appointed by each of the six legislative leaders and one appointed by the governor;
2. members serve five-year terms from July 1 of the year of their appointment;
3. an appointing authority must fill any vacancy for the unexpired portion of the term;
4. the board must elect a chairperson (which the bill specifies must be from among the board's members); and
5. members cannot be volunteers, employees, board members, or lobbyists of entities that the child advocate reviews, evaluates, or monitors.

But unlike the committee, the bill requires that the new board's members have experience working with, or on behalf of, vulnerable children (1) involved in the child welfare or juvenile justice system or (2) who have received special education or other disability support services. Current law does not specify qualifications for advisory committee members.

The bill also specifies that the board is not subject to the law that generally requires, among other things, (1) public members to make up at least one-third of a board's membership, (2) board members to serve terms coterminous with the governor, and (3) board members to serve at the pleasure of their appointing authority.

### ***Board Duties***

The bill gives the board the following duties:

1. appointing the child advocate (see below);

2. annually evaluating the office's effectiveness and the child advocate's performance, and posting the written evaluations on the office's website as a public document; and
3. advising the child advocate on the office's strategic direction and mission and helping promote the use and engagement of, and access to, the office.

## **CHILD ADVOCATE**

### ***Appointment***

The bill changes the process for appointing the child advocate by requiring the new board to make the appointment, rather than the governor with legislative approval. Current law generally requires the advisory committee to give the governor a list of three to five candidates for the position within 60 days after a vacancy occurs. The governor must select a candidate from the list, who must then be confirmed by the legislature. If the governor fails to appoint a candidate from the list within eight weeks, then the top ranked candidate on the list receives the designation and is referred to the legislature for confirmation.

The bill instead requires that any advocate appointed on or after January 1, 2025, be appointed by the new OCA Board, with no legislative confirmation. The bill requires a two-thirds majority vote of the board's membership to hire, reappoint, or discharge an advocate, and whenever a vacancy arises in the child advocate position, the board must convene to hire a successor. As under current law, the associate child advocate serves as acting child advocate until the child advocate is appointed.

As under current law, the child advocate (1) must be qualified by training and experience to perform the office's duties and (2) serves a four-year term and may be reappointed or continue to hold office until their successor is appointed and qualified. Unlike current law, the bill further specifies that the board may (1) reappoint the advocate at the end of his or her four-year term and (2) discharge an acting advocate for cause.

## **Duties**

The bill makes the following changes to the child advocate's duties:

1. requires the advocate to submit the annual report analyzing the office's work to the board, rather than to the advisory committee (as under current law, it must also submit the report to the Judiciary, Children's, and Human Services committees);
2. requires that the advocate's biennial report on confinement conditions for youth held in secure detention or correctional confinement be prepared within available appropriations;
3. requires the three-times-per-year presentations on the office's goals and projects to (a) be given to the board, rather than the advisory committee, and (b) include a review of the office's resource needs; and
4. allows the advocate to disclose confidential information to a federal, state, or local agency legally authorized to investigate or address the advocate's concerns or findings, if it would identify, prevent, or treat the abuse or neglect of child.

## **BACKGROUND**

### ***Child Advocate***

By law, the child advocate's duties include evaluating state agency service delivery to children; reviewing agency procedures to protect children's rights; investigating complaints and, when indicated, advocating on behalf of a child's best interests; taking all possible actions to ensure the legal, civil, and special rights of children; and giving technical training to attorneys representing children. OCA is a division within the Office of Government Accountability but has independent decision-making authority (CGS §§ 46a-13k and 46a-13l).

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 19    Nay 0    (03/22/2024)