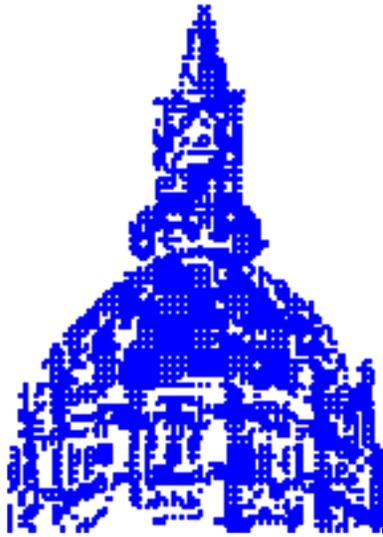


2001
ACTS AFFECTING

CHILDREN

Office of Legislative Research



Prepared for members of the

Connecticut General Assembly

by

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NOTICE TO READERS

This report provides brief highlights of the 2001 public and special acts affecting children. Not all provisions of the acts are included; readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's office, or the General Assembly's website (<http://www.cga.state.ct.us/default.asp>). Complete summaries of all public acts passed during the 2001 session will be available in early fall when OLR's *Public Act Summary* book is published, and some are now available on the OLR website (<http://cgalites/olr/pa2001draft/01palist.htm>). *Highlights of the Revised FY 02-03 Budget* is available from the Office of Fiscal Analysis (<http://cgalites/ofa/Documents/BudgetHighlights6-29-01.pdf>).

All acts summarized here are effective October 1, 2001, unless otherwise noted.

ADOPTION AND FOSTER CARE

Rate Increases

Monthly foster care payments will rise by 4.05% this year, and subsidized adoption payments by 2.3% this year and 1.5% in FY 03 under the biennial budget adopted in June.

(SA 01-1, JSS, effective July 1, 2001)

Permanency Planning

Courts will review the Department of Children and Families' (DCF) permanency plans for all foster children every 12 months beginning October 1. A new law, which conforms the state's law to federal requirements, shortens the "trigger" dates for these review hearings and removes exceptions from review that the old law permitted. The act makes the child's health and safety the paramount concern in formulating a permanency plan. It also directs DCF to give priority in developing each permanency plan to one of the following existing goals: (1) return the child to his parents, (2) transfer guardianship, (3) adoption, or (4) long-term foster care.

(PA 01-142)

Another new law allows, rather than requires, DCF to conduct a thorough adoption assessment when the child's permanency plan goal is for adoption.

(PA 01-2, JSS)

Tracking Potential Adoptees and Serving Adoptive Parents

Courts will soon be more frequently checking progress in placing children available for adoption. A new law requires the agencies caring for these children, primarily DCF, to file reports every three, rather than every six, months; permits the court to hold hearings whenever a report is filed; and requires a hearing within a year of the last permanency plan rather than within a year of parental rights termination if this would lead to an earlier hearing. The act also requires DCF's adoption photo-listing service to check every three months, instead of twice a year, on the progress toward adoption of children on its list.

This same act spells out the kinds of post-adoptive services DCF can offer. They include mentors, support groups, behavioral management counseling, therapeutic respite care, referrals to community providers, a telephone help line,

and training for mental health professionals in postadoption issues.

(PA 01-159)

Relative Caregivers

People who agree to take a relative's abused or neglected child into their home for more than 90 days must now meet more stringent DCF foster care licensing requirements, unless DCF had previously certified them as relative caregivers for that child. This new law allows the DCF commissioner, on a case-by-case basis, to waive any foster care requirement, other than one affecting a child's health or safety. Relatives who accept a child for fewer than 90 days can continue to meet less stringent certification rules.

(PA 01-70, effective July 1, 2001)

Foreign-Born Adoptees

Under a new law, a child adopted from another country by a U.S. citizen who resides in Connecticut will be eligible for HUSKY Part B benefits as soon as he arrives here, instead of having to wait six months.

(PA 01-137, effective on passage)

Birth Certificates

A new law revamping the state's vital records system makes several changes in how

birth certificates are recorded, the information that is included, and who can access them.

Among other changes, it requires the Department of Public Health (DPH) to prepare a new birth certificate after someone is adopted; requires anyone who wants to see or get a copy of the original birth record or certificate to first obtain a written order from the probate court; and allows the adoptive person, his parents, or the court to prohibit the issuance of a new birth certificate. It also lowers, from 18 to 16, the age at which a foreign-born adoptee can obtain a certification of birth registration.

(PA 01-163)

CHILD ABUSE

Healthy Families Expansion

The legislature appropriated \$1.4 million over the next two years to expand the Healthy Families Connecticut program to six new sites, three each year. Healthy Families is a hospital-based program that (1) identifies parents who, because of social and personal factors, are at high risk of abusing a newborn baby and (2) provides home visitors and links to community services to help them cope with the stresses of parenting.

(SA 01-1, JSS, effective July 1, 2001)

Protecting High-Risk Newborns

Infants born with drug involvement or other problems that place them at high risk under DCF policy criteria should be better protected under an act that requires DCF to adopt regulations to involve nurses and other who care for these infants daily in ongoing DCF functions concerning them and in planning for their discharge from the hospital.

Siblings Helping Siblings

Brothers or sisters of an abused or neglected child committed to DCF will be able to ask the courts and DCF to hear their opinions about their sibling's placement and visitation. A new law requires juvenile court judges to hold hearings on placement and visitation issues when siblings ask for one. It directs judges to consider the best interests of all siblings in awarding visitation or modifying DCF placements. It also requires DCF to hear siblings on these issues at administrative treatment plan hearings if they ask for the opportunity.

(PA 01-149)

Advocating for Children in Court

All neglected children will have someone who represents their best interest appear for

them in Superior Court because of a new law. Previously, these guardians *ad litem* were appointed only when the judge decided it was appropriate. In most cases, this guardian will be the attorney who represents the child, but when the judge believes the child's wishes and his best interests conflict, the act requires him to appoint a separate guardian.

The same act speeds up the process for the Appellate Court to decide on appeals of final decisions in termination of parental rights cases.

(PA 01-148)

CHILD CARE

Incentives for Child Care Providers

The legislature looked for ways to deal with child day care workers' low pay and lack of advancement opportunity. It required the Department of Social Services (DSS) to develop initiatives to pay for child day care providers to further their education. The initiatives, which must be within available funds, must include (1) pay incentives for workers at state or federally funded centers to obtain more education and (2) support for establishing an apprenticeship program. DSS must evaluate the initiatives' effectiveness on

improving staff retention rates and the quality of children's education and care.

(PA 01-206)

CPR in Day Care Centers

After October 1, 2002, each child day care center will have to have at least one employee trained in cardiopulmonary resuscitation under a law enacted this year. DPH must adopt implementing regulations by that date.

(PA 01-4, JSS, effective July 1, 2001)

HEALTH AND SAFETY

Health Insurance

HUSKY "Crowd-Out" and Presumptive Eligibility. More children could qualify for HUSKY faster under a new law that reduces, from six to two months, the time that a child must have been without employer-sponsored insurance before being covered (the "crowd-out" provision). But the DSS commissioner can double this period if she determines two months is not enough to deter applicants or employers from discontinuing dependent coverage in order to shift people to HUSKY. Previously she could extend the period for six months.

This act also potentially expands the type of places that are allowed to grant a child "presumptive eligibility" for

HUSKY A to include schools, federally funded homeless shelters, and agencies that determine eligibility for federal housing assistance. Presumptive eligibility allows a child to receive benefits based on preliminary information that his family's income makes him eligible. The DSS commissioner must decide which agencies are capable of determining eligibility.

(PA 01-137, effective July 1, 2001)

Another new law requires kindergarten programs in priority school districts (the 14 most educationally and economically needy in the state) to refer eligible children to the HUSKY program.

(PA 01-1, JSS, effective July 1, 2001)

HUSKY Tax Credits. In an attempt to make participation in the HUSKY program more attractive for HMOs, the legislature increased from \$55 to \$73.50 per month the existing tax credit for each child the HMO covers.

(PA 01-6, JSS, effective July 1, 2001)

Purchasing Employer-Sponsored Insurance. Several state agencies will be working on a plan for the state to purchase the health insurance coverage employers offer to their lower income workers and their families, but which may be

beyond their means to purchase. The plan, which the agencies must submit to the legislature next March, can include recommendations on (1) a sliding scale of co-premium subsidies for families earning up to 300% of the federal poverty level, (2) minimum benefit standards, (3) maximizing federal reimbursements, and (4) a timeline for starting by January 2003. They must also assess the plan's effects on state spending and on HUSKY enrollees.

(PA 01-2, JSS, effective on passage)

Special Formula. Beginning October 1, 2001, children up to age three with special dietary problems will be able to get medically necessary specialized nutritional formula as part of their parents' health insurance policies. To be covered, the formula must be (1) used solely under medical supervision in the dietary management of a specific disease and (2) exempt from the federal Food and Drug Administration's general nutritional labeling requirements.

(PA 01-101)

Children with Disabilities

The legislature adopted several bill this year to help children with disabilities.

Mental Health. The legislature initiated Connecticut

Community KidCare this year—a new approach to helping children with behavioral health problems and their families. It features local teams composed of family members, providers, and others who develop plans for each child needing services and, with the help of a care coordinator, coordinate services provided by agencies in “community collaboratives.” These collaboratives’ services are managed by regional “lead service agencies” that are responsible for quality assurance and timely payment. The act establishes KidCare principles, which include flexible benefits, community services, and family centeredness. It calls for DCF and DSS to coordinate and integrate funding for HUSKY-eligible children and those in DCF custody or its voluntary services program. It calls for the system to be implemented statewide in FY 2002-03. The legislature budgeted \$23.2 million over the next two fiscal years for this initiative.

(PA 01-2, JSS, effective July 1, 2001)

Another major legislative mental health initiative this year established a \$50 million Community Mental Health Strategic Investment Fund. Part of the fund is for clinical and nonclinical community mental health and related services that can be used for, among other

groups, children who are not under DCF care.

(PA 01-8, JSS, effective July 1, 2001)

Group Homes. DCF group homes for children with mental or physical disabilities may have an easier time winning local approval under a new law that requires towns to treat them like single-family homes for zoning purposes. The new law applies to DCF-licensed residences housing six or fewer children and necessary staff. Unless the zoning commission allows, two homes cannot be located within 1,000 feet of each other. The act also allows town residents to ask the DCF commissioner to revoke a facility's license if it violates applicable laws.

(PA 01-161, effective July 1, 2001)

Hearing Aids. Beginning October 1, 2001, a new law requires certain individual and group health insurance policies to cover hearing aids for children under age 13 as durable medical equipment. It allows the policies to limit coverage to \$1,000 in a two-year period.

(PA 01-171)

Playgrounds. Towns, school districts, and nonprofit agencies will be able to access \$1 million in state challenge grants to build playgrounds that are accessible by children of all abilities. They can use the money to buy and

install equipment and surface materials. They must match each state dollar with one of their own. Boundless Playgrounds, Inc., a private, nonprofit agency, will award the grants and provide technical assistance to project organizers.

(PA 01-9, JSS, effective July 1, 2001)

ChildServ. The General Assembly appropriated \$900,000 over the next two years to permit statewide expansion of ChildServ, a Hartford-based program that trains pediatric health care providers in the early detection of children with developmental or behavioral problems and provides educational programs and outreach services focusing on child development for parents and child care workers.

(SA 01-1, JSS, effective July 1, 2001)

Planning for Coordinated Services. Several state agencies will begin developing a comprehensive plan for coordinated spending on and delivery of services to "children with special health care needs." These are children with one or more serious chronic medical condition; who need ongoing, significant health care services; and have a developmental disability or delay or a moderate to profound educational disability. The plan must give priority to creating a pool of funds to pay for services,

establishing a single point-of-entry to state services, creating a service system that emphasizes community- and home-based support, and designating an agency to lead in implementing the plan. The agencies must submit the plan to the General Assembly by April 1, 2002.

(SA 01-8)

Another act expands the scope of an existing interagency committee that is responsible for establishing a statewide long-term care plan and coordinating policy development to cover all people, not just the elderly. It also adds the DCF commissioner to the committee to make sure children's interests are represented.

(PA 01-119, effective July 1, 2001)

Dealing with Disease

Asthma. Beginning with the 2003-04 school year, all children will have to be assessed for asthma before they enroll in public school and again in 6th or 7th grade and 10th or 11th grade as part of the already required health assessment. Schools must report the asthma data they obtain to local and state health officials, and in turn, DPH must report it to legislative committees. The assessments and reports are part of a broader effort against asthma that mandates DPH to develop a statewide asthma monitoring

system and a comprehensive statewide asthma plan. The legislature appropriated \$300,000 in FYs 2001-02 and 2002-03 for the asthma planning. It also appropriated \$800,000 for Hartford's Easy Breathing program.

(PA 01-4, JSS, effective October 1, 2001 except for the assessment requirements, which take effect July 1, 2002; SA 01-1, JSS, effective July 1, 2001)

Chlamydia. The legislature appropriated \$219,000 for DPH to provide chlamydia education and testing in school-based health centers and community health centers and vans. Chlamydia is a curable sexually transmitted disease (STD) caused by a bacteria. It is one of the most widespread of STDs and can cause serious problems in women and men as well as newborn babies of infected mothers.

(PA 01-4, JSS, effective July 1, 2001)

Protein Deficiencies. DPH will be studying the feasibility, cost, and time frame for establishing a program to test newborns for L-chad and similar protein deficiencies. It must report its findings to two legislative committees by next February.

(PA 01-9, JSS, effective July 1, 2001)

Dental Care

Dental hygienists, working without a dentist's direct supervision, can now check children in preschools operated by local school boards and head start programs under a new law.

(PA 01-2, JSS, effective July 1, 2001)

Caregiver Background Checks

The legislature created a uniform procedure for checking state and national criminal histories of people who work with or care for children. It applies to teachers; day care workers; school bus drivers; unlicensed, nonrelative caretakers of children receiving DSS child care subsidies; and, in some circumstances, unlicensed relatives of such children. It eliminates checks for people caring for children at retail "drop in" facilities.

(PA 01-175, effective July 1, 2001)

Violent Video Games

Video games that allow players to shoot simulated firearms at human targets depicted on video screens would have been off limits to children under an act the legislature passed this year. This act required the consumer protection commissioner to fine business owners who allow minors to play these "violent point and shoot

video simulators" for entertainment. Fines were up to \$1,000 for each violation, and the attorney general could have filed lawsuits to collect them.

(PA 01-54, VETOED)

JUVENILE JUSTICE

Placement Accountability

Children state agencies place in residential facilities should be better protected under a new law that requires the placing agency to enter a written agreement with the facility that sets clear standards for the child's care and treatment. The standards must include monthly written reports on treatment goals, expectations, and progress. The agency must ensure that the facility starts discharge planning within two weeks after the child gets there. And the facility must report promptly to the agency any allegations of abuse or neglect concerning the child or any other child in the facility.

(PA 01-2, JSS, effective July 1, 2001)

Gender-Specific Programming and Facilities

Boys significantly outnumber girls in the juvenile justice system, so it's no surprise that programs are geared to the boys. The General Assembly addressed girls' special needs this year by making gender-specific programming one of the juvenile

justice system's goals. It required DCF and the Office of Alternative Sanctions to ensure that their programs are gender specific.

(PA 01-181)

The legislature authorized \$11 million more in bonds for DCF to use to build a new community residential treatment facility just for girls. This brings the total available for the project to \$20 million. Another act allows putting this project on a "fast track" for completion, that is exempting it from some state laws governing environmental, energy, and contractor selection.

(SA 01-2 and PA 01-7, JSS, effective July 1, 2001)

Education Records

A new law tries to make sure that school personnel have the information they need to work with serious juvenile offenders who return after they have been in detention or residential placement. It requires DCF, the Judicial Department, school boards, and others that have educational records on such a child to provide them to the school superintendent before the child enters school. But their failure to do this can't delay the child's enrollment. In turn the superintendent must give the records to the school principal who must share them with appropriate building staff.

(PA 01-176)

Court Reviews

DCF will have to develop permanency plans for adjudicated delinquents in its custody and the juvenile court will have to review them yearly. A new law requires the court to (1) approve plans that are in the child's best interest and consider his need for permanency and (2) determine at the annual review whether DCF has made reasonable efforts to achieve the plan's goals. It establishes a preference for one of the following goals: commitment revocation and return to a parent or guardian, transfer of guardianship, permanent placement with a relative, or adoption.

The same act reduces, from 18 to 12 months, the length of time between court reviews of the need to continue or extend a serious juvenile offender's commitment.

(PA 01-2, JSS, effective October 1, 2001)

PARENTS

Temporary Family Assistance (TFA)

Parents receiving TFA will face new restrictions under an act that, in part, brings Connecticut into compliance with the federal requirements.

Time Limits. Families subject to TFA's 21-month time limit will be able to receive only three six-month extensions, with certain exceptions. Under prior law, they could get unlimited extensions, if they tried in good faith to comply with program requirements but could not work or earn enough. Under the act, families can receive TFA benefits for a maximum of 60 (not necessarily consecutive) months. And, for the first time, the months that a family received benefits from another "jurisdiction" (i.e., another state or U.S. territory) will count against this limit. But the limit does not apply when an adult experiences domestic violence that precludes her from working enough to earn more than the TFA benefit.

Work Requirements. Adults in TFA families who fail to comply with program work requirements will face harsher penalties. The new law increases from 20% to 25% the amount DSS reduces a family's benefit the first time an adult does not comply. And DSS must terminate benefits altogether when a family member, without good cause, fails to attend a scheduled assessment, appointment, or interview to establish a work plan. It must reinstate them if the individual attends a rescheduled meeting within 30 days of getting a benefit termination notice.

The act also denies TFA benefits altogether to an unmarried teen mother who has a child at least 12 weeks old but does not have a high school diploma or its equivalent, unless she participates in educational activities to attain the diploma or equivalent. Previously, these women were subject to the benefit reductions for not complying with work requirements described above.

Child Support Disregard. The new law reduces from \$100 to \$50 per month the amount of child support income a family receives that DSS must disregard when determining both TFA eligibility and benefit levels. DSS must count this money when determining eligibility for six-month extensions. (Its regulations already require DSS to count all child support as income when determining eligibility for the extensions.)

(PA 01-2, JSS and PA 01-9, JSS, some provisions are effective July 1, 2001)

Immigrant Parents

Two new acts keep solely state-funded welfare programs open for legal immigrants who are barred from federally funded programs, but they prohibit new applications after June 30, 2002. Among other programs, they apply to TFA; HUSKY Part B; and the state-funded, Medicaid-equivalent medical assistance

program. The bar on new applications after June 30, 2002 also applies to the state-funded food stamp program, which serves legal immigrants who are not eligible for the federal program. **(PA 01-2, JSS, effective on passage and PA 01-9, JSS, effective July 1, 2001)**

Psychotropic and Other Drugs

The legislature expressed its concern over the growing number of children who are taking drugs to control their behavior. A new law specifies that a parent's refusal to allow a child to take psychotropic drugs does not, by itself, constitute grounds for DCF to take the child into custody. It also requires school boards to adopt policies prohibiting school personnel from recommending such prescriptions. It allows staff to recommend a medical evaluation for a student and to consult with medical personnel if the parents agree.

(PA 01-124)

Another new law allows parents or guardians to administer medications to their children on school grounds.

(PA 01-4, JSS, effective July 1, 2001)

Counseling for Divorcing Parents

Superior Court judges who are deciding on custody or visitation issues can, under a

new law, order either or both parents and the child to participate in counseling or drug or alcohol screening, if it is in the child's best interest.

(PA 01-186)

Child Support

Private Support Collection Agencies. The General Assembly made Connecticut one of the few states in the nation to limit how much private child support collection agencies can charge their clients. Under a new law, these agencies can charge no more than 25% of the overdue child support they collect. This law requires the Banking Department to license these agencies as consumer collection agencies and authorizes the banking commissioner to regulate them. It also requires them to disclose certain information as part of a written agreement they make with each client.

The new law requires the DSS commissioner to establish an arrearage adjustment program in which past due support owed to the state can be modified. It specifies factors the commissioner must consider in making the adjustment decision. Any adjustments must encourage noncustodial parents to become positively involved in their children's lives and to begin making regular child support payments.

Finally, the act gives child support payments owed to families priority over support payments owed to the state.

(PA 01-209, effective July 1, 2001)

Post-Majority Support. A divorced parent whose circumstances substantially change can, under a new law, ask a Superior Court judge to modify, rather than just enforce, a written agreement for the care, education, maintenance, or support of children over age 18. This is often referred to "post-majority support." The act applies to new agreements that have been incorporated in or made part of divorce decrees. It also allows judges to order one party to a divorce to maintain life insurance for the other party or the couple's minor child unless their divorce decree precludes modification.

(PA 01-135, effective July 1, 2001)

Parent Trust Fund

The legislature created a special fund to pay for training parents in civic leadership skills and community engagement aimed at improving their children's health, safety, and education. This new Parent Trust Fund can receive private donations and federal grants through the existing Children's Trust Fund.

(PA 01-2, JSS)

PREVENTION

Prevention Budgeting

Government is often criticized for providing services only in response to a problem and for failing to initiate services to prevent them. A new law addresses this criticism by establishing a State Prevention Council to (1) create a prevention framework for the state, (2) recommend a comprehensive statewide prevention plan, (3) better coordinate existing and future state agency prevention expenditures, and (4) increase fiscal accountability. It defines "prevention" as policies and programs that (1) promote healthy, safe, and productive lives and (2) reduce the likelihood of crime, violence, illness, substance abuse, academic failure, and other socially destructive behaviors.

The council must:

- submit a report to the Office of Policy and Management secretary and the Appropriations Committee by July 1, 2002 identifying existing appropriations for prevention services in numerous state agencies' budgets for the previous fiscal year;
- recommend a comprehensive statewide prevention plan to the secretary and the General

Assembly by December 1, 2002; and

- submit its recommendations on expanding the council, including the use of potential benchmarks, or terminating by July 1, 2004.

The act also requires the governor to include a prevention report in his budget for the biennium that begins July 1, 2003.

(PA 01-121, effective July 1, 2001)

STUDENTS

Basic Skills for Graduation

By September 1, 2002, school boards must (1) specify the basic skills students in the Class of 2006 and thereafter will need to graduate from high school and (2) include a process for assessing students in those skills. Boards must use the 10th grade Connecticut Academic Performance Test as one, but not the exclusive, assessment. They must also identify courses for students who have not successfully completed the assessments to help them reach satisfactory levels before graduating.

(PA-01-166)

Mastery Test Exemptions Changed

More special and bilingual education students may be taking the Connecticut Mastery Test (CMT) as a result of a new law that alters test exemptions to comply with federal law. The law requires a special education student's planning and placement team to determine whether an alternate assessment is appropriate for the student. It also reduces, from 30 to 10 months, the period bilingual and English-as-a-second language students may be exempt from taking the CMT. It requires the Education Department to review the availability, utility, and cost of providing students in bilingual programs with subject matter tests in their native language. The education commissioner must report his findings to the Education Committee by December 31, 2001.

(PA 01-205, effective July 1, 2001)

Open Choice Students

A new law restricts mandatory participation in the Open Choice Program to Bridgeport, Hartford, New Haven, and New London, beginning this September. Prior law mandated all 14 priority school districts to participate. And to make sure the program meets the state's goal of reducing racial, ethnic, and economic isolation in schools, the new law

limits the percentage of participating white students from those four districts who can attend school in other districts to their percentage in the district in the previous school year.

This act makes Open Choice voluntary for the remaining 10 priority districts, beginning September 2003, and makes the program in them “in-only.” That is, students from other districts can attend school in the Open Choice districts, but students from those districts cannot go to outside schools. Students transferring in must bring racial, ethnic, and economic diversity to the host district.

(PA 01-1, JSS, effective July 1, 2001)

Summer School and Magnet Schools

A new law reduces remedial education and summer school requirements for 4th graders in priority school districts just to those who fail the reading portion of the mastery exam. It also allows private school students to enroll in public part-time interdistrict magnet school programs if (1) they make up no more than 5% of the magnet school's full-time equivalent enrollment and (2) they are not counted for purposes of the \$1,200 per student state magnet school transportation grant.

(PA 01-173, effective July 1, 2001)

Remedial Reading

Students in priority school districts who are promoted to 4th grade even though they are substantially deficient in reading will have to take mandatory reading instruction under a new law.

(PA 01-1, JSS, effective July 1, 2001)

Meningitis Vaccinations

Beginning with the 2002-03 academic year, all students who live in on-campus housing at Connecticut's public and private colleges and universities will have to be vaccinated against meningitis, unless (1) a doctor certifies that a student's physical condition contraindicates vaccination or (2) a student presents a statement that vaccination is against his religious beliefs. And each college and university will have to inform all its prospective students before they matriculate about meningitis and the availability and benefits of the vaccine.

(PA 01-93)

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