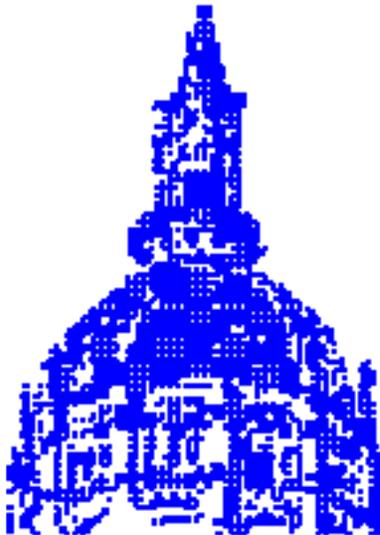


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

CHILDREN



By:
Saul Spigel, Chief Analyst

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NOTICE TO READERS

This report provides brief highlights of public and special acts affecting children enacted during the 2002 regular session. It will be revised at a later date to reflect the budget and other acts adopted during the June Special Session.

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 2002 regular 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://www.cga.state.ct.us/olr/publicactsummaries.asp>)

All acts summarized here are effective October 1, 2002, unless otherwise noted.

ADOPTION & FOSTER CARE

Insurance for Adopted Children

By law, individual and group health insurance policies for an insured adoptive parent must cover a child legally adopted by or placed for adoption with the insured. A new law (1) requires these policies to cover the adopted child on the same basis as the parent's other dependents and (2) prohibits them from containing any preexisting condition, insurability, eligibility, or health underwriting approval provisions relating to the adopted child. **PA 02-96**

CHILD ABUSE

Revelations about sexual abuse by priests and athletic coaches led legislators to enact several new laws on sexual abuse crimes, the statute of limitations for prosecuting and suing abusers, and mandating abuse reports.

Sexual Abuse Crimes and the Statute of Limitations

A new law:

1. increases the penalties for sex crimes involving minors under age 16;
2. extends, in most cases, the statute of limitations for (a) prosecuting sexual abuse, sexual exploitation, or

- sexual assault of a minor from two to 30 years after the victim reaches age 18, or up to five years from the date he notifies the authorities of the crime, and (b) filing a personal injury lawsuit based on the crime from 17 to 30 years after he turns age 18;
3. eliminates the statute of limitations for suing for damages caused by sexual assault when the assailant is convicted of 1st degree sexual assault or 1st degree aggravated sexual assault;
4. prohibits courts from preventing or restricting anyone from reporting allegations of sexual abuse, exploitation, or assault of a minor that were the subject of a damage suit to the Department of Children and Families (DCF) commissioner or a law enforcement agency by entering orders or judgments or approving settlements that do this; and
5. establishes a committee to make recommendations to the legislature on the need for sexual offender risk assessment boards and the process for reporting people in state custody or receiving state service who are at risk of engaging in illegal sexual behavior.

PA 02-138, effective October 1, 2002 except the (1) provisions extending the criminal statute of limitations are effective upon passage and apply to crimes committed on and after that date; (2) provisions eliminating secrecy in lawsuits involving minor victims of sex crimes and establishing an advisory committee are effective upon passage; and (3) civil statute of limitations provisions are effective upon passage and apply to any cause of action arising from an incident committed before, on, and after that date

Sexual Abuse By a Coach or Instructor

Another new law makes it a crime for an athletic coach or a person, like a piano teacher, who provides intensive, ongoing instruction to engage in sexual intercourse or have sexual contact with (1) a student receiving coaching or instruction in a high school or (2) anyone under age 18 receiving such coaching or instruction. It makes sexual intercourse under these circumstances 2nd degree sexual assault, punishable by one to 10 years in prison (with a nine-month mandatory minimum), a fine of up to \$10,000, or both. It makes sexual contact under these circumstances 4th degree sexual assault, punishable by up to a year in prison, a fine of up to \$2,000, or both. **PA 02-106**

Mandated Child Abuse Reporters

PA 02-138 makes numerous changes to the mandated reporter statutes. It adds to the list of those who must report abuse or neglect to DCF or the police: juvenile and adult probation and parole officers, school coaches, emergency medical services providers, licensed professional counselors, certified substance alcohol and drug abuse counselors, child care providers in licensed group day care homes, DCF employees, and Department of Public Health (DPH) employees who license child day care facilities and youth camps.

The act reduces, from 24 to 12 hours, (1) the maximum time that mandated reporters have to orally report suspected cases of abuse or neglect to DCF or the police and (2) the time DCF has after receiving a report of sexual or serious abuse to notify the police and prosecutors. It also broadens the circumstances under which reports must be made to include cases where the reporter has reasonable cause to suspect or believe a child has been placed in imminent risk of serious harm by anyone, not just those responsible for the child's health, welfare, or care.

PA 02-106 raises the penalty for any mandated reporter who fails to report from a maximum of \$500 to between \$500 and

\$2,500. It also makes intramural or interscholastic athletic coaches mandated child abuse reporters.

Abuse of Kids in DCF Custody

A new law requires DCF to notify the legal guardian and attorney of record of a delinquent committed to its custody within 10 days of receiving a report that the child has been abused and again if it substantiates the report. **PA 02-127**

CHILD CARE

Treating Allergic Reactions

Children with known or suspected allergies or a prescription for an automatic injectable medication device (like an EpiPen™) to treat allergic reactions can no longer be denied enrollment in a day care center or group day care home for those reasons. A new law requires these providers, beginning January 1, 2003, to have on-site staff trained to administer such medications. It requires parents to supply the devices and a copy of their child's prescription and to replace them when they expire. **PA 02-84**

HEALTH & SAFETY

Responding to Terrorism

The legislature recognized that children's special needs must be addressed as the state prepares

to respond fully to potential terrorist acts. It required the Office of Policy and Management to plan for children and youth as part of homeland preparedness and emergency response planning. The report must address (1) children's health needs in the event of bioterrorism; (2) public education and communications for families on public safety issues; (3) training for child care workers, school personnel, and personnel in before- and after-school programs; (4) coordination of school health and mental health strategies; and (5) opportunities for community service, civic activities, and cultural diversity experiences for youth. It's due January 1, 2003. **SA 02-8**, effective on passage

Screening Newborns for Genetic Problems

Connecticut will soon, possibly as early as January 2003, test newborns for more metabolic disorders. A new law requires DPH to purchase two tandem mass spectrometers—new technology that allows testing for as many as 20 metabolic disorders. It requires testing for amino acid, organic acid, and fatty oxidation disorders and, specifically, MCAD and LCHAD deficiencies. These will be added to the eight inborn disorders, such as sickle cell anemia and phenylketonuria (PKU), for which the state currently tests newborns. The

new act also sets a \$28 minimum fee that DPH must charge hospitals for the tests and follow-up tracking. **PA 02-113**, effective July 1, 2002 for the mass spectrometer purchases; October 1, 2002 for the fee increase and testing changes

Co-Locating Family Resource and School Health Centers

School-based family resource centers provide day care and school readiness programs for kids, parent-skills training and high school equivalency courses for parents, and support and training for expecting parents. School-based health clinics provide a wide range of services for students. A new law requires the education and public health commissioners, whose agencies help fund these programs, to develop a plan to co-locate new centers and clinics whenever feasible. **PA 02-36**, effective on passage

PARENTS

Paying for College After a Divorce

A new law permits judges and family support magistrates to order divorced or divorcing parents, parents whose marriage is annulled, and parents who never married to support their children for up to four years when they are enrolled in college or vocational programs after high school and until they reach age

23. Courts can do this only if they find it more likely than not that the parents would have provided this support if the family remained intact. The law does not give children a right to sue for parental support for higher education, and it does not cover support for graduate or post-graduate studies. It applies to cases where the first child support order is entered on or after October 1, 2002. **PA 02-128**

Teaching Kids About Divorce

The committee that advises the Judicial Department on its parenting education program for divorcing couples soon will be making recommendations on including a separate program for their children. Under a new law, the program must be designed to help children cope more effectively with the problems that divorce creates. Its goals must be preventing or reducing children's anxiety, aggression, depression, and behavioral problems and increasing the social competencies they will need to adjust. The committee must make its recommendations by January 15, 2003. **PA 02-132**, effective July 1, 2002

STUDENTS

Bullying

Bullying can have tragic consequences. Earlier this year an 11-year-old hung himself following continued bullying, and

many people believe bullying contributed to the Columbine shootings. The legislature addressed the issue this year by requiring all public school boards to adopt bullying policies. The policies must (1) allow students to make anonymous reports and their parents to make written reports; (2) require school officials to investigate these reports, notify parents of all children involved about those they verify, and make a list of verified reports in each school available to the public; and (3) contain a strategy for school staff to deal with bullying. The new law defines bullying as repeated, overt acts by students on school grounds or at school activities that are intended to ridicule, humiliate, or intimidate another student. **PA 02-119**, effective July 1, 2002

Smoking in Dorms

Beginning in July 2003, students in UConn and Connecticut State University dorms will be living in smoke-free environments, thanks to a new law that bans smoking throughout their dormitories. **PA 02-110**, effective July 1, 2003

Preparing for College

A new law allows the Board of Governors of Higher Education to establish and administer a "Gear Up for Connecticut Futures" account that must be used for scholarships under the federal

GEAR UP program. This program funds partnerships between high-poverty middle schools and colleges, universities, community organizations, and businesses. These partnerships provide (1) tutoring; (2) mentoring; (3) college preparation and financial aid information; (4) an emphasis on core academic preparation; and (5) in some cases, scholarships. **PA 02-88**, effective July 1, 2002

YOUTH

Youth in Crisis

A "youth in crisis" is someone who comes under juvenile court supervision because he runs away from home without good cause, is beyond his parents' control, or has many unexcused absences from school. The court can require him to participate in community service or go to school or for mental health services, or it can restrict his driving. This year, the legislature made it clear that the program covers both 16- and 17-year-olds, and it allowed the Judicial Department to use any of its juvenile justice appropriations to help youths in crisis. It also gave police officers and local officials who work with these kids immunity from personal liability for injuries that occur because a youth or his parents voluntarily terminated their services. **PA 02-109**, effective on passage for the clarification of "youth in crisis"

coverage; October 1, 2002 for the immunity provision

Working Hours and Wages

A new law extends for five more years, to September 30, 2007, the expiration date of the law allowing 15-year-olds to work certain days and hours as baggers, cashiers, or stock clerks in mercantile establishments (such as supermarkets and department stores). This law permits 15-year-olds to work in these stores only during school vacations that last at least five consecutive days, except they can work in retail food stores on any Saturday. They can't work more than 40 hours a week or eight hours a day and can work only between 7 a.m. and 7 p.m., except during the summer when they can work until 9 p.m. **PA 02-44**

SS:ro

Another new law raises the minimum wage from \$6.70 to \$6.90 on January 1, 2003 and to \$7.10 on January 1, 2004. It also extends, from December 31, 2002 to December 31, 2004, the sunset date of a provision, commonly called a tip credit, that gives employers an offset against the minimum wage for hotel and restaurant workers and bartenders, in both cases for people who regularly receive tips. The wage increase and the tip credit extension result in a minimum wage for hotel and restaurant employees of \$4.88 and \$5.02 in 2003 and 2004, respectively. For bartenders, it will be \$6.33 in 2003 and \$6.52 in 2004. **PA 02-33**, *effective July 1, 20*