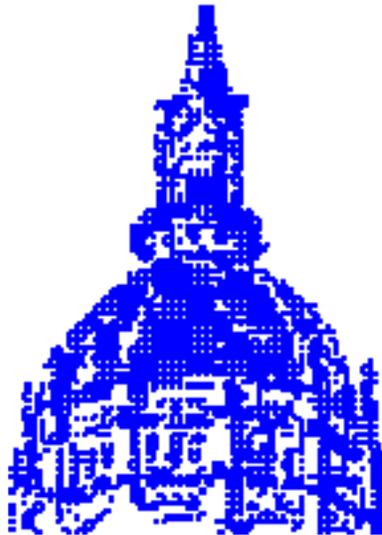


Office of Legislative Research  
Connecticut General Assembly



**OLR ACTS AFFECTING**

**CHILDREN**



*Prepared for Members of the Connecticut General Assembly*

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## NOTICE TO READERS

This report provides brief highlights of public and special acts affecting children enacted during the 2003 regular session. It will be revised at a later date to reflect the budget and other acts adopted during the 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 2003 regular session will be available in early fall when OLR's *Public Act Summary* book is published; 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, 2003, unless otherwise noted.

## **ADOPTION AND FOSTER CARE**

### ***Foster Care Placement and Visitation***

**Visitation.** Removing a child from his home disrupts a family's relationships. A new law seeks to mitigate that disruption by requiring the Department of Children and Families (DCF) to ensure that a child who is removed either temporarily or committed to DCF can visit as frequently as possible with his parents and siblings, if this is in his best interests (**PA 03-243**).

**Permanency Placement.** When a child is placed in DCF custody, a court must hold a hearing within nine months to review the department's permanency plan for him. If the court finds that reunifying the child with his parents is inappropriate, DCF can take a variety of steps to assure the child's long-term security. A new law requires it to try to keep the child in the first location it placed him, if this is in the child's best interest, until he is adopted or DCF finds a permanent home for him (**PA 03-243**).

**Kinship Care.** When DCF removes a child from home, it may temporarily place the child with a relative. A new law requires DCF, when it determines it is in the child's best interest to place her in foster care with the relative, to tell the relative how to become licensed as a foster parent (**PA 03-42**).

### ***Insurance for Adopted Children***

By law, an adopted child may be added to an adoptive parent's health insurance policy without the insurer's consideration of preexisting conditions, insurability, eligibility, or health underwriting criteria if the parent notifies the insurer of the adoption and pays any additional premium within 31 days after the insurer accepts the child. A new law allows an insurer to evaluate (underwrite) the child's health if the parent does not submit the premium payment or insurance application within the 31-day period (**PA 03-70**).

### ***Out-of-State Adoptions and Placements***

When a private adoption agency places a child for adoption in another state, the state child welfare agency in that state must, under a new law, pay any adoption subsidies available for the child. Previously, DCF paid the subsidy (**PA 03-243**).

## **CHILD ABUSE**

### ***Background Checks on Child Caregivers***

Everyone who applies for a job with DCF will, under a new law, have to state in writing whether he or she has ever been convicted of a crime or currently faces criminal charges and undergo a

national and state criminal history background check. And DCF will have to check its child abuse registry to see if the applicant is listed as an abuse or neglect perpetrator.

The same new law requires prospective foster parents and anyone age 16 or older who lives with them to submit to state and national criminal background checks and a search of perpetrators on the child abuse registry (**PA 03-243**).

## **DAY CARE**

### ***State Assistance for Families***

Starting March 1, 2003, fewer families transitioning off of the state's Temporary Family Assistance program are eligible for state financial support. As part of its budget revisions, the legislature reduced the income eligibility for this benefit from 75% of the statewide median income to 55% (**PA 03-2**, effective on passage).

### ***State Assistance for Centers***

Businesses that invest in day care facilities primarily for their employees' children can get a bigger tax credit, 60% instead of 40% of their investment, as a result of legislative changes to the Neighborhood Assistance Act (**PA 03-225**, effective July 1, 2003 and applicable to income years starting on or after January 1, 2003).

## ***Religious Exemption***

The legislature added religious education activities provided just for the children of a religious institution's members to the list of activities that are exempt from state day care licensing requirements (**PA 03-252**, effective on passage).

## **HEALTH AND SAFETY**

### ***Caring for Children in a Public Health Emergency***

A new law allows the governor to declare a public health emergency whenever a communicable disease or contamination threatens the health of state residents, regardless of what caused it. If the governor declares an emergency that involves nuclear radiation, this law allows the public health commissioner to authorize day care centers and homes and youth camps to distribute potassium iodide to children and staff. These pills can prevent or decrease the likelihood that children exposed to radiation will develop thyroid cancer.

The law also allows the commissioner to order people into isolation or quarantine or to be vaccinated. It recognizes the importance of keeping families together if one member is ordered isolated or quarantined, and it requires parents to consent in writing before their children can

be vaccinated (**PA 03-236**, effective on passage).

### ***Insurance for Cleft Palate and Cleft Lip***

Craniofacial disorders like cleft lip or palate result from abnormal growth patterns of the face or skull that involve soft tissue or bone. They can be present at birth or acquired. A new law requires most individual and group health insurance policies to cover medically necessary orthodontic processes and appliances for treating such disorders in children up to age 18. A team recognized by the American Cleft-Palate-Craniofacial Association must prescribe the processes and appliances. Such teams, which include pediatricians, dentists, speech pathologists, and nurses provide long-term coordinated care for affected children (**PA 03-37**).

### ***Changes in HUSKY Coverage***

A new law eliminates the HUSKY A and B programs' continuous eligibility policy, which allowed children determined eligible for benefits to remain eligible for 12 months, even if a change in family income or other circumstances would otherwise have made them ineligible (**PA 03-2**, effective on passage).

### ***Poisonous Plant Sales***

Small children love to examine new things by chewing on or eating them, which can sometimes lead to bad consequences. While it can't stop kids from chewing, the legislature can try to protect them. This year it required the Connecticut Poison Control Center to give florist and nursery trade associations a list of poisonous plants, which they must annually distribute to member retailers and encourage them to make it available to customers (**PA 03-193**).

### ***Promoting Health and Well-Being***

The Prevention Council is a group of state officials whose purpose is to establish a prevention framework for the state, recommend a statewide prevention plan, and better coordinate spending across state agencies. This session, the legislature charged the council with determining long-term goals, strategies, and outcome measures to promote the health and well being of Connecticut children and families. It set several goals for the council's work: increasing the numbers of healthy women, newborns, children who are ready for school, and youth who choose healthy behaviors and decreasing child abuse and neglect, juvenile crime and suicide, and children

unsupervised after school. The council must submit a plan for implementing its goals and strategies by January 1, 2004 (**PA 03-145**, effective on passage).

## **JUVENILE JUSTICE**

### ***Expanding Juvenile Court Jurisdiction***

Connecticut is one of a handful of states where 16- and 17-year olds who commit crimes are treated as adults, which, among other things, means they can be sent to prison. A new law requires court and executive branch officials, including the corrections and DCF commissioners, to study what it will take, including funding, to extend the juvenile court's jurisdiction to children up to age 18. The group must report to two legislative committees by January 15, 2004 (**PA 03-257**, effective on passage).

### ***Youths in Crisis***

The same act strengthens the ability of state and local authorities to deal with 16- and 17-year olds who run away from home or who are otherwise beyond their parents' control. It requires, rather than permits, local police to look for runaway youths and, if they find them, to tell their parents where they are, as long as this doesn't endanger the youth. It also requires them

to respond to the situation. They can do this by bringing the youth home or to another adult; holding him for up to 12 hours; referring him to a probate court judge, a youth service bureau, or some other agency that deals with youth; or, if all else fails, referring the youth to Superior Court, which can deal with him under the Youth in Crisis law.

The act gives the Superior Court new sanctions to impose on a youth who fails to heed its orders. It can direct the motor vehicle commissioner to suspend the youth's driver's license, refer him to a youth service bureau, or raise the option of emancipation with him. It can already order him to go to school, do community service, or obtain counseling.

Finally, the act establishes a pilot program giving the Middletown Probate Court jurisdiction over youth in crisis cases that do not involve truancy. The probate court administrator must report on the program by January 2005 (**PA 03-257**).

### ***Juvenile Training School***

The legislature this year established health, education, and other standards DCF must meet in its operation of the Connecticut Juvenile Training School. The standards include completing health, mental health, and education assessments and an individual

written treatment plan within 30 days of a child's entry; giving all children there the daily opportunity for at least an hour of physical activity, and following state law governing the use of physical restraints and seclusion (**PA 03-251**, effective July 1, 2003).

### ***Special Education***

A new law requires juvenile probation officers to tell the court about a delinquent child's special education and related service needs before the court sentences him. Officers must include this information in their pre-sentence investigation reports, which already cover information about the child and his family, school attendance and behavior, the offense and any damages it caused, and previous offenses (**PA 03-86**).

### ***Juveniles in Other States***

Connecticut may soon be using a different set of rules when it sends youths to institutions in other states, seeks the return of those who have run away or relocated to them, and accepts them from other states. Currently, such situations are governed by the 1957 Interstate Compact on Juveniles, which imposes statutory requirements, procedures, and court and agency standards on participating states. This year the legislature adopted the new

Interstate Compact, which establishes a commission to administer and enforce the compact and make rules to accomplish its purposes, which are to ensure that juvenile delinquents, status offenders, and other youngsters in need of supervision are adequately supervised and given access to services when they relocate in other states (**PA 03-255**, effective on the later of July 1, 2004 or when 35 states adopt the compact).

## **PARENTS**

### ***Sick Time for Family Medical Leave***

Many private sector employees will be able to use up to two weeks of sick time to care for their newborn, newly adopted, or seriously ill children (as well as a seriously ill spouse or parent). This session the General Assembly changed the state's Family and Medical Leave Act to require companies that employ 75 or more people and have a written sick leave policy to let employees use accumulated sick time for these purposes. Under prior law, such companies could, but did not have to, allow their workers to take sick time to care for family members (**PA 03-213**).

### ***Child Support***

Two new laws make it easier for people to get state help in enforcing child support orders

and give the state more tools for collecting support. One act:

1. eliminates the \$25 application fee for families who have not previously asked the Department of Social Services (DSS) for help, had a child in foster care, or received federal financial assistance (such families, called IV-D families, do not have to pay this fee) and requires the department to tell such families about its services;
2. allows court support enforcement staff to require genetic testing to determine a child's paternity when the putative father lives out of state;
3. requires people who retain independent contractors for more than \$5,000 a year to report their names to the Department of Labor for inclusion on its list of new hires, which it checks against DSS lists of people owing child support; and
4. allows DSS to disclose information about a child to a health insurer when a court has ordered the noncustodial parent to insure the child but he is unable to provide the information (**PA 03-89**).

The second new law applies only to IV-D families. Among other things, it authorizes DSS and the Judicial Department to notify state and local agencies, attorney, banks, and pension funds to seize a delinquent child support obligor's funds when a

support order from another state is registered here. It requires courts to notify credit reporting agencies of child support arrearages of \$1,000 or more, eliminating the court's discretion to do this. And it requires the Connecticut Lottery Corporation to withhold child support due when a confirmed obligor wins \$5,000 or more to be paid in a lump sum (it already does this for periodic payouts) (**PA 03-109**).

### ***Visitation***

A new law requires the chief court administrator to identify additional locations where court-ordered supervised visits between noncustodial parents and their children can take place. He must make a list of all such centers available to the public for free (**PA 03-52**).

### ***Fatherhood***

The legislature enacted into law a DSS initiative to promote the positive involvement and interaction of fathers with their children. It named the initiative after the late Representative John S. Martinez who was instrumental in its inception. The initiative's objectives are to (1) educate the public about the financial and emotional responsibilities of fatherhood; (2) help men prepare for the legal, financial, and emotional responsibilities of fatherhood; (3)

promote establishing paternity at birth; (4) encourage married and unmarried fathers to connect emotionally with, and financially support, their children; (5) establish support mechanisms for fathers in their relationship with their children; and (6) integrate available state and local services for families (**PA 03-258**).

## **STUDENTS**

### ***Elementary & Secondary Schools***

***Statewide Testing.*** A new federal law, the No Child Left Behind Act, requires annual achievement testing of all students in grades three through eight. The General Assembly brought Connecticut into compliance with this federal mandate by adding tests for 3<sup>rd</sup>, 5<sup>th</sup>, and 7<sup>th</sup> grade students in addition to those already required for, 4<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> graders. It changed the testing date for these statewide tests from the fall to April, beginning in the 2005-06 school year. And it created a statewide science exam for students in the 5<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> grades, starting in the 2007-08 school year, again as required by the federal act. The legislature required any additional costs the state and school districts incur for conforming state tests with federal requirements be paid exclusively with federal No Child Left Behind Act funds (**PA 03-**

**168**, most provisions are effective July 1, 2003).

Another new law prohibits starting a state mastery test or test required by the No Child Left Behind Act before 9 a.m., if it involves students in grades seven through 12. It also requires, rather than allows, school districts to note on a student's transcript or permanent record whenever he or she meets or exceeds the state's goal on any part of the Connecticut Academic Performance Test (CAPT) and allows districts to include scores on each part of the CAPT on those records (**PA 03-174**, effective July 1, 2003).

***Indoor Air Quality in Schools.*** A new law seeks to improve the quality of the air students (and faculty) breathe in Connecticut schools. It requires school districts to adopt and implement an indoor air quality program and to operate and maintain their heating, ventilating, and air conditioning systems according to prevailing industry standards. When districts plan to construct a new school, they must first conduct an environmental assessment of the proposed site. And they must inspect and evaluate every five years any school they build, renovate, or expand after October 1, 2003. The inspection must cover such areas as radon; mold; pesticide and other chemical levels; leaks; and other structural elements such as ventilation,

plumbing, and heating systems (**PA 03-168**, most provisions effective July 1, 2003).

**Students' Health.** Some students with diabetes will be able to test their own glucose levels as a result of a new law that addresses a variety of student health issues. A diabetic student will be able to self-test if his or her doctor or advanced practice registered nurse writes an order saying the student needs to and is capable of doing this. The new law expands the types of school personnel who can give medication to students, including allowing designated paraprofessionals to administer prefilled cartridge injectors (such as "EpiPens") to children with a diagnosed allergy. And it revises the existing law that prohibits school personnel from recommending psychotropic drugs for children by (1) specifying which staff can recommend to parents that they seek a medical evaluation for their child and (2) requiring school board policies to address procedures for communicating with parents about the need for an evaluation and obtaining their consent to talk to health care providers about the results (**PA 03-211**, effective July 1, 2003).

**Las Vegas Nights.** High schools can no longer sponsor Las Vegas night games of chance at proms or graduation parties after the legislature made such events illegal (**PA 03-1**, January

6 Special Session, effective on passage).

**Blind Students.** By law, the Board of Education and Services for the Blind (BESB) must pay up to \$6,400 a year to provide educational services for blind and visually impaired children. A new law establishes priorities for BESB spending. The first priority is for goods and services that are used with the children such as specialized books; materials, equipment, and supplies; adaptive technology services and devices; preschool programs; and certain vision-related independent living services. The second priority is teaching services that school districts request directly from BESB, and the third is reimbursement to towns that purchase these services on their own. (**PA 03-219**, effective July 1, 2003).

**After School Programs.** The legislature sought to better coordinate after school programming in Connecticut, improve their quality, and maximize public and private support for them by creating a committee to study the situation. It charged the committee, which is composed of state agency heads and outside experts, to look at best practices, existing government support, how state agencies can improve their goal setting and coordination to achieve efficiencies and encourage training, and ways to address barriers to after school programs (**PA 03-206**, effective on passage).

Another new law allows priority school districts (generally, the poorest districts in the state) to charge students to participate in state-funded after school academic enrichment, support, and recreation programs, as long the fee is calculated on a sliding scale based on ability to pay and a student does not pay more than 75% of the average cost of participation (**PA 03-174**, effective July 1, 2003).

### **Colleges**

**Smoking.** The legislature extended to private colleges and universities the ban on smoking in dorm rooms that previously applied to state colleges and universities (**PA 03-45**)

**Measles and Rubella Immunizations.** State law requires Connecticut public and private high school students to be immunized against measles and rubella. A new law exempts those who graduate after 1998 from the requirement to submit proof of their immunization when they enroll in a Connecticut college or university, unless they were exempted from the vaccination requirement for religious or medical reasons (**PA 03-13**, effective July 1, 2003).

**Students in the Armed Forces.** Students in the state's community-technical colleges, state universities, and University of Connecticut who are called to active duty in the armed forces

will, under a new law, be able to reenroll in any course they paid for but did not complete because of their call up. They will have four years to reenroll from the date they are released from active duty. The schools may not impose any additional tuition, student fee, or related charge for the courses, unless they had fully reimbursed the students for them (**PA 03-33**).

### **TEENS**

#### ***Driving Licenses for 16- and 17-Year Olds***

Many states have taken steps to reduce motor vehicle accidents among teenage drivers by restricting their driving privileges. Connecticut followed suit this year by modifying the requirements for 16- and 17-year olds driving under learners' permits and establishing restrictions on their driving after they receive their licenses. The act applies to teens who apply for a learner's permit on or after October 2, 2003.

For those with learners' permits, the act expands the mandatory safe driving practice course from five to eight hours and its alcohol and drug impact component from two to four hours. For the first three months after a 16- or 17-year old receives a driver's license, he or she will be able to drive only a parent, guardian, or other licensed adult driver; for the next three months

the teen can also drive other family members. Anyone who violates these restrictions commits an infraction. A second or subsequent violation could lead to a license suspension until the person turns age 18 (**PA 03-171**).

### ***Political Involvement***

The legislature passed two acts aimed at increasing young people's participation in the electoral process. One requires the secretary of the state annually to designate and publicize a period between January 1<sup>st</sup> and May 31<sup>st</sup> for a statewide student voter registration drive (**PA 03-54**). The other allows 16- and 17-year olds to be appointed as checkers in polling places during a primary or an election without having first to serve as an unofficial checker or candidate checker. It also permits them to serve as translators at polling places. They must attend poll worker training and, if the vote is on a school day, get written permission from their parents or school principal (**PA 03-108**, effective July 1, 2003).

### ***Access to Casinos***

After October 1, 2003, only teens over age 18 who are employed by a casino will be able to go into rooms where blackjack, poker, craps, roulette, baccarat, or other Class III games of

chance are conducted. Anyone under age 21 who violates this new law will face a fine of up to \$100. If he does so by using fake or borrowed identification, the fine is between \$100 and \$500, imprisonment for up to 30 days, or both. If he directly or indirectly places a wager, he is guilty of a class A misdemeanor, which is punishable by a fine up to \$2,000, imprisonment for up to one year, or both. But teens can still enter rooms where only bazaar games are conducted (games of chance involving merchandise, not cash, prizes) and casino rooms where Class III games are not played (**PA 03-114**).

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