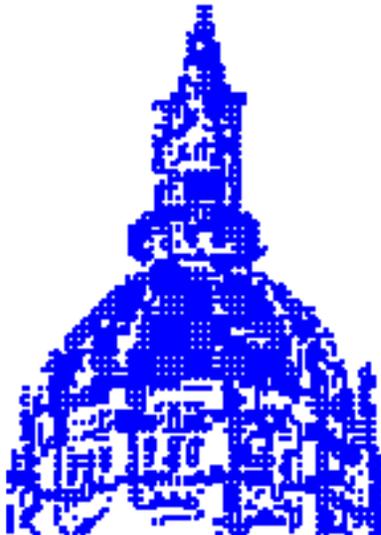


Office of Legislative Research  
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2004 ACTS AFFECTING CHILDREN



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## NOTICE TO READERS

This report provides brief highlights of public and special acts affecting children enacted during the 2004 regular and special sessions.

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 in 2004 will be available in the 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, 2004, unless otherwise noted

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## **ABUSED AND NEGLECTED CHILDREN**

### ***Short-Term Foster Care for Adolescents***

It is often difficult to find foster care for adolescents. This year, the legislature gave the Department of Children and Families (DCF) a new tool to use in its efforts. It allowed the agency to place an abused or neglected child age 14 or older in the home of anyone age 21 or older even though the person is not a licensed foster parent. DCF can do so for up to 90 days under the same conditions that it can place a child with an unlicensed relative. The new law terms the people who accept children under these circumstances “special study foster parents.”

Before placing a child with a special study foster parent, DCF must (1) determine it is in the child’s best interest, (2) conduct a satisfactory home visit, and (3) complete a basic assessment of the family. The special study parent must also attest that neither he nor any adult in the household has been arrested or convicted of a felony against a person; risk of injury to, or impairing the morals of, a minor; or possessing, using, or selling a

controlled substance. A special study foster parent who accepts a child for over 90 days must become licensed as a foster parent (**PA 04-88**, effective upon passage).

### ***Supportive Housing***

This year’s budget added over \$2 million for DCF’s supportive housing program, which provides Section 8 housing vouchers and intensive case management to families with a parent recovering from substance abuse (**PA 04-216**, effective July 1, 2004).

### ***Reports on Neglected Children in DCF Custody***

A new law requires DCF to notify the legal guardian and attorney of any child committed to it as a delinquent within 10 days of receiving a report that the child has been neglected. The law already requires DCF to do this in abuse cases. This act also (1) changes the deadline for DCF to notify these parties if it substantiates an abuse report from 10 days after the report is received to 10 days after it is substantiated and (2) applies this deadline to neglect reports (**PA 04-48**).

### ***Terminating Parents’ Rights***

The legislature shortened, from 30 to 20 days, the period within which a court must hold a hearing on a petition to terminate

parental rights when a parent consents to the termination. And it shortened to 20 days the time for appealing probate court orders granting such petitions (**PA 04-128**).

## **DAY CARE AND EARLY CHILDHOOD EDUCATION**

### ***Child Care Subsidies***

Connecticut's recent budget problems constricted its ability to help people pay for childcare. This year, the legislature required the Department of Social Services (DSS) to open enrollment for its Care for Kids subsidy program and administer it within available budgetary resources. It added working families whose Temporary Family Assistance (TFA) was discontinued less than five years before they apply for a subsidy to those groups that DSS must give priority for subsidies. And it created a statutory requirement for DSS to give priority to TFA recipients who are working or engaged in Jobs First employment activities; DSS regulations already placed these families first in line for subsidies. Working parents whose cash benefits were discontinued within six months of applying for child care, teen parents, low-income working families, and certain others also receive priority (**PA 04-258**, effective July 1, 2004).

### ***School Readiness Staff Qualifications and Grants***

Quality staff are the key to quality early childhood education. A new law increases, from nine to 12, the minimum number of early childhood education or child development credits required for school readiness staff who hold a credential from an organization approved by the education commissioner. The increase begins July 1, 2005. The act also expands the qualifications of people who may serve as school readiness staff to include:

1. certified early childhood or special education teachers and
2. anyone with an associate's or bachelor's degree who has the required minimum number of credits (that is, nine credits until June 30, 2005 and 12 credits after that), rather than a major, in early childhood education or child development, (**PA 04-15**, effective July 1, 2004).

### ***Financing Early Education***

Three new laws address funding for school readiness and other early childhood education programs. One allows the Connecticut Health and Education Facilities Authority to lend funds to towns, school

boards, regional educational service centers, and qualified nonprofit organizations to enable them to acquire, build, improve, furnish, or equip a facility for providing educational programs for three- and four-year olds. These programs include school readiness and Head Start programs (**SB 801**, May Special Session).

Another (1) raises, from 50 to 70%, the amount of unused non-competitive school readiness grant funds the State Department of Education (SDE) can reallocate, instead of let lapse, to create new program slots and allows it to use the remaining funds for professional development; (2) increases, to \$6,400 from \$5,891, the maximum per child reimbursement for the SDE school readiness component of a school readiness provider's program; and (3) increases the maximum school readiness program competitive grant by \$7,000 per priority school (**PA 04-215**, effective July 1, 2004).

The third new law extends the school readiness competitive grant program to Ashford, Chaplin, Griswold, Sprague, Sterling, and Thompson. These towns are among the 28 poorest in the state but are not considered priority school districts (**PA 04-254**, effective July 1, 2004).

## **HEALTH AND SAFETY**

### ***Medicaid Restoration***

This year's budget repealed several cost-saving measures the legislature imposed in 2003 on families receiving Medicaid assistance. It repealed required co-payments for medical services (\$3 maximum), prescriptions (\$1.50) and monthly premiums (set by each participating HMO). It also repealed provisions that required DSS to (1) seek federal approval to allow pharmacies to deny prescriptions to Medicaid recipients who continuously fail to pay their co-payments and (2) run the Medicaid managed care program (HUSKY A) in a way that would make it substantially similar to the "non-gatekeeper point of enrollment plan" offered to state employees (**PA 04-216** and **PA 04-258**, effective July 1, 2004).

### ***Insurance Coverage for Nutritional Formula***

Some children with inherited metabolic disorders need special food products and preparations, and the law requires health insurance policies to cover the costs of such products and preparations. A new law extends coverage to amino acid modified preparations and low-protein modified food products prescribed for treating cystic fibrosis. It also requires health insurance policies to cover (1) medically necessary formula for

children up to age eight, instead of age three, and (2) food products, preparations, and specialized formulas on the same basis as other outpatient prescription drugs (**PA 04-173**).

### ***Insurance for Adoptive Parents***

The legislature has recently enacted several laws to encourage people to adopt foster children. This year it passed one that allows people who adopt children from DCF custody to purchase group health insurance for themselves and their dependents through the state. They remain eligible for coverage until the adopted child turns age 18 or, if he has not completed high school, until he turns age 21. Parents who choose this option must pay the full premium cost (**PA 04-53**).

### ***Medically Fragile Children***

The General Assembly approved \$3 million in bonds this year for a pilot project to provide affordable housing and support services to families with children who have serious, chronic medical conditions that require ongoing, significant health care services. The DCF commissioner must collaborate with several other agency heads to develop the project (**SB 801** and **SB 803**, May Special Session).

### ***Underage Drinking***

The legislature gave bars and package stores a new defense against the charge that they sold liquor to minors. It allowed liquor permittees, and their agents and employees, to take a picture of prospective purchasers whose age they question and make a photocopy of their driver's license or non-driver photo identity card as a condition of selling alcohol to them. If a permittee, agent, or employee is prosecuted for selling or giving liquor to a minor, the new law makes it an affirmative defense that the individual did so in good faith and in reasonable reliance on the identification the minor provided. It also limits how information taken from the photograph and photocopy may be used (**PA 04-230**).

### ***Background Checks for School Personnel***

A new law requires (1) nurses who provide health services in a public or private school to submit to criminal background checks even if they are not directly employed by the local school board or private school and (2) regional education service centers to arrange for fingerprinting school personnel if a State Board of Education-approved academy or a special education facility asks them to (**PA 04-181**, effective on passage).

### ***Norwich School-Based Health Clinic***

The legislature appropriated \$75,000 in FY 2004-05 to the Department of Public Health (DPH) for a school-based health clinic in Norwich. **(PA 04-258, effective July 1, 2004)**

## **JUSTICE SYSTEM**

### ***Crimes Against Children***

***Child Pornography.*** A new act enhances penalties for offenses involving child pornography and using the Internet to entice minors to engage in sexual activity. Among other provisions, it:

1. increases, from one to three, the number of pictures a person must possess to be convicted of importing child pornography and increases criminal penalties for this crime;
2. creates graduated offense levels and penalties based on the amount of child pornography possessed;
3. requires sentences of people convicted of child pornography and enticement offenses to include between 10 and 35 years of probation, rather than up to five years as under prior law;

4. bars people charged with (a) second- or third-degree possession of child pornography or (b) enticing a minor, from the pretrial Accelerated Rehabilitation program; and
5. requires people convicted of enticement (including those convicted before the act's effective date) and the newly created child pornography possession offenses to register as sex offenders and submit DNA samples for 10 years.

**(PA 04-139, effective October 1, 2004, except for the increased criminal classification for enticement crimes, which is effective July 1, 2004)**

***Sexual Assaults on Children.*** Children are particularly vulnerable to adults who they trust by virtue of the work they do with them. The General Assembly recognized the harm caused when this trust is violated by making it second- or fourth-degree sexual assault for anyone age 20 or older to have sexual intercourse or sexual contact, respectively, with a person under age 18 if the adult's status in a program or activity gives him power, authority, or supervision over a child participating in it.

Second-degree sexual assault is a class C felony unless the victim is under age 16 in which case it is a class B felony. A class C felony is punishable by up to 10 years' imprisonment, up to a \$10,000 fine, or both. A class B felony is punishable by up to 20 years' imprisonment, up to a \$15,000 fine, or both. Nine months of the prison term cannot be reduced or suspended.

Fourth-degree sexual assault is a class A misdemeanor unless the victim is under age 16 in which case it is a class D felony. A class A misdemeanor is punishable by up to one year in prison, a \$2,000 fine, or both. A class D felony is punishable by up to five years' imprisonment, up to a \$5,000 fine, or both (**PA 04-130**).

### ***Juvenile Justice***

***Girls in the Juvenile Justice System.*** Two new laws address issues involving girls in the juvenile justice system. One requires the DCF commissioner to plan for developing a continuum of community-based services designed to prevent the incarceration of female status offenders and delinquents. The plan must include intervention and substance abuse programs, monitoring and treatment plans, and mental health treatment. The commissioner must consult with the Judicial Department, other state agencies, and

community-based service providers and submit the plan to several legislative committees by January 1, 2005. (**SA 04-5**, effective July 1, 2004)

The other act prohibits DCF from placing girls in the Connecticut Juvenile Training School, mandating that the school house boys only. It directs DCF to transfer any girls currently housed there to another appropriate facility within 90 days. (**PA 04-152**, effective on passage)

***Child Sex Offenders.*** A new law permits criminal courts to transfer cases involving 14- and 15-year-olds accused of having sexual intercourse with a victim under age 13, a class A felony, back to juvenile court. Under prior law, these offenders were automatically transferred to the regular criminal court and tried as adults if they were 14 or 15 at the time of the offense. If convicted, they had to serve at least 10 years at an adult prison if the victim was under age 10, or at least five years if the victim was between age 10 and 12. An offender adjudicated in juvenile court must be committed to DCF for up to four years, with the possibility of one 18-month extension if the court finds this is in his or the community's best interest.

The act applies only to those cases in which the prosecutor files a transfer motion. This motion must be filed within 10 working days of the child's arraignment, and the court must hold a hearing and issue its decision within 10 days of the filing (**PA 04-148**)

#### ***Juveniles in Adult Court.***

For those 14- and 15- year-olds accused of crimes for which they can be tried as adults, a new law requires courts to hold private proceedings concerning their cases in areas away from adult criminal proceedings until their transfers from juvenile court are final (**PA 04-127**).

***Adjudicated Youth in DCF Care.*** In order to better track youths after they are adjudicated, the legislature this year required DCF to report annually on the number, by gender and age, of adjudicated 16- and 17-year olds in its custody; where they are housed and the status of facilities being constructed or prepared to house them; and the number, age, and gender of those who have escaped from custody and the number of police reports filed about them. The first report is due to the Children's Committee by June 1, 2004 (**PA 04-89**, effective on passage).

#### ***Probate Court***

The legislature is trying a new way to divert children from the child-welfare system by identifying children and families in need of supports in local probate courts before they become a neglect or abuse case. To test this idea, it created a New Haven-region pilot probate court for children's matters. These involve guardianship, termination of parental rights, adoption, paternity, emancipation, and voluntary commitment of mentally ill children to DCF. The probate court administrator must use available resources, including the Probate Court Administration Fund, to establish and fund the program. He must appoint a regional administrative judge, locate an appropriate facility, and establish policies and procedures. The administrative judge and other participating judges will hear children's matters on a separate docket. Each probate judge in the pilot region can choose whether to participate. The probate court administrator must report his recommendations to the Judiciary Committee by January 3, 2007 (**PA 04-159**, effective on passage).

#### ***Child Support***

A new law (1) lengthens never-married parents' child support obligations under some

circumstances, (2) increases Judicial Department support enforcement services officers' independent authority, (3) creates a mechanism to suspend or modify child support orders when a court places a child with a different guardian or custodian, and (4) allows family support magistrates to issue habeas corpus writs to secure the testimony of incarcerated parents in court (**PA 04-100**, effective October 1, 2004, except the guardianship transfer provisions, which are effective on passage).

## **SOCIAL SERVICES**

### ***Child Poverty***

An estimated 85,000 Connecticut children (10%) live in poverty, including 41% of Hartford's children and 33% of New Haven's. The General Assembly began to address this problem by establishing a Child Poverty Council to develop a plan to reduce the number of children living in poverty in Connecticut by 50% by July 1, 2014. The plan must (1) identify root causes of child poverty, (2) analyze poverty's effects on children and families and its costs to government, (3) inventory programs that address child poverty, and (4) contain procedures and priorities for implementing strategies to achieve the 50% reduction. The council is composed of legislative leaders, executive agency heads, and other state officials. It must

submit its plan to various legislative committees by January 1, 2005 and then report annually on its implementation until 2015 (**PA 04-238**, effective on passage).

### ***Nurturing Families***

The Children's Trust Fund's Nurturing Families program identifies first-time parents whose demographic characteristics, such as the mother's youth, low income, or history of abuse or neglect, place the newborn at risk of poor childhood outcomes, including maltreatment and then provides personal support and links to community services. Recognizing the value of this program, the legislature acted to expand it in Hartford by appropriating nearly \$900,000 in FY 2004-05 (**PA 04-216** and **PA 04-258**, effective July 1, 2004).

This year's budget (**PA 04-216**) also restored \$275,000 for the Children's Trust Fund Kinship Fund, which helps support grandparents and other relatives who take in and care for family members' children.

### ***Legal Immigrants***

The legislature this year reopened state-funded legal immigrant programs to new applicants who are excluded from federal programs. These programs include solely state-funded Temporary Family

Assistance, state-funded medical assistance (equivalent to Medicaid or HUSKY B, as appropriate), and state-funded food assistance equivalent to the federal Food Stamp Program. The programs had been closed to new applicants since June 30, 2003 (**PA 04-258**, effective July 1, 2004).

### ***Mental Health Services for Children of Military Reservists***

Children of armed forces reservists called to active duty in Iraq can face emotionally difficult times coping with a parent's absence. Recognizing this, the legislature created a mechanism to provide them some help if they have nowhere else to turn. It required the Department of Mental Health and Addiction Services and DCF to collaborate to provide behavioral health services to dependents of active duty reservists who are not eligible for coverage through the Defense Department or for whom no Defense Department coverage is available (**PA 04-258**, effective July 1, 2004).

### ***DCF Children Placed Outside of Connecticut***

DCF continues to place many children in facilities in other states because Connecticut does not have programs that address their particular needs. In order to assure that they continue to receive appropriate care, the legislature required the DCF

commissioner to ensure that a DCF representative personally visits each child placed in an out-of-state residential facility every two months to assess his or her well-being (**PA 04-258**, effective July 1, 2004).

## **STUDENTS**

### ***Childhood Nutrition In Schools, Recess And Lunch Breaks***

Obesity among children and adults is a growing national health issue. The General Assembly addressed the problem among children this year by requiring local and regional school boards to (1) provide all full-day students with a minimum 20-minute daily lunch break and (2) include a daily period of physical exercise for most students in kindergarten through grade five. (Students requiring special education can have a different exercise schedule if their planning and placement team develops one.) This new law also requires school boards to make nutritious food and drinks, such as low-fat milk and other dairy products, water, 100% fruit juices, and fresh and dried fruit, available for purchase whenever students can purchase drinks in school or whenever they can buy food during the regular school day (**PA 04-224**, effective July 1, 2004).

### ***Educational Technology Programs***

Students in more Connecticut schools may soon have laptop Internet connectivity and networking capability as a result of a new law that allows school districts to use SDE educational technology grants for wireless connectivity, as well as traditional wiring, computers, and software. This act also shifts primary responsibility for developing (1) a statewide teacher and administrator competency standard for the use of technology for teaching and (2) a statewide plan for achieving this standard from the Commission for Educational Technology to SDE (**PA 04-57**, effective July 1, 2004).

### ***International Education***

Connecticut students need to be prepared to act in a world of global information flow and cultural contact. In 2001, the legislature established an International Education Advisory Committee to explore, investigate, and compile information on international educational opportunities and related curriculum materials. This year it expanded the committee's duties by requiring it to (1) develop criteria and guidelines for international studies programs, as well as partnership programs between Connecticut public schools and

foreign schools and (2) submit them to SBE for review and approval. It also authorized SBE to recognize international education and sister-school partnership programs (**PA 04-153**, effective July 1, 2004).

### ***Students with Mental Retardation***

This year's budget added nearly \$4 million in FY 2004-05 to help students with mental retardation make the transition from school to adulthood. The Department of Mental Retardation will use the funds to provide day programs and other community-based support services (**PA 04-216**, effective July 1, 2004).

### ***Medication Administration in Schools***

A new law makes statutory the requirement that school boards adopt written policies and procedures for administering medication in schools and requires the local school medical adviser or other qualified physician rather than the DPH to approve them (**PA 04-181**, effective July 1, 2004).

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