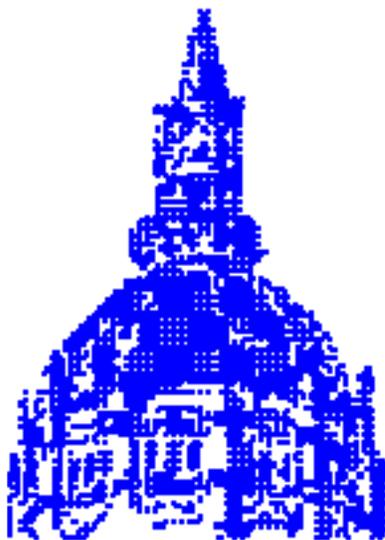


Office of Legislative Research
Connecticut General Assembly



Children



By: Ryan O'Neil, Research Assistant

2009-R-0264

July 28, 2009

NOTICE TO READERS

This report provides brief highlights of new laws (public acts) affecting children passed during the 2009 regular session. At the end of each summary, we indicate the public act (PA) number. OLR does not summarize special acts.

Not all provisions of the acts are included here. Complete summaries of all 2009 public acts will be available in the fall when OLR's Public Act Summary book is published; some are already on OLR's webpage:

<http://www.cga.ct.gov/olr/OLRPASums.asp>.

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.ct.gov/>.

Table of Contents

| | |
|--|-----------|
| MEDICAL COVERAGE | 4 |
| Coverage for Stepchildren | 4 |
| Coverage for Autism Spectrum Disorders | 4 |
| Coverage for Hearing Aids | 4 |
| Children in the Care of the Department of Developmental Services ... | 5 |
| DEPARTMENT OF CHILDREN AND FAMILIES | 5 |
| DCF Master Plan | 5 |
| State Advisory Council on Children and Families | 6 |
| PA 09-205, EFFECTIVE DATE: July 1, 2009 | 6 |
| Permanency Plan Documents | 6 |
| Annual Report — Case Reviews..... | 7 |
| Facility Reports to Advisory Groups | 7 |
| Provider Contracts | 8 |
| Disregard of Voluntary Services Applications | 8 |
| Reporting Breaches of DCF Record Confidentiality Laws | 8 |
| Access to DCF Records | 9 |
| Notifying Relatives When a Child is Removed | 9 |
| State Agency Responses to Child Advocate Reports | 9 |
| Collection of Child Abuse Data..... | 10 |
| “Stuck Kids” | 10 |
| COURT PROCEEDINGS..... | 10 |
| Access to Court Proceedings Pilot Program..... | 10 |
| Relative Caregiver’s Death or Illness..... | 11 |
| Relatives as Preferred Caregivers – Abuse and Neglect Cases in Superior Court | 11 |
| Relatives as Preferred Caregivers – Probate Court Cases..... | 12 |
| Notification for Out-of-State Transfer | 12 |
| TENDER YEARS EXCEPTION TO THE HEARSAY EVIDENCE RULE | 12 |
| RESPONSIBLE FATHERHOOD AND STRONG FAMILIES | 13 |

MEDICAL COVERAGE

Coverage for Stepchildren

This act requires individual and group health insurance policies to cover stepchildren on the same basis as biological children.

It also extends the coverage eligibility law for individual health insurance policies to individual policies continued in Connecticut (i.e., those in effect) that cover

1. basic hospital expenses;
2. basic medical-surgical expenses;
3. major medical expenses;
4. limited benefits;
5. accidents only; and
6. hospital or medical services, including coverage under an HMO plan.

Under the law, which already applies to individual policies delivered, issued, amended, or renewed in Connecticut, a child remains eligible for coverage until the policy anniversary date on or after the date the child (1) marries, (2) ends Connecticut residency, (3) becomes covered under his or her employer's group health plan, or (4) turns age 26, whichever occurs first. The residency requirement does not apply to a child who is under age 19 or a full-time student at an accredited college.

Due to federal law (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

PA 09-124, EFFECTIVE DATE:
Upon passage

Coverage for Autism Spectrum Disorders

This act requires a group health insurance policy to cover the diagnosis of autism spectrum disorders and expands the requirements on insurers to cover treatment of these disorders. It requires insurers to cover behavioral therapy for a child age 14 or younger and certain prescription drugs and psychiatric and psychological services for insureds with autism. The act permits a policy to set a certain annual dollar maximum for behavioral therapy coverage.

Prior law required a group health insurance policy to cover physical, speech, and occupational therapy services provided to treat autism to the same extent that it covers them for other diseases and conditions. The act removes that limitation, but specifies different conditions for covering the therapies.

PA 09-115, EFFECTIVE DATE:
January 1, 2010

Coverage for Hearing Aids

This act requires health insurance policies to cover hearing aids for children under age 19, up from those under age 13. By law, a policy (1) must consider hearing aids as durable medical equipment and (2) may limit coverage to \$1,000 in a 24-month period.

PA 09-188, EFFECTIVE DATE: January 1, 2010 (**VETOED**)

Children in the Care of the Department of Developmental Services

This act expands eligibility for state-funded medical assistance to include children under the Department of Developmental Services' (DDS) voluntary services program who are not receiving, have not yet qualified for, or are ineligible for Medicaid. It also extends these benefits to any child under the Department of Children and Families (DCF) commissioner's supervision who is ineligible for Medicaid, not just those ineligible because of institutional status. By law, children under DCF care who are not receiving or have not yet qualified for Medicaid are also eligible.

The act requires the DDS commissioner, to the extent practicable, to apply on behalf of a child, or help a child in the program qualify for, Medicaid. The law already requires the DCF commissioner to do this on

behalf of children under her supervision.

PA 09-66, EFFECTIVE DATE: July 1, 2009

DEPARTMENT OF CHILDREN AND FAMILIES

DCF Master Plan

The act eliminates a requirement that DCF submit to the legislature a five-year master plan every two years. Instead, with the assistance of the SAC (State Advisory Council), it must develop and regularly update a single, comprehensive, strategic plan for meeting the needs of the children and families it serves. In developing and updating the plan, DCF must consult with representatives of children and families it serves, service providers, advocates, and others interested in child and family well-being in the state. The plan must identify and define agency goals and indicators of progress in achieving them and include:

1. a mission statement;
2. expected results for the department, each of its mandated areas of responsibility (child welfare, juvenile justice, children's mental health and substance abuse services, and child abuse and neglect prevention), and each of its programs and services;

3. a schedule and timeframe for achieving these results and fulfilling its mission that includes strategies for working with other state agencies to leverage resources and coordinate service delivery;
4. priorities for services and estimates of the funding and other resources needed to implement them;
5. program and service standards that are based on results-based best practices, when available; and
6. relevant progress measures.

PA 09-205, EFFECTIVE DATE:
July 1, 2009

State Advisory Council on Children and Families

By law, SAC makes recommendations to DCF about programs, legislation, and other matters to improve services; annually advises the commissioner on her proposed budget; explains DCF's policies, duties, and programs to the public; and issues reports to the governor and commissioner on an as-needed basis. The act directs DCF to provide the council with funding for administrative support and to facilitate participation by council members representing families and youth (10 of its 17 members are parents or relatives of children receiving, or who have received, DCF services).

The act requires the council to hold its meetings at locations that facilitate public participation. DCF must post the council agenda and minutes on its website.

The act assigns SAC the following new duties:

1. to assist in development of reviewing and commenting on DCF's strategic plan,
2. to receive quarterly reports from the commissioner concerning the department's progress in carrying out the strategic plan,
3. to independently monitor the department's progress in achieving the strategic plan's goals, and
4. to offer the department assistance and an outside perspective to help it achieve its goals.

PA 09-205, EFFECTIVE DATE:
July 1, 2009

Permanency Plan Documents

The act requires all DCF documents entitled "Study in Support of Permanency Plan" or "Status Report for Permanency Planning Team" to contain:

1. a description of any problems or offenses that caused the child to be placed under DCF's custody, control, or supervision;

2. a description of the type, and an analysis of the effectiveness, of its care, treatment, and supervision of the child;
3. for each child in substitute care, the current visitation schedule for the child and his or her parents and siblings;
4. a description of every effort DCF has taken to reunify the child with a parent or find a permanent placement, including, where applicable, every effort to assist the parent in remedying factors that contributed to the child's removal from the home; and
5. a proposed timetable for reunifying the child and parent, a permanent placement if continued substitute care is recommended, or a justification of why extended substitute care is necessary.

If a child is in an out-of-state placement, the plans must indicate whether he or she has been visited at least every three months by a state or private agency worker.

PA 09-194, EFFECTIVE DATE: October 1, 2009

Annual Report — Case Reviews

The act requires DCF to report annually to the Select Committee on Children on:

1. the results of Connecticut's comprehensive objective reviews (internal qualitative reviews), including any recommendations contained in the reviews and any steps DCF has taken to implement them;
2. aggregate data from each administrative case review, including any information on the strengths and deficiencies of its case review process; and
3. steps DCF is taking to address department-wide deficiencies.

PA 09-194, EFFECTIVE DATE: October 1, 2009

Facility Reports to Advisory Groups

The act requires each DCF-operated facility to submit an annual report to its advisory group and SAC that includes:

1. aggregate resident profiles;
2. descriptions of, and updates on, major initiatives;
3. key outcome indicators and results;
4. operating costs; and
5. descriptions of its (A) educational, vocational, and literacy programs, (B) behavioral, treatment, and other services for residents, and (C) their outcomes.

DCF must serve as administrative staff and post these reports on its website. The act directs the advisory groups to respond to their facilities' annual

report and recommend improvements and enhancements that they deem necessary.

PA 09-205, EFFECTIVE DATE: July 1, 2009

Provider Contracts

The act requires DCF to determine measurable outcomes for each type of service it provides. The department must incorporate them in each contract with providers and include achievement of the outcomes and other quality indicators in its annual review of each provider.

The act directs the DCF commissioner to file annual reports with the Human Services Committee on its efforts to determine measurable outcomes and incorporate them in provider contracts. Reports must also include:

1. the number of service types with outcomes,
2. the types of outcomes, and
3. the application of outcome information to quality improvement.

PA 09-194, EFFECTIVE DATE: October 1, 2009

Disregard of Voluntary Services Applications

DCF's Voluntary Services Program is for children with serious mental health conditions who could not otherwise gain access to treatment they need. The act prohibits the fact that a

parent applied for or received voluntary services for a child from being used against him or her:

1. in DCF child abuse or neglect investigations,
2. when placement decisions are being made about the child,
3. in foster care licensing decisions, or
4. in any court proceeding concerning the placement of a child who is related to the parent.

PA 09-185, EFFECTIVE DATE: October 1, 2009

Reporting Breaches of DCF Record Confidentiality Laws

The act requires DCF employees to report to the commissioner in writing when they reasonably suspect a co-worker of illegally disclosing confidential department records. They must include the name of the person who disclosed the record; to whom it was disclosed; and the nature of the information involved, if known. The act protects these individuals from retaliation. They are already protected under state whistleblower law (CGS § 4-61dd).

The act also limits the existing exception from record confidentiality law disclosures by requiring that the subject of the record file written permission to disclose it.

PA 09-185, EFFECTIVE DATE: October 1, 2009

Access to DCF Records

Under prior law, DCF could not release information identifying a biological parent without the written consent of both parents. Beginning October 1, 2009, the act allows DCF and adoption agencies to release information if the biological parent whose information is to be disclosed provides written consent. DCF or the adoption agency must first attempt to locate the other biological parent to obtain written consent to permit disclosure. If the other biological parent cannot be located or does not provide written consent, identification of the consenting parent may be disclosed provided: (1) information concerning the non-consenting parent is not disclosed and (2) the consenting parent signs an affidavit that he or she will not disclose information identifying the non-consenting parent without written consent.

PA 09-185, EFFECTIVE DATE: October 1, 2009

Notifying Relatives When a Child is Removed

When DCF removes a child from his or her home because of allegations of abuse or neglect, it must immediately, and with due diligence, identify all grandparents and other relatives of the child, including those the parents suggest, subject to exemptions for family or

domestic violence. Within 30 days after the removal, the commissioner must give the relatives notice that:

1. the child has been or is being removed from his or her parent or guardian;
2. explains the options that the relative has under federal, state, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
3. describes the requirements (A) to obtain a foster care license and (B) for additional services and supports that are available for children placed in their homes; and
4. describes the subsidized guardianship program, including eligibility requirements, the application process, and financial assistance available under the program.

State Agency Responses to Child Advocate Reports

The act requires any state agency cited in an official report issued by the child advocate to submit a written response to the governor and General Assembly no later than 90 days after the agency receives the report. The General Assembly must submit a copy of the response to the Office of the Child Advocate.

PA 09-205, EFFECTIVE DATE:
July 1, 2009

Collection of Child Abuse Data

The act requires DCF to collect and analyze data to determine the percentage of the department's cases of child abuse and neglect that involve a parent or guardian with a substance-abuse problem and use the data to develop strategies to reduce the number of future cases.

PA 09-205, EFFECTIVE DATE:
July 1, 2009

“Stuck Kids”

This act requires DCF to review annually the cases of all children and youth in DCF care during the previous calendar year and report the number and age of those:

1. living in a psychiatric hospital or out-of-state treatment center,
2. who have run away or are homeless,
3. who have a permanency plan of another planned permanency living arrangement, and
4. who have refused DCF services.

For the first group, DCF must report their average length of stay, the number who have overstayed their estimated placement time, and an analysis of the reasons for the out-of-state placements and overstays. For the second group, DCF must

report the number of days each has been a runaway or homeless and an analysis of the trends relating to runaways and homelessness. For the third group, DCF must analyze the trends relating to permanency plans. For the fourth group, DCF must analyze trends relating to participation in services.

DCF must conduct case and service reviews for each child in these groups. The first report is due by February 1, 2010 and must be sent to the Children's and Human Services committees.

PA 09-96, EFFECTIVE DATE:
July 1, 2009

COURT PROCEEDINGS

Access to Court Proceedings Pilot Program

By law, juvenile court hearings are heard separately from other Superior Court business and are closed to the public. The act requires the Judicial Department to establish a pilot program to increase public access to proceedings where a child is alleged to be uncared for, neglected, abused, or dependent or is the subject of a petition for termination of parental rights. But it permits a juvenile court judge to order on a case-by-case basis, upon a motion of any party, that any proceeding be kept separate from other Superior Court business. The pilot program is to be located in a juvenile court designated by the chief court administrator. As in

all juvenile matters, records of these proceedings are confidential.

Pilot Program Review. The Judicial Department must conduct a comprehensive review of the pilot program. The chief court administrator must submit a report on the review and the pilot program to the Judiciary and Human Services committees by December 31, 2010. The report must include:

1. an assessment of the pilot program's effectiveness in balancing the interest in public access to proceedings included in the program against the best interests of the children who are the subject of the proceedings and
2. a recommendation on whether, and to what extent, the pilot program should be continued at the established juvenile matters location or expanded to other juvenile matters locations.

Juvenile Access Pilot Program Advisory Board. The act establishes an advisory board for the pilot program. The board must:

1. review the methods other states use to increase public access to similar juvenile court proceedings;
2. monitor the Judicial Department's progress in implementing the pilot program;

3. submit written recommendations concerning the pilot program to the Judicial Department and the Judiciary and Human Services committees by December 31, 2010; and
4. consult with the Judicial Department on policies and procedures relating to the pilot program.

PA 09-194, EFFECTIVE DATE: October 1, 2009 for the program and upon passage for the advisory board

Relative Caregiver's Death or Illness

When a relative caregiver who is receiving a guardianship subsidy dies or becomes severely disabled or seriously ill, the act authorizes DCF to transfer the guardianship subsidy to a new relative caregiver. The new caregiver must meet DCF's foster care safety requirements and be appointed legal guardian by a court.

PA 09-185, EFFECTIVE DATE: October 1, 2009

Relatives as Preferred Caregivers – Abuse and Neglect Cases in Superior Court

This act requires courts to look for suitable caretaker relatives (related by blood or marriage) in the early stages of cases where children have been, or are at risk of being, removed

from their homes due to allegations of abuse or neglect.

The act also authorizes relatives to file motions to intervene in probate court cases in which an application to remove one or both parents as guardians or to terminate parental rights has been filed. The court must grant these motions unless it finds good cause for not doing so. Intervening relatives may either personally appear in court or be represented by an attorney.

The act establishes a presumption that awarding temporary custody to a relative is in the best interests of the child. The presumption may be rebutted by a preponderance of evidence showing that this is not the case. Finally, it establishes a rebuttable presumption favoring relatives in guardianship or co-guardianship proceedings.

PA 09-185, EFFECTIVE DATE: Upon passage

Relatives as Preferred Caregivers – Probate Court Cases

The act also authorizes relatives to file motions to intervene in probate court cases in which an application to remove one or both parents as guardians or to terminate parental rights has been filed. The court must grant these motions unless it finds good cause for not doing so. Intervening relatives may either

personally appear in court or be represented by an attorney.

The act establishes a presumption that awarding temporary custody to a relative is in the best interests of the child. The presumption may be rebutted by a preponderance of evidence showing that this is not the case. Finally, it establishes a rebuttable presumption favoring relatives in guardianship or co-guardianship proceedings.

PA 09-185, EFFECTIVE DATE: Upon passage

Notification for Out-of-State Transfer

A new act requires DCF to notify all attorneys of record when it decides to transfer a child to an out-of-state facility.

PA 09-194, EFFECTIVE DATE: October 1, 2010

TENDER YEARS EXCEPTION TO THE HEARSAY EVIDENCE RULE

This act conforms the statutory exception to Connecticut's hearsay rule for statements of young children about their sexual or physical abuse to the exception adopted by the Superior Court and included in Connecticut's Code of Evidence (§§ 8-10, Ct. Evidence Code). It does so by potentially expanding the children covered under this so-called "tender years exception" and limiting the

people against whom the statement may be used.

Prior law covered children under age 13. The act covers children who were under age 13 at the time of the statement.

PA 09-63, EFFECTIVE DATE: October 1, 2009

RESPONSIBLE FATHERHOOD AND STRONG FAMILIES

This act allows family support magistrates in all Title IV-D support cases to order the parent who owes child support (obligor) into an educational, training, skill-building, work, rehabilitation, or other similar program. The magistrate may suspend support payments or elect not to impose court-based enforcement actions based on the parent's participation in a program.

The act requires:

1. the chief court administrator to submit reports of the Judicial Branch's Problem Solving in Family Matters Committee to the Human Services and Children's committees by July 1, 2010, and July 1, 2011;
2. the Department of Social Services' (DSS) commissioner, within available resources, to seek federal and private funds to provide grants to promote programs supporting the positive involvement and

interaction of fathers with their children; and

3. DSS, within available resources, to report to the Children's Committee on child support collection efforts and noncustodial parents.

PA 09-175, EFFECTIVE DATE: October 1, 2009

RO:df