

Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

CHILDREN



2010-R-0296

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July 23, 2010

Notice to Readers

This report provides brief highlights of new laws (public acts) affecting children passed during the 2010 regular and special sessions. 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. Complete summaries of most are already on OLR's webpage: <http://www.cga.ct.gov.oler/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/>.

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CHILDREN'S HEALTH & SAFETY

Banning Cadmium in Children's Jewelry

Beginning October 1, 2014, a new law limits the amount of cadmium that can be used in jewelry designed for children age 12 and under. Cadmium and its alloys are human carcinogens, and several tests on animals suggest that the young may be more susceptible to its effects than adults are.

(PA 10-113, effective October 1, 2012)

Help for Children Affected by the Recession

The legislature created new state agency responsibilities and reporting requirements to provide an emergency response to children affected by a recession. Among other things, it:

1. designates the state's Child Poverty and Prevention Council as the leadership team to make recommendations for the state's emergency response to children affected by the recession;
2. requires the Department of Social Services (DSS) to develop a plan for comprehensive state services;
3. specifies how DSS can spend emergency funds

- received through the federal American Recovery and Reimbursement Act;
4. makes attending a two-or-four year degree program an acceptable work activity for Temporary Assistance for Needy Families (TANF) recipients when the unemployment rate is high;
 5. prohibits DSS from changing eligibility criteria for the child care assistance program (Care4Kids) without 30 days advance notice;
 6. increases state agency responsibilities for administering programs for the homeless and those at risk of homelessness; and
 7. calls for greater focus on reducing (a) the number of low birth weight babies and (b) food insecurity.

(PA 10-133, effective on passage, except the food outreach provisions are effective July 1, 2010.)

Safe Haven for Newborns

A new law specifies a process under the existing Safe Haven law that permits a mother to surrender her newborn to hospital personnel (and ultimately, the Department of Children and Families (DCF)) directly from her hospital room, rather than only from the hospital's emergency room.

It weakens the law's confidentiality provisions by

permitting hospital workers to disclose information unless the mother asks that they do not do so. The law also requires DCF to notify the parent, if known, of any proceeding it initiates, such as filing a petition to terminate parental rights.

(PA 10-161, as amended by PA 10-1, June Special Session, (JSS) effective July 1, 2010)

Homelessness

A new law requires DCF, within appropriations, to establish a program for homeless kids and kids at risk of becoming homeless. The program must include one or more of the following: (1) public outreach, (2) respite housing, or (3) transitional living services. The department can contract with nonprofits or towns to implement its program.

(PA 10-179, effective October 1, 2010)

Riverview Hospital's Future

Under a new law, DCF, by April 15, 2011, must submit a plan to the Appropriations, Children's, and Human Services committees concerning the future of Riverview Hospital. Riverview is the only state-run facility for children with serious mental illnesses.

(PA 10-3, effective on passage)

Expanded Mental Health Services

A new law allows the Behavioral Health Partnership, which provides individualized, community-based mental health services to children involved with DCF and DSS to also provide these services to children involved with the Judicial Branch's Court Support Services Division. By law, the partnership's charge is to increase access to quality behavioral health services.

(PA 10-43, effective on passage)

Husky

Independent Monitor for HUSKY Program. New legislation requires DSS, by July 1, 2010 and on an ongoing basis, to contract with a nonprofit organization to independently monitor the performance of HUSKY A and HUSKY B, the state-subsidized health insurance programs primarily for low-income children.

DSS has had an independent contractor monitor the HUSKY programs since HMOs began serving program participants in 1995.

(PA 10-49) VETOED

Restoration of HUSKY Plus.

New legislation prevents the HUSKY Plus program from being eliminated on July 1, 2010 as mandated by PA 10-79. HUSKY Plus provides supplemental, state-subsidized health coverage to children enrolled in HUSKY B who have intensive physical or mental health needs that cannot be met by that plan's coverage.

(PA 10-01, JSS, effective July 1, 2010)

HUSKY B Premium Increase.

A new law increases HUSKY B's monthly premium for families with income that exceeds 235% of the federal poverty level (\$32,900 for a 2-person household). For families with one child, monthly premiums increase from \$30 to \$38; the maximum premium per family increases from \$50 to \$60.

(PA 10-179, effective July 1, 2010)

Presumptive Eligibility for HUSKY B Children.

New legislation permits the DSS commissioner to implement presumptive eligibility for children applying for HUSKY B if it is cost effective to do so. By law, DSS must already treat children applying for HUSKY A (Medicaid) as presumptively eligible. Presumptive eligibility means that children are presumed to be eligible for assistance and can start receiving benefits immediately based on statements made by their caretaker relatives.

Complete eligibility determinations are done after initial eligibility is granted.

(PA 10-1, JSS, effective on passage)

CRIMINAL LAW

Teen Sexting

A new law creates a new class A misdemeanor for certain acts of sexting or other electronic transmission or possession of child pornography for persons 13 to 15 years old (for transmission) or 13 to 17 years old (for possession). The act makes sexting an affirmative defense to a prosecution for felony possession of child pornography.

Child pornography is any visual depiction of sexually explicit conduct involving the use of a person under age 16 engaging in sexually explicit conduct.

(PA 10-191, effective October 1, 2010)

Testing Delinquents for Sexually Transmitted Diseases

New legislation allows delinquency court judges, before final disposition of a case involving sexually-based offenses, to order accused juveniles to be tested for venereal diseases, HIV, and AIDS. It requires the court to order AIDS and HIV testing at the victim's request when the juvenile is convicted of certain sexual

assault crimes or risk of injury to a minor involving a sexual act.

(PA 10-43, effective October 1, 2010)

Safe Harbor for Exploited Children

A new law (1) creates a presumption that a 16- or 17-year-old charged with prostitution was coerced into committing the offense by another person in violation of the law against trafficking in persons; (2) makes it a more serious crime (a class B felony rather than class C) to promote prostitution using a person under age 18; and (3) specifies that, in any prosecution for patronizing a prostitute or promoting or permitting prostitution, the accused may not argue for acquittal based on the inability of the state to prosecute the child.

Class B felonies are punishable by up to 20 years imprisonment, a fine of up to \$15,000, or both.

(PA 10-115, effective October 1, 2010)

Sexually Exploiting Kids

New legislation establishes a civil forfeiture procedure allowing the state to seize cash and other property used in or obtained from crimes involving sexual offenses against children. The covered laws are:

1. that portion of the risk of injury to a minor statute

that involves sale of a child under age 16;

2. 1st and 2nd degree promoting prostitution;
3. enticing a minor using an interactive computer;
4. voyeurism, disseminating voyeuristic material, and employing or promoting a minor in an obscene performance;
5. human trafficking; and
6. importing child pornography.

The cash and property subject to forfeiture are:

1. money used or intended for use in violation of the laws above;
2. property gained, directly or indirectly, from a violation of those laws;
3. property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for profit from those violations; and
4. property used or intended for use to commit or facilitate the violation of those laws for profit.

(PA 10-112, effective October 1, 2010)

First-Degree Possessing Child Pornography

By law, a person commits the crime of 1st degree possessing child pornography by knowingly possessing 50 or more visual depictions of child pornography. New legislation also makes it 1st degree possession to knowingly possess one or more visual

depictions of child pornography showing the infliction or threatened infliction of serious physical injury on that child.

First-degree possessing child pornography is a class B felony. The crime carries a five-year mandatory minimum sentence.

(PA 10-112, effective October 1, 2010)

Juvenile Delinquency

This new law amends various definitions applicable to juvenile matters, in most cases to conform statutes to reflect the incremental increase in juvenile court jurisdiction to those ages 16 and 17.

It also (1) excludes emancipated minors from juvenile court jurisdiction; (2) makes 1st and 2nd degree failure to appear a delinquent act only if it involves failing to appear at a delinquency proceeding of which the child had notice; (3) excludes some crimes from the definition of “serious juvenile offense;” and (4) makes explicit a standard for courts to use in considering the admissibility of statements, admissions, and confessions made to the police.

(PA 10-1, JSS, effective on passage, except the provision regarding confessions is effective July 1, 2010)

Disclosing Delinquency Records to the Department of Motor Vehicles

A new law requires that delinquency proceedings containing information that a child has been convicted as delinquent for specified offenses must be disclosed to the Department of Motor Vehicles (DMV). The department must use the records in determining whether administrative sanctions on the delinquent’s driver’s license are warranted. It may not further disclose the delinquency record.

The covered offenses are:

1. misrepresenting one’s age to get an identity card or using someone else’s card;
2. using someone else’s motor vehicle registration or driver’s license;
3. operating with a revoked or suspended license;
4. reckless driving;
5. failing to bring a vehicle to a full stop when signaled by a police officer;
6. leaving the scene of an accident;
7. drag racing;
8. if a minor, using a fake or borrowed license to buy alcohol; and
9. if a minor, possessing alcohol.

(PA 10-1, JSS, effective July 1, 2010)

Youthful Offender Records

With several exceptions, records of youthful offenders are confidential unless they involve certain crimes. This new legislation makes them available to law enforcement and prosecutorial officials conducting legitimate criminal investigations.

(PA 10-180, effective October 1, 2010)

DCF

Protecting DCF Kids from Identity Theft

A new law requires DCF to obtain a free credit report for every foster child who turns age 16. DCF must get reports for older children already in foster care by July 1, 2010. The department must review the credit report for evidence of identity theft. If it finds that this has occurred, it must (1) notify the chief state's attorney within five days of receiving the report and (2) advise the affected youth and his or her foster parent, caseworker, and legal representative, if any, about this finding at the youth's next treatment plan hearing

(PA 10-157, effective July 1, 2010)

Identifying Fathers

Generally, the law makes a parent's statements after the filing of a child abuse or neglect petition inadmissible in any

proceeding on the petition unless he or she has been advised (1) about the right to counsel and to refuse to make statements and (2) that statements may be used as evidence. Under a new law, the court can ask a mother, under oath at the first hearing on the petition, for the name and whereabouts of any man who may be the child's father; her responses are not barred in the proceeding for failure to advise her of these rights.

(PA 10-43, effective July 1, 2010)

Record Confidentiality Law

With many exceptions, DCF records are confidential and cannot be disclosed to third parties without the consent of a person named in the record. New legislation adds another exception, permitting DCF to disclose family violence information to a judge when it is relevant to a court proceeding in which the issue is raised.

(PA 10-144, effective October 1, 2010)

Child Abuse and Neglect Reporters

New legislation adds family relations counselors, family counselor trainees, and family relations supervisors employed by the Judicial Branch to the list of professionals that must contact DCF when they believe a child is being abused or neglected.

(PA 10-43, effective October 1, 2010)

Foster and Prospective Adoptive Parents

Under a new law, DCF may approve applications for foster or prospective adoptive parent licenses even if one of an applicant's natural, adopted, or adoptable children died less than one year before the application date.

(PA 10-161, effective on passage)

Disclosure of DCF records to Birth-to-Three Program

New legislation makes minor changes to the Department of Developmental Services' (DDS) Birth-to-Three program and several administrative bodies. It also allows DCF to disclose a written summary of any child abuse or neglect investigation it conducted for any child enrolled in DDS's Voluntary Services Program, not just those applying for the program.

Under the act, DDS must notify parents and guardians annually that the department can obtain these records from DCF without their consent.

The act also removes from the sunset review process DDS' abuse and neglect registry, which was scheduled to terminate on July 1, 2012 unless reestablished.

(PA 10-93, effective October 1, 2010)

DCF Grants: Bond Authorization Earmark

A new law adds a third earmark to a \$3.7 million authorization to DCF for grants to private, nonprofit organizations, including the Boys and Girls Clubs of America, YMCAs, YWCAs, and community centers for construction and renovation of community youth centers for neighborhood recreation or education purposes. It reserves up to \$1 million of the authorization for the Boys and Girls Club of Hartford for constructing a new building to be named after Ella Cromwell, a community advocate for Hartford's North End.

(PA 10-179, effective July 1, 2010)

DAYCARE

Care4Kids

This new law changes the administration of the Care4Kids program, which provides child care subsidies to low-income, working families. First, it requires DSS to (1) redetermine eligibility less often (every eight months instead of every six) and (2) report whether the longer period between redeterminations causes more DSS overpayments.

It also requires DSS to post notices on its website and send written notices to child care providers and recipients whenever it intends to make program changes, including

those related to eligibility and access.

(PA 10-61, effective July 1, 2010)

Day Care Centers and Group Day Care Homes in Public Schools

New legislation requires the Department of Public Health (DPH) to adopt regulations establishing physical plant requirements for licensed child day care centers and licensed group day care homes that exclusively serve school-age children. In doing so, DPH must consider those located in private or public school buildings. The act requires DPH to implement policies and procedures while in the process of adopting the regulations.

(PA 10-90, effective on passage)

STUDENTS

Student Athletes and Head Injuries

A new law requires any coach of intramural or interscholastic athletics who has a State Board of Education (SBE) – issued coaching permit to:

1. be periodically trained in how to recognize and respond to head injuries and concussions,
2. take a student athlete out of any interscholastic or intramural game or practice if the athlete

shows signs of or is diagnosed with a concussion, and

3. keep the athlete out of any game or practice until the athlete has received written clearance from a medical professional to return to play.

SBE may revoke the permit of any coach who violates the act.

(PA 10-63, effective on passage for the training requirements and July 1, 2010 for the requirement to remove injured students from games and practices)

Educational Placements for DCF Kids

A new law creates a presumption that it is in the best interest of a child DCF places in out-of-home care under an emergency or temporary custody or commitment order to continue to attend the school he or she attended before the placement. It applies to (1) school age children, (2) three-to-five year olds determined eligible for special education, and (3) children between 27 months and age five referred for special education.

It makes (1) DCF responsible for some costs of transporting a child from the placement to school and (2) a school ineligible to receive state special education excess cost grants for a child placed in another community who continues to attend his or her original school.

(PA 10-160, effective July 1, 2010)

Education for Homeless Children

New legislation requires the State Department of Education, in collaboration with other appropriate departments, to fully use the federal McKinney-Vento Homeless Assistance Act to protect homeless children from school failure and dropping out and improve their access to higher education activities.

(PA 10-133, effective on passage)

Applied Behavior Analysis for Students with Autism

Starting July 1, 2012, a new law requires school districts that provide applied behavior analysis (ABA) to use only licensed or certified analysts. ABA is a technique used for autistic students who require the services (1) according to a special education individualized education program or (2) under an educational plan established for a child with a disability that requires a reasonable accommodation but who is not eligible for special ed.

The act also establishes standards for people who may provide APA services if the education commissioner finds there are not enough licensed or certified practitioners available.

(PA 10-175, effective July 1, 2010)

Dating and Domestic Violence Training

A new law requires local and regional school boards, as part of the in-service training they must offer to certified employees, to include information on preventing domestic and teen dating violence. It also requires SBE to help boards include preventing domestic and teen dating violence as a separate topic in their in-service training programs for certified professional employees.

(PA 10-91, effective July 1, 2010)

Taskforce to Monitor Academic Achievement Gap

This act sets up a taskforce to study and monitor the academic achievement gap between racial and socioeconomic groups. It must consider (1) systematic education planning, (2) best practices in public education, (3) professional development for teachers, and (4) parental involvement in public education.

The taskforce dissolves after it submits its report to the Education Committee.

(PA 10-111, effective July 1, 2010)

School Buses

Funding for Seat Belts on School Buses. New legislation requires the DMV to administer a program to help participating school districts pay for school

buses equipped with lap/shoulder (three point) seat belts. DMV must do so by increasing certain fees by \$50 and using the increase to offset a portion of the sales tax school bus companies pay for school buses equipped with seat belts.

School districts may apply for the funding between July 1, 2011 and December 31, 2017. They must meet certain conditions, including (1) providing written notice of the availability and proper use of seat belts to the parents or legal guardians of each student who uses a school bus and (2) teaching students the proper use of the seat belts.

(PA 10-88, effective July 1, 2010)

Penalties for School Bus Violations. A new law imposes a civil penalty of up to \$2,500 on school districts, private school transportation contractors, or people acting on their behalf that file false reports or statements with the DMV relating to the maintenance, repair, or use of a school bus or motor vehicle to transport students. Each false statement is subject to a separate penalty.

The new law also imposes the same fine for each violation of DMV's school bus or school transportation vehicle requirements. It requires the DMV commissioner to adopt regulations governing the inspection, registration, operation, and maintenance of the motor vehicles used to

transport any student, rather than just special education students.

(PA 10-110, effective July 1, 2010)

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