

Office of Legislative Research
Connecticut General Assembly



CHILDREN



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NOTICE TO READERS

This report provides brief highlights of new laws affecting children enacted during the 2012 regular and special sessions. Each summary indicates the public act (PA) number and effective date.

Not all provisions of the acts are included here. Complete summaries of all 2012 public acts will be available on OLR's webpage:

<http://cga.ct.gov/olr/olrsums.asp>

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerks Office, or General Assembly's website (www.cga.ct.gov/).

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BOND AUTHORIZATIONS

SB 25 authorizes new state general obligation (GO) bonds for FY 13 for state capital projects and grant programs. The following bond authorizations affect children:

Table 1: GO Bond Authorizations for FY 13

AGENCY	FOR	FY 13
Judicial Department	Development of juvenile court building in Meriden or Middletown	\$1,000,000
Department of Education (SDE)	Grants for <i>Sheff</i> magnet school program start-up costs: Purchasing a building or portable classrooms, leasing space, and purchasing equipment, including computers and classroom furniture, provided that title to any such building that ceases to be used as an interdistrict magnet school may revert to the state as the education commissioner determines. (§ 42 exempts the Capitol Region Education Council (CREC) from repayment requirements for grants awarded under this section)	13,645,000
	Grants for expanding the availability of high-quality school models: Alterations, repairs, improvements, technology, equipment, acquisition, and capital start-up costs	25,000,000
	Grants for low-performing schools in targeted local and regional school districts: Alterations, repairs, improvements, technology, and equipment	16,000,000
	Grants to towns and tax-exempt organizations for facility improvements and minor capital repairs to school readiness programs and state-funded day care centers operated by such towns and organizations	10,000,000

AGENCY	FOR	FY 13
Department of Children and Families (DCF)	Grants to private nonprofit mental health clinics for children: Expansion and fire, safety, and environmental improvements "	1,000,000

EFFECTIVE DATE: July 1, 2012

CHILDREN'S HEALTH

Birth to Age 3 Insurance Coverage

PA 12-44 makes changes to the requirements for individual and group health insurance policies that provide coverage for medically necessary early intervention (birth-to-three) services as part of an individualized family service plan.

The law prohibits payments for birth-to-three services from counting against any maximum lifetime or annual limit in the policy. The act also prohibits payments from causing (1) a loss of benefits due to a policy limit, (2) an insured child or family member to be denied health insurance coverage, and (3) a policy rescission or cancellation.

The act specifies that payments for birth-to-three services must be treated the same as other claim experiences for premium rating purposes.

The act also expands the list of policies that must provide birth-to-three coverage to include certain policies amended or continued in Connecticut, rather

than only those delivered, issued, or renewed here.

EFFECTIVE DATE: July 1, 2012

Lead Poisoning Prevention

SB 188 establishes eligibility criteria for local health departments seeking funding from the Department of Public Health (DPH) to help finance local lead poisoning prevention and remediation services. By law, DPH must provide such funding within available appropriations. The bill conditions a local department's funding eligibility on DPH approving its lead program, which must include case management, education, and environmental health components.

The bill requires local health departments to use any funding they receive through the program for the lead poisoning prevention and control services specified in the bill and other DPH-approved lead program purposes. It allows local health departments to provide these services directly or to contract for them.

The bill also (1) eliminates the DPH commissioner's authority to adopt implementing regulations for the lead poisoning prevention and control financial assistance program and (2) establishes reporting requirements for local health departments seeking such funding.

EFFECTIVE DATE: October 1, 2012

Physical Activity Requirement for K-5 Students

SB 458 and sHB 5348

require public schools to include at least 20 minutes of physical exercise, instead of an unspecified period of physical activity, in each regular school day for students in kindergarten through grade five.

EFFECTIVE DATE: July 1, 2012

Physicians at Youth Camps

HB 5414 (§ 10) allows any physician or surgeon licensed in good standing in another state to practice here as a youth camp physician for up to nine weeks without a Connecticut license. Current law requires them to be board-certified in pediatrics or family medicine if the other state's licensure standards are not equivalent to Connecticut's.

EFFECTIVE DATE: October 1, 2012

Prescription Product Flavoring

PA 12-12 allows pharmacists to add a flavoring agent to a prescription if (1) they are acting on behalf of a hospital or (2) the prescribing doctor, patient, or patient's agent requests it.

A flavoring agent is an additive used in food or drugs when it is (1) used in accordance with good manufacturing practice principles and in the minimum quantity needed to produce its intended effect, (2)

inert and produces no effect other than modifying flavor, and (3) less than 5% the product's total weight.

It must also (1) consist of one or more ingredients generally recognized as safe in food and drugs, (2) be sanctioned by the state or federal government, (3) meet U. S. Pharmacopeia standards, or (4) be a food additive approved for human consumption under the U. S. Department of Health and Human Services regulations (21 CFR § 172).

EFFECTIVE DATE: July 1, 2012

School Medical Advisors

sSB 299 and **sHB 5348** revise and update school medical advisors' duties and responsibilities to include (1) planning and administering each school's health program, (2) advising and consulting on school health services and environments, and (3) performing other duties as agreed between the advisor and his or her appointing school board.

EFFECTIVE DATE: July 1, 2012

Students with Diabetes or Glycogen Storage Disease

HB 5348 (1) allows a qualified school employee selected by the school nurse or principal to administer an emergency glucagon injection to a student with diabetes, under certain

conditions and (2) bars a school district from restricting the time or place where a student with diabetes may test his or her blood-glucose levels, if the student has written permission from his parents or guardian and a written order from his or her Connecticut-licensed physician.

It also requires school districts to develop individualized health care and glycogen storage disease action plans for their students with the disease. (Glycogen storage disease is a metabolic disorder which manifests as an absence or deficiency of one of the enzymes that makes or breaks down glycogen in the body.) The plans must allow parents or guardians of students with the disease, or those they designate, to administer food or dietary supplements to their children with the disease on school grounds during the school day.

EFFECTIVE DATE: Upon passage

Training Students in CPR and Use of AEDs

sHB 5348 requires the State Board of Education (SBE) to make available curriculum and other material to help and encourage school districts to offer training to students in cardiopulmonary resuscitation (CPR) and the use of automatic external defibrillators (AEDs).

EFFECTIVE DATE: July 1, 2012

DEPARTMENT OF CHILDREN AND FAMILIES (DCF)

Foster Home Visitation

The Department of Children and Families (DCF) commissioner or any agent she appoints must carefully supervise children under her guardianship and care. The commissioner or agent must maintain contact with the child and the child's foster family to promote the child's safety and his or her physical, educational, moral, and emotional development. **PA 12-58** additionally requires the DCF commissioner or agent to visit each foster home at least once every 60 days.

The act also requires the commissioner, within 60 days after a child or youth with behavioral health needs is placed in DCF care and custody, to visit the family home or homes of such child or youth. The purpose of the visit is, at a minimum, to (1) assess the potential causes of the child's behavioral health needs, including genetic and familial factors and (2) determine the resources needed to best treat the child.

EFFECTIVE DATE: October 1, 2012

Permanency Plan Requirements

PA 12-53 requires DCF to document a child's eligibility for Social Security benefits, including Supplemental Security

Income (SSI), survivor, and disabled child benefits, in the permanency plan for each child in its care and custody. The act also establishes additional permanency plan requirements.

The act requires DCF to complete and submit an SSI application for each eligible child in its care and custody. It also requires DCF to (1) maintain and respond to any correspondence regarding the application and benefits and (2) determine if a 17-year-old Social Security recipient will need a representative payee when he or she ages out of DCF care and plan accordingly.

EFFECTIVE DATE: October 1, 2012

Records Disclosure

PA 12-35 restricts DCF's duty to disclose records in certain situations. Prior law required DCF to disclose a record, subject to applicable law and without the consent of the person who is the subject of the record, to a DCF employee for any purpose reasonably related to DCF business. Under the act, such a disclosure may be made only if it is reasonably related to the performance of the DCF employee's duties.

The act also makes minor, technical, and conforming changes in certain statutes affecting children and youths.

EFFECTIVE DATE: October 1, 2012

Sibling Visitation and Bill of Rights

PA 12-71 establishes minimum visitation requirements for separated siblings of children placed in DCF care and custody, including children in foster homes. Specifically, it requires the DCF commissioner, within available appropriations and provided the siblings live in the state and within 50 miles of each other, to ensure that visits occur, on average, at least once a week, unless the commissioner determines that allowing such frequent visits would not be in the siblings' best interests. When the commissioner makes such a determination, she must state her reasons in the child's treatment plan.

The act requires the commissioner to report by October 1 annually to the Select Committee on Children data sufficient to demonstrate DCF has complied with the entire sibling visitation law.

The act also requires the DCF commissioner to meet with members of each Youth Advisory Board to get recommendations for creating a "Sibling Bill of Rights." DCF must incorporate the final version of this document into department policy and share it with children placed in its care and custody.

EFFECTIVE DATE: October 1, 2014 for the sibling visitation provisions and upon passage for the Sibling Bill of Rights provisions.

GENERAL EDUCATION

Age Disparity of Private School Students Riding School Busses

HB 5170 requires the supervisory agent for each private school that receives school transportation services from the local or regional school board where it is located to develop and implement a policy to notify students' parents and guardians when there may be an age difference of at least 10 years among student riding the same school bus.

EFFECTIVE DATE: July 1, 2012

Exemption from Water System Operator Certification Fee

HB 5514 exempts students enrolled in accredited high school water system operator certification courses from the \$224 fee otherwise required for small water system operator certification.

EFFECTIVE DATE: October 1, 2012

Manufacturing Internships for Minors

SB 383 allows minors to work in hazardous duty jobs while participating in a manufacturing or mechanical internship in any manufacturing or mechanical establishment. It defines an internship as supervised practical training of a high school

student or recent graduate that is comprised of curriculum and workplace standards approved by the State Department of Education (SDE) and the Department of Labor (DOL).

EFFECTIVE DATE: July 1, 2012

New School Readiness Program Spaces

SB 458 approves funding for 1,000 new spaces in school readiness programs. Half must be located in educational reform districts (the 10 lowest performing school districts in the state), while the other half are split equally between (1) other priority and former priority districts and (2) competitive districts, which are districts not included in either of the other two categories but that are either among the 50 poorest in the state or have one or more low-income schools.

EFFECTIVE DATE: Upon passage

Per-Student Grant for Vo-Ag Centers

SB 458 increases the annual state grant for each student attending a regional agricultural science and technology (“vo-ag”) center from \$1,355 to \$1,750. It also prohibits local and regional boards of education that operate centers from using any increase in state funding to supplant local education funding for FY 13 or any subsequent fiscal year.

EFFECTIVE DATE: July 1, 2012

School Breakfast Program

sSB 299 expands eligibility for competitive grants to help schools establish in-classroom school breakfast programs by making schools eligible if at least 20%, rather than 40%, of the lunches they serve are free or reduced-price.

EFFECTIVE DATE: Upon passage

READING

Even Start Family Literacy Program Grants

sSB 299 requires SDE to administer an Even Start program to provide grants for new or expanded local family literacy programs that provide literacy services for children and their parents.

EFFECTIVE DATE: Upon passage

Intensive Early Reading Program

SB 458 requires the education commissioner to create a new intensive kindergarten-to-grade-three (K-3) reading program to improve literacy and narrow achievement gaps. Starting July 1, 2012, he must select five low-achieving schools each year to participate. The schools must be (1) located in an educational reform district, (2)

participating in the commissioner's network, or (3) have school performance indexes (SPIs) among the lowest 5% of all schools. (The SPI measures the status of student achievement in a school. It is calculated by assigning a weight to the five categories of performance on Connecticut's standardized assessments.) The program must include (1) routine student reading assessments, (2) scientifically based instruction, (3) an intensive reading intervention strategy, and (4) an intensive summer school reading program.

The intervention strategy must include one reading coach and four reading interventionists for each school, all funded by the state, as well as (1) teacher and administrator training in reading research and (2) administrator training in assessing classrooms to ensure students are proficient readers. Students at priority schools who are reading below proficiency must also be enrolled in an intensive summer school reading program that includes components named in the act.

The act extends an existing pilot study to promote best practices in early literacy and closing academic achievement gaps for an additional year.

EFFECTIVE DATE: July 1, 2012

Oral Language and Pre-Literacy Information-Sharing System

SB 458 requires SDE to collaborate with the Governor's Early Care and Education Cabinet to develop a system to share information about children's proficiency in oral language and pre-literacy between preschool and school readiness programs and kindergarten.

EFFECTIVE DATE: July 1, 2012

Statewide Reading Assessments

SB 458 requires SDE, by January 1, 2013, to develop or approve reading assessments that school districts must use to identify K-3 students whose reading is deficient. The assessments must (1) include frequent student screening and progress monitoring; (2) measure phonics, phonemic awareness, fluency, vocabulary, and comprehension; (3) allow for periodic assessments during the school year; (4) produce data useful for developing individual and classroom instruction; and (5) be compatible with best practices in reading instruction and research.

EFFECTIVE DATE: July 1, 2012

Statewide K-3 Reading Plan

SB 458 requires SDE, by July 1, 2013, to develop a coordinated statewide reading plan for K-3 students that contains research-driven strategies and frameworks to produce effective reading instruction and improve student performance. The plan must include, among other things:

1. the alignment of reading standards, instruction, and assessments;
2. an intervention for each student who is not making adequate reading progress and enhanced instruction for students reading at or above grade level;
3. reading instruction coordination among parents, students, teachers, and administrators at home and school;
4. school district reading plans;
5. teacher training and performance tests aligned with teacher preparation courses and professional development activities; and
6. research-based literacy training for early childhood care and education providers and instructors working with children from birth to age five.

EFFECTIVE DATE: July 1, 2012

School Incentive Program to Improve Reading

SB 458 requires the education commissioner to establish an incentive program for schools that (1) increase the number of students who meet reading goals on Connecticut mastery tests by 10% and (2) demonstrate the methods and instruction used to achieve those results. The incentives can include public recognition, financial rewards, and enhanced autonomy or operational flexibility.

EFFECTIVE DATE: July 1, 2012

SPECIAL EDUCATION

Charter School Enrollment Lotteries

SB 458 allows SBE to waive the required enrollment lottery for charter schools that are designed for (1) students with a history of behavioral and social difficulties; (2) special education students; (3) English language learners; or (4) students of a single gender. Any public school with an SPI that places it in the lowest-performing 5% of schools that converts to a local charter school must keep the same students and is barred from holding an enrollment lottery.

Finally, the act requires SDE to study “opt-out lotteries” for determining state and local charter school enrollment. Such lotteries automatically include all students who (1) live in the

district where the school is located and (2) are enrolled in any grade the school serves, unless a student chooses not to participate.

EFFECTIVE DATE: July 1, 2012

Deaf and Hearing Impaired Children

sHB 5353 (1) requires any individualized education program (IEP) for a child identified as deaf or hearing impaired to include a language and communication plan developed by the child's Planning and Placement Team (PPT) and (2) specifies the items the plan must include.

EFFECTIVE DATE: Upon passage

Minority Students Identified for Special Education

SB 458 requires SDE to identify school districts that disproportionately and inappropriately identify minority students as requiring special education because of reading deficiencies. Such districts must submit annual reports to SDE describing their plans to reduce the misidentification by improving reading assessments and interventions for K-3 students.

SDE must study the plans and strategies the districts use that demonstrate improvement in this area and examine the correlation between improved teacher training in the science of

reading and reduced misidentification of students requiring special education.

EFFECTIVE DATE: July 1, 2012

Planning and Placement Teams (PPT) Information for Parents

sHB 5353 requires a school district providing special education to offer to meet with the student's parents, at their request, after the student has been assessed for possible placement in special education and before the PPT meets to discuss the PPT process and any concerns the parent has about the student.

It also requires school boards to give parents (1) at their request, copies of the assessment and evaluation results used to determine special education eligibility at least three school days before the referral PPT meeting at which the assessments will be first discussed and (2) any SDE information and resources relating to IEPs as soon as a child is identified.

EFFECTIVE DATE: July 1, 2012

Use of Restraint and Seclusion

PA 12-88 requires local school boards and other entities providing special education to children, when recording instances when seclusion or restraints are used on a child, to

indicate whether the use of seclusion was in accordance with the child's IEP or whether the use of either action was an emergency.

Under the act, these entities cannot be required to report instances of in-school suspensions, as defined in the state's education law.

The act also requires, rather than allows, SBE to review the information on seclusion and restraints and summarize it, including whether such actions result in physical injuries to the child. SBE must provide these summaries annually to the Select Committee on Children for inclusion in the children's report card.

EFFECTIVE DATE: July 1, 2012

JUDICIAL BRANCH

Adoption Petition Filing in Superior Court

PA 12-82 permits the DCF to file adoption petitions in the Superior Court, instead of the probate court, when the prospective adoptive child's biological parents' rights have been terminated by that court.

The bill sets up a parallel process for superior court adoption proceedings. It requires that all of the studies and other court documents filed in the termination proceedings be made available to the court and requires DCF to prepare a social study similar to what it currently

prepares for the probate court. The study is admissible in evidence, and the person preparing it is subject to examination in court.

The bill requires the Superior Court to (1) set times and dates for hearings on these petitions and (2) provide notice to the parties to the agreement and certain others. It entitles the adoptive parent to access records and other information relating to the child's history, provided these records are disclosed in accordance with the confidentiality laws. The bill also eliminates a requirement relative to probate court adoptions.

EFFECTIVE DATE: October 1, 2012

Commercial Sexual Exploitation of a Minor

HB 5504 creates the class C felony of commercial sexual exploitation of a minor. A human being, and where appropriate, a public or private corporation; limited liability company; or partnership commits the crime by knowingly purchasing advertising space to advertise for a commercial sex act that includes a depiction of a minor. The bill specifies that neither (1) lack of knowledge of the depicted person's age nor (2) reliance on a non-governmental representation are defenses.

It permits the accused to avoid conviction by proving he or she made a reasonable, bona fide attempt to ascertain the depicted

person's age by requiring him or her to produce a government-issued identity card and keeping and producing a copy.

Class C felonies are punishable by imprisonment for up to 10 years, a fine of up to \$ 10,000, or both.

EFFECTIVE DATE: October 1, 2012

Domestic Violence Victim Support

sHB 5548 gives family violence victims greater support from the courts, law enforcement agencies, and court-based victim service providers by, among other things:

1. permitting the Judicial Branch, pursuant to written agreement, to disclose nonconviction information to family violence victim advocates to use in developing safety plans for such victims and their minor children;
2. allowing the Office of Victim Services (OVS) to award medical, psychiatric, psychological, and social and rehabilitative services as restitution to children who witness domestic violence, including those not related to the victim; and
3. at the victim's request, requiring court clerks to notify various school and law enforcement officials about the existence and terms of protective orders.

EFFECTIVE DATE: October 1, 2012

Jury Duty Exception Information for Breastfeeding Mothers

PA 12-51 requires the Judicial Branch to provide information on its website for prospective jurors regarding jury service, including (1) information for breastfeeding women regarding jury service postponement and (2) the jury administrator's contact information for a breastfeeding woman or other prospective juror to request a reasonable accommodation.

The bill also requires the jury administrator to provide training for his or her staff and court staff on discrete issues and policy for breastfeeding women who have been summoned for jury service, including reasonable accommodations for them.

EFFECTIVE DATE: October 1, 2012

Probate Court Operations

By law, a probate court must transfer to superior court certain contested matters related to children, including custody and guardianship, on the motion of a party other than one who applied for the removal of a parent or guardian. **PA 12-66** also allows such transfers upon (1) the motion of the party who applied for a parent's or guardian's removal or (2) the court's own

motion. It provides that any such transfer (mandatory or permissive) must occur before there is a hearing on the merits in the case.

The law also provides for the transfer from probate court to superior court of contested cases on the termination of parental rights, before a hearing on the merits. In addition, current law allows the probate court, on its own motion or that of any interested party, to transfer such custody, guardianship, or termination of parental rights cases to another probate judge, whom the probate court administrator selects from a panel specializing in children's matters. The act instead allows such transfers to regional children's probate courts.

EFFECTIVE DATE: January 1, 2013

Victim Compensation

sHB 5365 authorizes victim compensation when the Judicial Branch's Office of Victim Services (OVS) or a victim compensation commissioner reasonably concludes that (a) an alleged sexual assault crime or risk of injury to a minor occurred and (b) the personal injury was disclosed to certain individuals.

EFFECTIVE DATE: October 1, 2012

MISCELLANEOUS

Child Care Facility Definition

SB 157 raises the maximum age of a person placed for the first time in a child care facility from under age 18 to under age 21. By law, child care facilities are congregated residential settings licensed by DCF. The DCF commissioner can petition a court for permission to place a child committed to her custody in such a facility if the child cannot be satisfactorily cared for in a foster home because he or she has developmental or physical disabilities, mental illness, emotional issues, or behavioral disorders.

Under prior law, someone between ages 18 and 21 could be placed in such a facility only if he or she attended a secondary school, technical school, college, or state accredited job training program full-time and was first placed before his or her 18th birthday.

EFFECTIVE DATE: October 1, 2012

Custody and Visitation Orders for Deployed Members of the Armed Forces

PA 12-90 prohibits a court from entering a final custody or visitation order or modifying a final custody or visitation order until 90 days after a deploying parent's deployment or mobilization ends, unless he or she agrees to a modification.

The act specifies that it does not stop the court from hearing a motion at least 90 days after a deploying parent returns for permanent modification of final orders of custody and visitation. The nondeploying parent bears the burden of showing that re-entry of final order of custody or visitation that was in effect before the deployment is no longer in the child's best interest.

It also sets the requirements for temporary modification of orders because of a deployment or mobilization.

EFFECTIVE DATE: July 1, 2012

Failure to Report a Missing Child

HB 5512 makes it a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$ 2,000, or both, to knowingly fail to report the disappearance of a child under age 12. The duty to report applies to any parent, guardian, or person who has custody or control of, or is supervising, the child and who either does not know the child's location or has not had contact with him or her for a 24-hour period.

EFFECTIVE DATE: October 1, 2012

Grandparents' Visitation Rights

HB 5440 (1) imposes additional requirements on grandparents and other third

parties who petition the courts for the right to visit a minor and (2) limits the circumstances under which the court can authorize such visits.

Under the bill, a petitioner must include in his or her request specific and good-faith allegations that (1) a parent-like relationship with the minor exists and (2) the minor will suffer real and substantial harm if the visitation is denied. (This means a degree of harm analogous to a claim that the minor is neglected or uncared-for as defined under state child abuse statutes.) Unlike most petitions, the petitioner must swear that his or her allegations are true.

The court must hold a hearing and grant the visitation request if it finds, by clear and convincing evidence, that these conditions have been met.

The bill also:

1. establishes factors the court may consider when determining whether a parent-like relationship exists between the petitioner and the minor;
2. specifies visitation terms and conditions the court may set;
3. specifies that any visitation rights granted to a third party do not prevent a custodial parent from relocating; and
4. allows the court to order one party to pay the other's fees, including those charged by the minor's attorney, guardian ad

litem, or expert based on
the individual's ability to
pay.

EFFECTIVE DATE: October 1,
2012

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