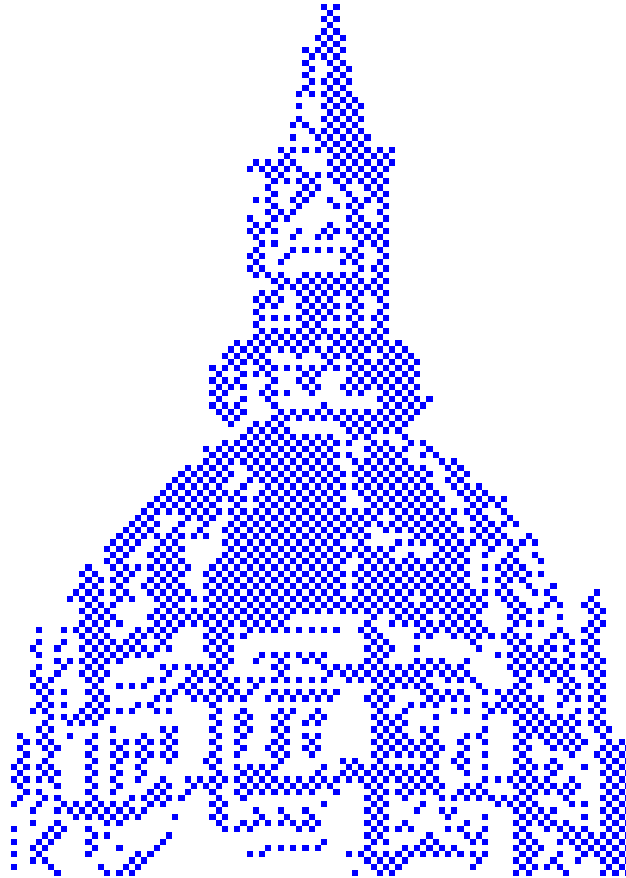




## ACTS AFFECTING CHILDREN



2015-R-0151

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## NOTICE TO READERS

This report provides brief highlights of new laws affecting children enacted during the 2015 regular session and June special session. Each summary indicates the public act (PA) number and effective date. The acts are listed in numerical order under general headings.

Not all provisions of the acts are included here. Complete summaries of all 2015 public acts will be available on OLR's webpage:  
<http://cga.ct.gov/olr/olrsums.asp>.

Please refer to Acts Affecting Education for new laws affecting schools and students.

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

For purposes of brevity, this report uses the following acronyms for state agencies:

CSSD (Judicial Branch's Court Support Services Division)

DCF (Department of Children and Families)

DDS (Department of Developmental Services)

DPH (Department of Public Health)

DSS (Department of Social Services)

OEC (Office of Early Childhood)

SBE (State Board of Education)

SDE (State Department of Education)

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## **CHILDREN'S HEALTH**

### ***Birth-to-Three***

A new law makes OEC the lead agency for the Birth-to-Three program, which provides early intervention services to families with infants and toddlers who have developmental delays or disabilities. DDS was the lead agency under prior law ([SB 1502](#), effective July 1, 2015).

### ***Birth-to-Three Hearing Tests***

A new law establishes an October 1, 2015 deadline for the early childhood commissioner to require, as part of the Birth-to-Three program, that notice of the availability of hearing tests be given to parents and guardians of children receiving program services who are exhibiting delayed speech, language, or hearing development.

The notice required under the bill may include information on the benefits of, and available financial assistance for, hearing tests for children, as well as available hearing test and treatment resources ([SB 1502](#), June Special Session, effective July 1, 2015).

### ***Concussion Information for Youth Athletes***

A new law requires youth athletic activity operators, beginning by January 1, 2016, to annually make a written or electronic statement on concussions available to every youth participating in a youth athletic activity and his or her parent or legal guardian.

The operator must make the statement available when the youth registers. The statement must be consistent with current information provided by the federal Centers for Disease Control and Prevention on concussions and include information on, among other things, recognizing concussions and their symptoms, obtaining proper medical treatment, and proper procedures for allowing the youth to return to athletic activity.

Under the law, no operator is subject to civil liability for failing to make available the written or electronic statement regarding concussions ([SB 1502](#), June Special Session, effective July 1, 2015).

### ***Comprehensive Children's Mental, Emotional and Behavioral Health Plan***

A new law establishes a Children's Mental, Emotional, and Behavioral Health Plan Implementation Advisory Board. The board must advise various individuals and entities on:

1. executing the comprehensive behavioral health plan that DCF developed in 2014;
2. cataloging (by agency, service type, and funding allocation) the mental, emotional, and behavioral services for Connecticut families with children to reflect the services' capacities and uses; and

3. fostering collaboration of agencies, providers, advocates, and others interested in Connecticut child and family well-being to prevent or reduce the long-term negative impact of children's mental, emotional, and behavioral health issues.

The board must begin annual reporting to the Children's Committee by September 15, 2016 ([PA 15-27](#), effective July 1, 2015).

### ***Cytomegalovirus Testing of Newborns***

Starting January 1, 2016, a new law requires all health care institutions caring for newborn infants to test those who fail a newborn hearing screening for cytomegalovirus (CMV), a type of herpes virus. Although usually harmless in healthy adults and children, CMV in newborns can lead to hearing loss or developmental disabilities. It requires the testing to be done (1) within available appropriations and (2) as soon as is medically appropriate, unless, as allowed by law, their parents object on religious grounds ([PA 15-10](#), effective July 1, 2015).

### ***Children's Developmental Screenings***

A new law requires a health care provider, when completing the state's (1) early childhood health assessment record form (i.e., "yellow form") or (2) public school health assessment form (i.e., "blue form") for a child age five or

younger, to indicate on the form whether he or she performed a developmental screening during the related examination ([PA 15-157](#), effective July 1, 2015).

### ***Infant Safe Sleep Practices***

A new law requires hospitals, through their maternity programs, to provide newborn infants' parents or legal guardians with written information on the American Academy of Pediatrics' recommendations for safe sleep practices when the infants are discharged ([PA 15-39](#), effective October 1, 2015).

### ***Childhood Immunization Requirements***

Existing law exempts children from school immunization requirements if the child presents a statement from his or her parents or guardian that the immunization would be contrary to the child's religious beliefs. A new law ([PA 15-242](#)) additionally exempts children who present a statement that the immunization would be contrary to the parents' or guardians' religious beliefs. It requires any such statement to be officially acknowledged by a notary public, Connecticut-licensed attorney, judge, family support magistrate, court clerk or deputy clerk, town clerk, justice of the peace, or school nurse.

Under existing law, the child's parents or guardians have to submit the statement before the child can enroll in a public or private school. The new law also requires the statement to be

submitted before the child enrolls in seventh grade.

Another new law ([PA 15-174](#)) extends the above requirement that a religious exemption statement be officially acknowledged to child day care centers and group or family day care homes caring for children whose parents or guardians object to such immunization on religious grounds. (Existing OEC regulations require the submission of a religious exemption statement, but do not require it to be acknowledged.) The statement must be submitted for the child to remain enrolled in a child day care or group or family day care home ([PA 15-242](#) and [PA 15-174](#), effective July 1, 2015).

### ***Child Nutrition Task Force***

A new law creates a Child Nutrition Task Force. The task force must look into (1) the promotion of healthier eating habits, (2) providing and promoting healthier school meal options, and (3) developing a nutrition education program for adoption by school districts and integration into their physical education curricula. It must report to the Public Health Committee by January 1, 2016 ([PA 15-242](#), effective upon passage).

### ***Youth Suicide Prevention***

This new law requires the Youth Suicide Advisory Board in DCF to periodically offer, within available appropriations, youth suicide prevention training for health care providers, school employees, and other people

who provide services to children, young adults and families ([PA 15-242](#), effective October 1, 2015).

### ***Protection of Particularly Vulnerable Children***

A new law requires the Child Fatality Review Panel to review current practices, policies, and procedures protecting children up to age three from unexpected death or critical injury and, by October 1, 2016, submit a report to the Education and Children's committees on the effectiveness of such protection. The report must include recommendations on administrative or legislative action needed to better protect these children.

The act also requires the Office of the Child Advocate, in consultation with the review panel, to study the rates and causes of child fatalities in the state. Starting by July 1, 2016, the child advocate must report annually on these rates and causes to the Children's and Education committees, which must hold a joint public forum on the findings within 60 days of receiving the annual report ([PA 15-221](#), effective upon passage).

## **CHILD PROTECTION AND WELFARE**

### ***Strengthening Protections for Victims of Human Trafficking***

A new law makes numerous changes to the statutes on human trafficking. Among other things, it:

1. expands the crime of human trafficking by broadening the conditions under which the crime is committed when the victim is a minor (under age 18);
  2. requires DPH to provide victims of human trafficking the same services it must provide certain sexual assault victims under existing law;
  3. allows the Office of Victim Services, under certain circumstances, to waive the time limitation on crime victim compensation applications for minors who are victims of human trafficking; and
  4. expands the conditions under which a court may erase a juvenile's record ([PA 15-195](#), effective October 1, 2015).
2. gives the Probate Court the authority to order post-adoption sibling visitation rights for adoptions that take place in that venue and requires the court to consider certain factors before making such a decision;
  3. sets out a hearing process for individuals who believe they are harmed by a DCF decision to terminate voluntary services and modifies the notice requirements DCF must follow for such terminations; and
  4. requires DCF to consult with any child age 12 and older in department custody when developing the child's permanency plan or plan revision ([PA 15-199](#), effective July 1, 2015, except the permanency plan and sibling visitation rights are effective October 1, 2015).

### ***Changes to DCF-related Laws***

A new law makes changes in several DCF-related statutes. Principally, the law:

1. permits caregivers to allow children with service or safety plans to participate in "normal childhood activities" (i.e., extracurricular, enrichment, and social activities, including overnight activities outside the caregiver's direct supervision for up to 48 hours) without prior department or court approval;

### ***Security Freezes on Children's Credit Reports***

A new law allows a minor's parent or legal guardian to place a security freeze on the minor's credit report. Under the law, a "minor" is someone under age 18 when a security freeze request is submitted. The law requires the agency to freeze the minor's credit report within five business days of receiving a request

Among other things, the law prohibits a credit rating agency from releasing the minor's credit report and information derived from it, if the

agency has information about the child. If the agency does not have any information about the child, it must create, but not release, a record that compiles the information the agency created that identifies the child. The agency cannot use the record to consider the child's credit worthiness, standing, or capacity; character; reputation; personal characteristics; or mode of living. The law prohibits the agency from releasing the child's credit report, information derived from it, or records created for the child. ([PA 15-62](#), effective October 1, 2015).

### ***Adopting the Uniform Interstate Family Support Act Of 2008***

This law makes numerous changes to Connecticut's Uniform Interstate Family Support Act (UIFSA) to adopt the 2008 revisions recommended by the National Council of Commissioners of Uniform State Laws and required by federal law to remain eligible for continued federal funding for child support enforcement. UIFSA generally establishes rules for determining which order should be given effect when two or more jurisdictions have issued conflicting support or modification orders involving the same parties ([PA 15-71](#), effective July 1, 2015).

### ***Extending Certain Protections to Victims of Family Violence***

A new law makes changes to law on family violence, principally by extending to family violence victims certain protections the law already gave certain

sexual assault victims: the right to withhold addresses or phone numbers in trials or evidentiary hearings under certain circumstances, and the requirement that names, addresses, and other identifying information of family violence victims generally be kept confidential ([PA 15-211](#), with the confidentiality provisions effective July 1, 2015; other provisions regarding family violence take effect January 1, 2016).

## **COURTS AND CRIMINAL LAW**

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

A new law makes various substantive, minor, and technical changes in probate statutes. Among a number of other changes, it allows a person with actual physical custody of a minor to apply to remove a parent as the minor's guardian ([PA 15-217](#), various effective dates).

### ***Lengthy Sentences for Crimes Committed by a Child or Youth and the Sentencing of a Child or Youth Convicted of Certain Felony Offenses***

This new law makes a number of changes related to sentencing and parole release of offenders who were under 18 at the time they committed the crimes. Among other things, it:

1. retroactively eliminates (a) life sentences for capital felony and arson murder, and (b) convictions for murder with special circumstances, for



offenders who committed these crimes when they were under 18; and

2. establishes alternative parole eligibility rules that can make someone eligible for parole sooner if he or she (a) committed a crime when he or she was under 18 and (b) was sentenced to more than 10 years in prison ([PA 15-84](#), effective October 1, 2015).

### ***Invasions of Privacy***

A new law makes a number of changes regarding voyeurism crimes and their victims. Among other things, it increases the penalty for voyeurism when the victim is under age 16 or the offender has a prior conviction of voyeurism or certain other crimes and extends the statute of limitations for voyeurism under certain circumstances ([PA 15-213](#), effective October 1, 2015).

## **JUVENILE JUSTICE**

### ***Juvenile Justice System***

A new law makes various changes affecting the juvenile justice system. It changes when cases may or must be transferred from juvenile court to adult criminal court, including:

1. eliminating automatic transfers for children aged 14 through 17 charged with certain class B felonies and

2. raising the minimum age, from 14 to 15, for the (a) automatic transfer for other class B felonies or more serious crimes and (b) discretionary transfer for felonies not subject to automatic transfer.

The new law creates a presumption that mechanical restraints (such as shackles) will be removed from a juvenile during juvenile court proceedings before a determination of delinquency, specifies when such restraints may be allowed, and requires the Judicial Branch to keep related statistical information ([PA 15-183](#), effective October 1, 2015).

### ***Juvenile Justice Risk and Needs Assessments***

This new law requires the DCF commissioner to use a risk and needs assessment to ensure that delinquent children in the highest risk level are placed in appropriate secure treatment settings. Prior law required the commissioner to use the assessments to ensure that delinquent boys in the highest risk level were placed in the Connecticut Juvenile Training School, which is a male-only facility ([PA 15-58](#), effective October 1, 2015).

### ***Preventing, Detecting, and Monitoring Prison Rape in Juvenile Facilities***

Within available appropriations, a new law requires state and municipal agencies that incarcerate or detain juvenile offenders, including immigration detainees, to adopt and

comply with the applicable standards recommended by the National Prison Rape Elimination Commission for preventing, detecting, monitoring, and responding to sexual abuse. The agencies covered are prisons, jails, community correction facilities, juvenile facilities, and lockups. This requirement already applied to agencies incarcerating adult offenders ([PA 15-218](#), effective October 1, 2015).

## **SCHOOLS AND EDUCATION**

### ***Recommendations of the Program Review and Investigations Committee Concerning Transitional Services for Youth and Young Adults with Autism Spectrum Disorder***

This new law requires SBE, by July 1, 2015, to draft a bill of rights for parents of children receiving special education services to guarantee that the rights of these students and their parents are protected when receiving these and related services.

It requires SDE, starting with the 2015-16 school year, to annually distribute the bill of rights to local and regional boards of education. The bill of rights must be provided to (1) the child's parents or guardian; (2) surrogate parent, if any; and (3) student, if emancipated or age 18 or older, at planning and placement team meetings for special education students in grades six through 12.

The law also requires DDS, by February 1, 2016, to begin reporting annually to the Public Health Committee

on the activities of the department's (1) Division of Autism Spectrum Disorder Services and (2) Autism Spectrum Disorder Advisory Council ([PA 15-209](#), effective July 1, 2015).

### ***Trauma-Informed Practice Training for Teachers, Administrators and Pupil Personnel***

By law, local and regional boards of education must provide in-service training on certain topics (e.g., CPR, bullying prevention) for certified teachers, administrators, and pupil personnel (i.e., school employees). SBE, within available appropriations and using available materials, must assist and encourage the school boards to provide in-service training on additional topics (e.g., mental health first aid training).

A new law requires SBE to assist and encourage school boards to also include training on trauma-informed practices for the school setting, so that school employees can more adequately respond to students with mental, emotional, or behavioral health needs ([PA 15-232](#), effective October 1, 2015).

### ***Placing Public School Students in Restraints or Seclusion***

A new law extends laws on restraint and seclusion to most public school students from kindergarten through 12<sup>th</sup> grade. These laws previously applied predominantly to students receiving special education services.

The act (1) prohibits teachers, administrators, and other public school employees from using life-threatening physical restraints on any student; (2) limits how long students can be kept in allowable physical restraints or seclusion; and (3) specifies the types of locations in which a student may be secluded.

It bars school employees from using physical restraints on students or placing students in seclusion unless the employees have been properly trained. It requires school boards to notify parents and guardians no later than 24 hours after a child has been placed in physical restraint or in seclusion, and to make a reasonable effort to notify them immediately after beginning the physical restraint or seclusion.

It requires school boards to take certain steps for students placed in physical restraint or seclusion four or more times in 20 school days. It also makes other changes ([PA 15-141](#), effective July 1, 2015).

### ***Protecting School Children***

A new law increases, from a class A misdemeanor to a class E felony, the penalty for a mandated reporter who fails to report suspected child abuse or neglect to DCF, if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge of the abuse, neglect, or sexual assault. By law, a class A misdemeanor is punishable by up to one year in prison, a fine of up to

\$2,000, or both; a class E felony is punishable by up to three years in prison, a fine of up to \$3,500, or both.

The law also expands the reporting requirement for school employees and subjects violators to the above penalties. Under the law, it is a class D felony for anyone, other than a child or a student who is not enrolled in adult education, to intentionally and unreasonably interfere with or prevent such reporting, or conspire or attempt to do so. By law, a class D felony is punishable by up to five years in prison, a fine of up to \$5,000, or both.

It extends DCF's investigation and notification requirements under existing law in reported child abuse or neglect cases to include cases of reported sexual assault of students by school employees ([PA 15-205](#), effective October 1, 2015).

### **MISCELLANEOUS**

#### ***Establishing a Minimum Age for Towing Anyone by Vessel***

A new law requires, with limited exceptions, a person who operates a vessel engaged in water skiing to:

1. be at least age 16;
2. hold a (a) valid U.S. Coast Guard-issued vessel operator license, (b) Department of Energy and Environmental Protection (DEEP)-issued safe boating certificate or certificate of personal watercraft operation, or (c) a boating safety certificate

from a state with a reciprocal agreement with Connecticut; and

3. hold a DEEP-issued safe water skiing endorsement obtained after completing safe water skiing instruction.

The bill also prohibits a vessel owner from knowingly allowing someone under age 16 to operate the vessel while engaged in water skiing.

Violators of the above requirements are subject to a fine of between \$60 and \$250 for each violation ([PA 15-25](#), effective October 1, 2015).

### ***Animal-Assisted Therapy Services***

A new law makes several changes to the law concerning animal-assisted therapy services, including changes to the definitions in the law.

It requires the DCF commissioner, in consultation with the agriculture commissioner and within available appropriations, to develop a protocol to identify and mobilize animal-assisted critical incident response teams statewide, instead of identify a canine crisis response team as required under current law. The bill extends the deadline for this requirement by two years, from January 1, 2014 to January 1, 2016.

It requires the teams to be available to provide animal-assisted activities, not just animal-assisted therapy. As under current law, the teams must operate on a volunteer basis and be available on 24

hours' notice ([PA 15-208](#), effective upon passage).

### ***Safe Haven Day***

A new law requires the governor to proclaim every April 4 as "Safe Haven Day" to heighten public awareness of the Safe Haven law and the availability of Safe Havens in the state. The Safe Haven law requires hospitals to designate a place in their emergency rooms where a parent or a parent's legal agent can surrender an infant up to 30 days old. In situations where there is no abuse or neglect, the parent or agent will not face arrest for abandonment or risk of injury ([PA 15-241](#), effective upon passage).

### ***Establishing a Children's State Flower***

A new law designates Michaela Petit's Four-O'Clocks, *Mirabilis jalapa*, as the children's state flower ([PA 15-77](#), effective upon passage).

PF:bs