



## ACTS AFFECTING CHILDREN



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Paul Frisman, Principal Analyst

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## **NOTICE TO READERS**

This report provides brief highlights of new laws affecting children enacted during the 2016 regular session and May Special Session (MSS). Each summary indicates the Public Act (PA) number and effective date. The acts are listed in numerical order under general headings.

This report does not include all of the acts' provisions. Complete summaries of all 2016 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 public acts that interest them from the Connecticut State Library, House Clerks Office, or General Assembly's website: <http://www.cga.ct.gov/>.

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

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)

DSS (Department of Social Services)

OEC (Office of Early Childhood)

SDE (State Department of Education)

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## **CHILDREN'S HEALTH**

### ***Medical Marijuana***

This session, the legislature expanded the state's medical marijuana program to include patients who are minors. In addition to other requirements, (1) a minor must be diagnosed with a qualifying debilitating condition, such as severe epilepsy and (2) the parent or other person with legal custody must consent and provide a letter from the child's primary care provider and a physician confirming that palliative marijuana use is in the patient's best interest. The patient must not be given marijuana in a smokable form ([PA 16-23](#), effective October 1, 2016).

### ***Opioid Drug Prescriptions***

As part of its effort to address opioid drug abuse and treatment, the legislature enacted a new law prohibiting an authorized health care practitioner from prescribing more than a seven-day supply of opioid drugs to a minor. It also requires a practitioner, when prescribing an opioid drug to a minor for less than seven days, to discuss with the (1) minor and (2) if present when the prescription is issued, minor's custodial parent, guardian, or legal custodian, information on the associated risks of taking opioid drugs and why the prescription is necessary ([PA 16-43](#), effective July 1, 2016).

### ***Interhospital Transfers of Newborn Infants and their Mothers***

In certain life threatening emergencies, a newborn infant may need to be transferred from one hospital to another hospital with facilities or experts better equipped to handle the infant's precarious medical condition. A new law prohibits health carriers (e.g., insurers) from requiring preauthorization to transfer the infant or the infant's mother in such circumstances ([PA 16-162](#), effective January 1, 2017).

### ***Newborn Screening***

A new law specifies that adrenoleukodystrophy (ALD) is part of the required newborn screening tests ([PA 16-66](#), § 22, effective October 1, 2016).

### ***HUSKY Plus Services***

A new law expands the range of medical services available to members of HUSKY Plus. HUSKY Plus is the state's supplemental health program for members of HUSKY B (i.e., the State Children's Health Insurance Program) who have intensive physical health needs that cannot be met through the basic benefit package. The new services available to HUSKY Plus recipients include respite care services (i.e., services that provide a caregiver temporary relief from his or her care responsibilities) ([PA 16-19](#), effective May 6, 2016).

## ***Advanced Practice Registered Nurse (APRN) Certifications***

A new law allows APRNs to certify, sign, or otherwise document medical information in several situations that currently require a physician's documentation, including some situations specifically involving minors ([PA 16-39](#), most provisions effective October 1, 2016).

## ***Hospital Record Storage***

A new law allows chronic disease hospitals and children's hospitals to maintain their medical records off-site as long as they can retrieve them by the end of the next business day after someone requests them. ([PA 16-66](#), § 23, effective October 1, 2016).

## **CHILD PROTECTION AND WELFARE**

### ***Family Assessment Response (FAR) Program***

When DCF receives a report of child abuse or neglect, it can, under the FAR program, make referrals to appropriate community providers for family assessment and services either when it decides not to investigate a case that it classifies as presenting a lower safety risk or, if it decides to investigate, at any time during the investigation.

A new law prohibits DCF from referring the following types of suspected child abuse or neglect reports to FAR: (1) sexual abuse, (2) abuse or neglect in an out-of-home placement, (3) abuse or neglect resulting in a

child's death or serious physical or mental injury, or (4) where the department's safety assessment reveals that the child is unsafe. It requires DCF, when an initial determination has been made that a family is eligible for FAR, to conduct a comprehensive family assessment including an assessment of (1) safety and risk and (2) family strengths and needs. Under the new law, a case supervisor or manager must approve all FAR referrals.

The new law also requires (1) DCF, before referring a FAR case to the appropriate community provider, to develop a service plan to meet the family's immediate needs for services and supports and guide the provider's development of the family's long-term care plan and (2) community providers to develop a plan of care for each family referred for services through the FAR program ([PA 16-190](#), effective June 9, 2016).

### ***Reporting Requirements for Children in Detention or Confinement***

A new law imposes new reporting requirements on DCF, the Department of Correction (DOC), and the child advocate.

It requires DCF, by October 1, 2017 and in collaboration with the judicial branch and DOC, to submit to the governor and the Appropriations and Children's committees a plan to prevent or reduce the negative impact of mental, emotional, and behavioral

health issues on children and youth age 20 or younger who are held in secure detention or correctional confinement.

It also requires the DOC commissioner, by October 1, 2017, to begin annually (1) compiling records on the frequency and use of physical restraint and seclusion on children and youth age 20 or younger who are in DOC custody at the Manson Youth Institution and (2) submitting a report to the Children's Committee summarizing those records.

Additionally, it requires the child advocate to prepare an in-depth report on the confinement conditions for children age 20 or younger held in secure detention or correctional confinement in any state-operated facility. The report must (1) examine the facilities' compliance with the law limiting the use of restraint and seclusion and (2) be submitted to the Children's Committee biennially, starting by March 1, 2017 ([PA 16-186](#), effective October 1, 2016).

### ***Child Support***

A new law renames DSS's Bureau of Child Support Enforcement as the Office of Child Support Services. The office develops and implements child support services for the state, including implementing Title IV-D of the federal Social Security Act, providing services to obtain and enforce child support orders, and publishing the state child support plan ([PA 16-13](#), effective May 6, 2016).

### ***Facilities Housing Homeless Children***

A new law requires DCF to license facilities that house people under age 21 who are homeless or at risk of homelessness. It excludes from the DCF licensing requirement any child care facilities that board or care only for people between the ages of 18 and 21 ([PA 16-121](#), effective June 7, 2016).

### ***Commission for Child Support Guidelines***

Among other things, a new law expands the membership of the commission to include the child advocate or her designee and a gubernatorial appointee who represents the rights and best interests of children. The Commission for Child Support Guidelines issues and reviews child support and arrearage guidelines to ensure child support awards are based on appropriate criteria ([PA 16- 48](#), effective October 1, 2016).

## **COURTS AND CRIMINAL LAW**

### ***Human Trafficking***

A new law makes a number of changes related to human trafficking that affect children. Among other things, it:

1. requires each state's attorney and municipal police chief to annually report information on trafficking cases and their anti-trafficking efforts to the Children's and Judiciary committees;

2. requires DCF and the Department of Emergency Services and Public Protection (DESPP) to consult with state and national hotel and lodging associations to recommend a training and refresher training program related to human trafficking;
3. prohibits someone age 16 or 17 from being convicted of prostitution; and
4. expands the crime of enticing a minor to include enticing a minor age 16 or 17 or someone reasonably believed to be under age 18 ([PA 16-71](#), effective October 1, 2016, except the annual reporting requirement for each state's attorney and municipal police chief is effective June 1, 2016).

### ***Driving Under the Influence (DUI) with Child Passengers***

A new law increases the criminal penalties for DUI (1) with a child passenger (under age 18) or (2) when driving a school bus, student transportation vehicle, or other motor vehicle specially designated for carrying children. It does so by creating specific crimes for these offenses.

Among other changes compared to existing DUI law, the penalties for the new crimes include longer mandatory minimum and maximum prison terms and require probation for a first offense. For DUI with a child passenger, the new law adds to the required components of probation (1) submitting to an interview and risk evaluation by DCF and (2)

cooperating with DCF-ordered programming ([PA 16-126](#), effective October 1, 2016).

### ***Body Camera Recordings Involving Minors***

A new law generally makes police body camera recordings of a minor confidential but requires disclosure if:

1. the minor and his or her parent or guardian consent to disclosure;
2. the minor or his or her parent or guardian alleges police misconduct, and the person representing the accused officer in an investigation requests disclosure solely to prepare a defense; or
3. a person is charged with a crime and his or her counsel requests disclosure solely to aid in the person's defense, provided the record's discovery as evidence is otherwise allowed ([PA 16-33](#), effective May 26, 2016).

### ***Program for Certain Minors to Avoid Fines or Criminal Charges***

A new law allows a defendant under age 21 charged with certain motor vehicle violations or alcohol-related violations or crimes to participate in a program that can result in dismissal of the charges. An approved nonprofit organization that advocates for drunk driving victims must conduct the program, which must provide a non-confrontational forum for participants to hear from victims affected by underage drinking, drunk driving, distracted

driving, or other motor vehicle violations.

The court can allow a defendant into the program if he or she is charged with:

1. a motor vehicle violation, unless it (a) caused serious injury or death, (b) is driving under the influence, or (c) is a felony and the court does not find good cause (depending on the violation, a motor vehicle violation is punishable as a crime or by a fine only);
2. misrepresenting his or her age, using another person's driver's license, or making a false statement to procure alcohol; purchasing or attempting to purchase alcohol; or alcohol possession (which are punishable by fines); or
3. permitting a minor to illegally possess alcohol on private property or failing to halt illegal possession.

A person can only use the program once ([PA 16-182](#), effective October 1, 2016).

### ***Restraining and Civil Protection Orders***

When a parent, guardian, or responsible adult brings an application for a restraining or civil protection order as next friend of someone under age 18, a new law prohibits the person from speaking for the applicant at a hearing except for good cause showing why the applicant cannot speak on his or her

own behalf. But such a person can testify as a witness at a hearing on the application ([PA 16-105](#), §§ 4 & 6, effective October 1, 2016).

### ***Court-Appointed Special Advocate***

A new law requires the Judicial Department, within available resources, to establish a court-appointed special advocate program to provide assistance in neglect, abuse, custody, guardianship, or family with service needs proceedings in juvenile court ([PA 16-210](#), effective October 1, 2016).

### ***Minor's Name on Eviction Records***

A new law requires the court to remove a minor's name from eviction-related records the judicial branch maintains on its website if (1) the minor's name was included in the complaint and (2) the court orders it at the request of any party or on its own motion ([PA 16-67](#), § 10, effective October 1, 2016).

### **EARLY CHILDHOOD AND CHILD CARE PROGRAMS**

#### ***Child Care Licensing and Exempt Programs***

A new law requires all child care programs exempt from OEC licensing requirements to notify the parents or guardians of participating children that the program is not OEC licensed. The same law makes other changes to the laws affecting early childhood programs, including authorizing the commissioner



to enter into enforcement agreements for child care and youth camp licensing matters ([PA 16-100](#), effective July 1, 2016 for the notification requirement and June 2, 2016 for the enforcement agreement provision).

### ***Family Child Care Home Criminal Records Checks***

The legislature passed a law requiring any household member age 16 or older who lives in a home where child care services are provided to undergo state and national criminal history records checks. The law also allows OEC to take action against a licensed family child care home when a household member has been convicted of various crimes involving physical force, cruelty, child abandonment or risk of injury, sexual assault, or drug-related crimes ([PA 16-131](#), §§ 1-3, effective June 7, 2016).

## **FOSTER CARE, GUARDIANSHIP, AND ADOPTION**

### ***Termination of Parental Rights***

A new law reduces the standard of proof a Superior Court or probate court judge must apply when determining whether to terminate parental rights in cases where a child was conceived as a result of a sexual assault. The law no longer requires a finding of guilty but instead allows the judge to terminate parental rights if he or she finds, upon clear and convincing evidence, that the parent committed an act that constitutes sexual assault that resulted in the child's conception. It specifically

applies to eight types of sexual assault crimes: 1st, 2nd, 3rd, and 4th degree sexual assault; 3rd degree sexual assault with a firearm; 1st degree aggravated sexual assault; aggravated sexual assault of a minor; and sexual assault in a spousal or cohabiting relationship ([PA 16-70](#), effective July 1, 2016).

### ***Legal Guardianship***

A new law expands the categories of people who may (1) assume legal guardianship of a child when a court revokes the child's commitment to DCF or (2) adopt a child when a court terminates parental rights.

It also expands the categories of people eligible for DCF's subsidized guardianship program at the same time it tightens the program by (1) requiring that these people be licensed or approved to provide foster care services and (2) limiting the program to children for whom neither reunification with a parent or adoption is an appropriate permanency option. It also makes other changes affecting guardianship.

The new law also requires DCF to notify the probate court if DCF substantiates an allegation of abuse or neglect against an individual the probate court appointed as a child's guardian ([PA 16-124](#), effective October 1, 2016).

## ***Permanency Hearings, Youth Advisory Councils and Foster Families***

This new law requires DCF to:

1. create (a) foster family profiles on foster families, fictive kin caregivers, and relative caregivers to distribute to children age 12 and older who will be placed in foster care, and (b) foster care family surveys to distribute to children age seven and older;
2. starting January 1, 2017, distribute the foster care family profiles to children age 12 and older before placing them in foster care; and
3. require child care facilities able to house 10 or more children to establish youth advisory councils ([PA 16-123](#), effective June 7, 2016, except the provision on the distribution of foster family profiles is effective October 1, 2016).

## ***Notification of Support for Foster Parents and Relative Caregivers***

A new law requires DCF, by January 1, 2017, to develop a form informing foster parents and relative caregivers of the support they may receive from the department. Starting January 1, 2017, the department must provide the form to foster parents and caregivers when it places a child with them and on request ([PA 16-11](#), effective October 1, 2016).

## ***Second Parent Adoption***

A new law generally requires the probate court to waive investigation and report requirements in child adoption proceedings where a person seeking to adopt shares parental responsibility with the child's parent ("second-parent adoption"). It also allows the court to forgo notifying DCF in such cases. However, the court may order an investigation and report if it finds sufficient reason to do so ([PA 16-156](#), effective October 1, 2016).

## ***Probate Matters***

A new law expands the number of probate courts in which individuals may file petitions to remove a parent as guardian or to terminate parental rights. In addition to the existing locations (including where the minor resides), it allows these petitions to be brought in the district where the minor is domiciled or is located when the petition is filed.

It also adds to the list of probate matters subject to the general \$225 filing fee, including certain proceedings concerning children's matters ([PA 16-7](#), effective October 1, 2016).

## **JUVENILE JUSTICE**

### ***Juvenile Justice and Related Matters***

The legislature passed a law making several changes affecting juvenile detention and other juvenile justice matters, children returning to school after a juvenile justice placement, and

other school disciplinary and related matters. Among other things, it:

1. limits the conditions under which a child may be detained and allows graduated sanctions as an alternative to detention;
2. requires CSSD to develop and implement a detention risk assessment instrument and adopt release policies and procedures;
3. requires schools to offer an alternative educational opportunity to a larger category of expelled students; and
4. requires schools with a disproportionately high truancy rate to implement an approved intervention model ([PA 16-147](#), various effective dates).

## **SCHOOLS AND EDUCATION**

### ***Child Care Subsidies for College and University Students***

A new law allows Temporary Family Assistance (TFA) recipients enrolled in courses in degree programs offered at public and private colleges and universities to earn child care subsidies. The Department of Labor must approve such courses in fulfillment of required employment activities for TFA recipients, whereas approval was formerly optional under prior law ([PA 16-131](#), §§ 4-7, effective July 1, 2016).

### ***Two-Generation Pilot Program***

The state's two-generation school readiness and workforce development pilot program works to foster family economic self-sufficiency by delivering

academic and job readiness support services across two generations in the same household. A new law (1) adds several members to the interagency working group that oversees the program, (2) changes the content of the working group's report, and (3) makes other minor changes to the pilot program ([PA 16-79](#), effective June 1, 2016).

### ***"ABLE" Accounts***

Existing law requires the state treasurer to establish a federally qualified Achieving a Better Life Experience "ABLE" program to encourage and help eligible individuals and families save private funds to pay for qualifying expenses related to disability or blindness. A new law requires the treasurer, by January 1, 2017, within available appropriations and in consultation with the Department of Revenue Services, to report to the Banking Committee on:

1. a way to convert an education savings plan (such as a Connecticut Higher Education Trust (CHET) account) into an ABLE account and
2. any appropriations or statutory changes needed to ensure the successful operation of the ABLE program ([PA 16-65](#), § 72, effective May 26, 2016).

### ***Educational Aid for Blind Children***

A new law allows, rather than requires, the Department of

Rehabilitative Services to use funds appropriated to its Educational Aid for the Blind and Visually Handicapped Children account to provide the following for blind or visually impaired children: (1) specialized books, materials, equipment, and supplies; (2) adaptive technology services and devices; (3) specialist examinations and aids; and (4) preschool programs and vision-related independent living services, excluding primary education placement ([PA 16-3, MSS](#), § 80, effective July 1, 2016).

### ***School Transportation Study and Special Education Service Provider Audits***

A new law (1) requires SDE to study methods of increasing efficiencies in school transportation and (2) requires the Office of Policy and Management to use certain funds for (a) the SDE study and (b) audits of private special education service providers required by existing law ([PA 16-144](#), §§ 4 & 5, effective June 9, 2016).

### ***Careline Posting in All Schools***

Under a new law, each local or regional board of education is required to post the telephone number for DCF's "Careline" (the 24-hour hotline for reporting suspected child abuse or neglect) in a conspicuous location frequented by students in each school under the board's control. The posting must include the Careline website address and be in various languages most appropriate to students at each

school ([PA 16-188](#), § 2, effective July 1, 2016).

## **MISCELLANEOUS**

### ***Sales Tax Exemption for Diapers***

Beginning July 1, 2018, disposable and reusable diapers will no longer be subject to the state's sales and use tax ([PA 16-3, MSS](#), § 202, effective July 1, 2018 and applicable to sales occurring on or after that date).

### ***Consolidation of Legislative Commissions***

A new law eliminates the six legislative commissions, including the Commission on Children, and replaces them with a 63-member Commission on Equity and Opportunity and 63-member Commission on Women, Children, and Seniors ([PA 16-3, MSS](#), effective July 1, 2016).

### ***Security Freezes of Minors' Credit Reports***

A new law limits a parent's or guardian's authority to freeze his or her child's credit report to children under age 16, instead of 17, and makes several changes to procedures for security freezes of minors' credit reports ([PA 16-65](#), §§ 55 & 56, October 1, 2016).

### ***Hunting, Trapping, and Fishing Fees for Children***

A new law decreases the fees charged for any hunting, trapping, or fishing permit, tag, or stamp by 50%, rounded to the next higher dollar, for a

child younger than age 16. Prior law already reduced such fees by 50% for children age 16 or 17 ([PA 16-27](#), effective July 1, 2016).

***Minimum Age to Operate Jet Skis and Similar Watercraft***

A new law establishes regulatory requirements for operators of jetted articulated vessels (JAV) similar to the

requirements for operators of personal watercraft (e.g., jet skis). A JAV operator must be at least age 16 and hold a certificate of personal watercraft operation issued by the Department of Energy and Environmental Protection ([PA 16-187](#), effective June 9, 2016).

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