



# Acts Affecting Children

By: Katherine Dwyer, Associate Attorney

July 12, 2017 | 2017-R-0126

## Notice to Readers

This report provides brief highlights of new laws affecting children enacted during the 2017 regular session. Each summary indicates the Public Act (PA) number and effective date. This report does not include all of the acts' provisions. Complete summaries of all 2017 public acts will be available on OLR's webpage: <https://www.cga.ct.gov/olr/actsaffecting.asp>

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

A number of new laws affect schools and students. Please refer to Acts Affecting Education for these new laws. 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)
- DPH (Department of Public Health)
- DSS (Department of Social Services)
- OEC (Office of Early Childhood)
- SDE (State Department of Education)

# Table of Contents

|   |           |
|---|-----------|
| <b>Children’s Health</b> .....  | <b>4</b>  |
| Conversion Therapy .....  | 4         |
| DPH Birth Defect Surveillance Program .....                                   | 4         |
| DPH Equipment Purchases for Children with Disabilities .....                  | 4         |
| High Risk Newborns.....   | 5         |
| Newborn Screening for Congenital Heart Disease .....                          | 5         |
| Prescription Supply for Minors.....   | 5         |
| <b>Child Protection and Welfare</b> .....                                     | <b>5</b>  |
| Child Abuse and Neglect Investigations .....                                  | 5         |
| Children’s Advocacy Centers and Multidisciplinary Teams.....                  | 6         |
| Civil Protection Orders .....   | 6         |
| DCF Investigation Protocols .....   | 6         |
| DCF Records Disclosures .....   | 7         |
| DCF Reporting Requirements .....  | 7         |
| DCF Subsidies .....   | 7         |
| Incarcerated Child Support Obligors.....                                      | 8         |
| Newborn Safe Havens .....   | 8         |
| Police Training on Autism Spectrum and Nonverbal Learning Disorders .....     | 8         |
| <b>Courts and Criminal Law</b> .....  | <b>9</b>  |
| Commercial Sexual Abuse of a Minor.....                                       | 9         |
| Counsel’s Access to Records .....   | 9         |
| Regional Children's Probate Courts .....                                      | 9         |
| Victim Compensation.....  | 9         |
| <b>Juvenile Justice</b> .....   | <b>10</b> |
| Juvenile Records .....  | 10        |
| “Sexting” .....   | 10        |
| <b>Miscellaneous</b> .....  | <b>11</b> |
| Child Restraint Systems (Car Seats).....                                      | 11        |
| Income Withholding of Workers’ Compensation Benefits.....                     | 11        |
| Legal Protections for People Who Render Emergency Assistance to Children..... | 11        |
| Marriage of Minors.....   | 12        |
| State Oversight of School Bus Company Driver Monitoring.....                  | 12        |

## **Children's Health**

### ***Conversion Therapy***

A new law prohibits a health care provider, or anyone else while engaged in trade or commerce, from practicing or administering "conversion therapy" (i.e., any practice or treatment that seeks to change a minor's sexual orientation or gender identity). The act specifies certain types of counseling that are not considered conversion therapy, such as counseling intended to assist a person undergoing gender transition or facilitate a person's identity exploration.

The act also prohibits public funds from being spent for conversion therapy or related actions ([PA 17-5](#), effective upon passage).

### ***DPH Birth Defect Surveillance Program***

By law, specified licensed health providers must report to DPH within 48 hours after learning a child has a birth defect. A new law limits the population for which this information must be reported to children under age one born in Connecticut, instead of all children under age five. It also makes various other changes to the department's birth defect surveillance programs regarding (1) birth defect screening requirements, (2) notification requirements for licensed health care professionals, (3) DPH access to infants' hospital discharge records, (4) confidentiality of information collected pertaining to the program, and (5) record keeping and research requirements ([PA 17-146, § 13](#), effective October 1, 2017).

### ***DPH Equipment Purchases for Children with Disabilities***

A new law allows DPH, or the department's contractor, to purchase medically necessary and appropriate durable medical equipment and other DPH-approved goods and services for children with disabilities. Services must be identical to those goods and services covered by the state's Medicaid and HUSKY programs and payment cannot exceed the current Medicaid payment rate for these goods and services.

Prior law allowed DPH to purchase, within available appropriations, wheelchairs and certain other equipment for children with disabilities without going through the Department of Administrative Services' normal purchasing procedures, provided (1) the cost of an individual item did not exceed \$6,500 and (2) purchases were made on the open market and, when possible, through competitive bidding (PAs [17-202, § 73](#) and [17-146, § 12](#), both effective October 1, 2017).

## ***High Risk Newborns***

A new law requires the DCF commissioner to implement policies and procedures in accordance with federal law to secure the health, safety, and well-being of infants identified at birth as being affected by drug abuse, withdrawal symptoms related to prenatal drug or alcohol exposure, or fetal alcohol spectrum disorder.

The policies and procedures must advance these infants' best interests and include (1) securing substance use treatment for the infants, their mothers, and other caregivers and (2) ensuring that the infants grow up in substance-use-free homes ([PA 17-210](#), effective upon passage).

## ***Newborn Screening for Congenital Heart Disease***

By law, all health care institutions caring for newborn infants must test them for critical congenital heart disease, unless their parents object on religious grounds. Starting January 1, 2018, a new law requires the health care institution's administrator to enter the screening test results into DPH's newborn screening system for genetic and metabolic disorders ([PA 17-146, § 14](#), effective October 1, 2017).

## ***Prescription Supply for Minors***

A new law generally reduces, from a seven-day supply to a five-day supply, the maximum amount of an opioid drug a practitioner may prescribe to a minor ([PA 17-131, § 5](#), effective July 1, 2017).

## **Child Protection and Welfare**

### ***Child Abuse and Neglect Investigations***

By law, DCF must take certain steps regarding investigations of alleged child abuse or neglect by a public or private school or child care facility employee. Under a new law, the commissioner must notify the agency responsible for credentialing (1) the employee or (2) his or her employer, of the investigation results if the employee DCF investigated has a state license or certificate or State Board of Education permit or authorization or his or her employer has a state license or approval.

The new law requires DCF to also provide investigation records to agencies responsible for credentialing (1) a public school employee who was investigated and (2) the school where he or she is employed. Existing law requires this only for entities that credential (1) public and private child care facilities and private schools and (2) employees of those facilities.

The law, unchanged by the new legislation, requires DCF to notify, within certain timeframes, (1) the education commissioner and employing superintendent of the results of an investigation into alleged abuse or neglect by a school employee and provide related records and (2) private schools and public and private childcare facilities of the results of an investigation into alleged abuse or neglect by employees or staff members ([PA 17-81](#), effective July 1, 2017).

### ***Children's Advocacy Centers and Multidisciplinary Teams***

A new law defines a children's advocacy center for purposes of assisting multidisciplinary teams that investigate alleged child abuse, neglect, or trafficking. It specifies that one purpose of multidisciplinary teams is to protect abused, neglected, or trafficked children and their families, rather than just the children, as under prior law.

The act adds to the individuals who must be included in a multidisciplinary team a forensic interviewer and child advocate, who must be designated by team members. Among other things, the act also specifies certain actions the state chapter of the National Children's Alliance and multidisciplinary teams may take ([PA 17-190](#), effective July 1, 2018).

### ***Civil Protection Orders***

By law, victims of sexual abuse, sexual assault, or stalking may obtain civil protection orders if they are not eligible for civil restraining orders (i.e., if the alleged perpetrator is not a family or household member).

Under existing law, a civil protection order applicant must submit an affidavit to the court stating, under oath, the specific facts of the case. A new law allows the applicant to ask the court, on a form prescribed by the Chief Court Administrator, to keep his or her location confidential if the applicant attests that disclosing this information would jeopardize the health, safety, or liberty of the applicant or his or her children ([PA 17-99, § 1](#), effective October 1, 2017).

### ***DCF Investigation Protocols***

A new law requires the DCF commissioner to establish certain specified protocols for investigating and responding to reports of abuse or neglect of children from birth to age three (e.g., appropriate DCF staff visits to these children).

It also expands the circumstances in which DCF must perform certain investigations related to child abuse and neglect proceedings. Under existing law, a child's parent or guardian may ask DCF to investigate placing the child or youth with a relative as a licensed foster parent or temporary

custodian before a preliminary hearing in a child abuse or neglect case. The new law requires DCF to investigate any such relative before the preliminary hearing, rather than requiring it to do so only when practicable ([PA 17-92](#), effective July 1, 2017).

### ***DCF Records Disclosures***

The bill adds to the list of entities to whom DCF, under certain circumstances, is either required or permitted to disclose its records without the subject's consent. For example, it requires DCF to disclose its records without such consent to DPH when the DCF commissioner places a DPH-licensed or –certified individual on the child abuse or neglect registry ([PA 17-81, § 1](#), effective July 1, 2017).

### ***DCF Reporting Requirements***

A new law requires DCF to include in the preliminary report it submits to the court in a child abuse and neglect proceeding any potential barriers to licensing a relative as a foster parent or granting him or her temporary custody of the child.

Under the new law, if DCF places a child in out-of-home care based on alleged abuse or neglect, it must include in any report information about the safety and suitability of the child's or youth's placement, the child's needs, and a timeline to ensure those needs are met. This information must be submitted (1) within 90 days of the child's placement in out-of-home care, (2) if the placement changes, and (3) if the commissioner files a permanency plan on behalf of the child. The court must consider the information when making decisions affecting the child's or youth's well-being ([PA 17-92](#), effective July 1, 2017).

### ***DCF Subsidies***

Under certain circumstances, DCF may provide subsidies to (1) parents who adopt children with special needs and (2) relative caregivers acting as foster parents. A new law makes changes to the statutes governing these subsidies by, among other things, (1) eliminating the Subsidy Review Board and instead giving recipients aggrieved by a DCF subsidy decision the opportunity for an administrative hearing and (2) permitting, rather than requiring, DCF to provide subsidies for youths age 18 through 20 who fulfill certain requirements ([PA 17-81](#), effective July 1, 2017).

## ***Incarcerated Child Support Obligors***

A new law shortens the child support modification process when certain obligors (i.e., people owing child support) are institutionalized or incarcerated for more than 90 days. Under the new law, the obligor's existing support order is suspended and reinstated 90 days after his or her release. Under prior law, a court order modification or reinstatement required a full judicial hearing ([PA 17-57](#), effective October 1, 2017).

## ***Newborn Safe Havens***

The legislature made various changes to the state's newborn safe haven law, which 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 without facing arrest for abandonment ([CGS § 17a-57 et seq.](#)). Some of the changes include:

1. requiring DCF to identify a prospective adoptive parent for a safe haven infant within one business day of receiving notice of the infant's surrender to the hospital if such a parent is available and
2. limiting the circumstances in which DCF may remove a safe haven infant from a prospective adoptive parent's home if the infant has been in his or her care for at least 30 days and giving the prospective adoptive parent the opportunity for a hearing before the removal ([PA 17-18](#), effective July 1, 2018).

## ***Police Training on Autism Spectrum and Nonverbal Learning Disorders***

A new law requires police officers to receive training in techniques for handling incidents, such as wandering, that involve juveniles with autism spectrum disorder or nonverbal learning disorder. The requirement applies only if the curriculum for such techniques is available at no cost to the Division of State Police from (1) higher education institutions, health care professionals, or advocacy organizations concerned with juveniles who have these disorders or (2) a collaboration of such institutions, professionals, or organizations ([PA 17-166](#), effective October 1, 2017).



## **Courts and Criminal Law**

### ***Commercial Sexual Abuse of a Minor***

A new law repeals the class C felony penalty for patronizing a prostitute for conduct that involves a minor but imposes stricter penalties for “commercial sexual abuse of a minor,” a new crime the law creates. Under the new law, commercial sexual abuse of a minor is a (1) class B felony if the victim is age 15, 16, or 17 and (2) class A felony if the victim is age 14 or younger ([PA 17-32, §§ 3 & 4](#), effective October 1, 2017).

### ***Counsel’s Access to Records***

Another new law requires counsel in certain juvenile court proceedings, once appointed or assigned, to be granted immediate access to (1) certain records related to the child without securing further releases and (2) the child to consult with him or her privately. The related records include (1) DSS records and (2) medical, mental health, substance abuse treatment, law enforcement, and educational records.

Under this legislation, counsel must be granted access if a competent witness has accused the child's parent or guardian of abusing the child or causing the child to be neglected or uncared for. By law, attorneys who represent children in juvenile court must be granted access to related court and DCF records (CGS §§ [17a-28\(g\)\(3\)](#) and [46b-124\(b\)](#)) ([PA 17-119](#), effective October 1, 2017).

### ***Regional Children's Probate Courts***

A new law allows regional children's probate courts and probate courts that are not located in a region served by a regional children's probate court to employ "family specialists" (formerly "probate court officers") if the Probate Court Budget Committee authorizes them to do so. The new law specifies various job functions for family specialists, including conducting conferences with parties, their attorneys, DCF representatives, and social service providers; facilitating the development of family plans and visitation plans; helping families access community services; and filing specific reports with the court ([PA 17-136, §§ 3-6](#), effective October 1, 2017).

### ***Victim Compensation***

A new law expands the powers and duties of the judicial branch's Office of Victim Services (OVS). Among other things, it allows OVS to award up to an additional \$5,000 above the maximum \$15,000 personal injury award for certain child victims. Under the new law, the additional amount is allowed if the victim is a minor who has additional medical or mental health counselling needs at the time the application for compensation or financial restitution is filed.

In determining victim compensation, OVS must consider the amount a victim receives from other sources, including health insurance. The new law allows OVS to waive the consideration of health insurance as a collateral source in a domestic violence, sexual assault, or child abuse case where the victim or the claimant believes that the disclosure of treatment information associated with a health insurance claim would cause undue harm ([PA 17-99, §§ 25 & 28](#), effective October 1, 2017).

## **Juvenile Justice**

### ***Juvenile Records***

A new law expands access to juvenile records in delinquency matters by giving victims the right to obtain specified information without a court order, such as the name and address of the child who committed the crime and the child's parents or guardian. The new law also (1) creates a process by which a party may object to the release of such information and (2) specifies other information that the court may release and factors it must consider before doing so.

The new law allows the victim to use the information in a subsequent civil action for damages related to the child's delinquent act. However, the victim must not disclose this information further unless authorized by the court ([PA 17-99, §§ 2 & 3](#), effective October 1, 2017).

### ***“Sexting”***

The legislature passed a new law subjecting children age 12 or younger who commit certain acts involving possessing or transmitting child pornography (“sexting”) to misdemeanor, rather than felony, charges. Under prior law, such acts were class A misdemeanors if the sender was (1) the subject of the depiction and (2) between ages 13 through 15 and the recipient was between ages 13 through 17. Individuals who did not fall within these age ranges were subject to felony charges for such acts and, if convicted, sex offender registration.

Under the new law, the conduct is a class A misdemeanor when the recipient is under age 18 and sender is (1) under age 16 and (2) the subject of the depiction ([PA 17-25](#), effective October 1, 2017).

## **Miscellaneous**

### ***Child Restraint Systems (Car Seats)***

A new law strengthens motor vehicle child restraint system (car seat) requirements for children. It increases the threshold age or weight at which a child must be placed in a Department of Motor Vehicles-approved rear-facing car seat from age one or less than 20 pounds to age two or less than 30 pounds. It increases, from six to seven, the maximum age at which children must be secured in certain types of child restraints, including booster seats, and requires that all child restraints be equipped with a five-point harness ([PA 17-230, § 11](#), effective October 1, 2017).

### ***Income Withholding of Workers' Compensation Benefits***

By law, when an employee subject to an income withholding order for child support makes a claim for workers' compensation benefits, his or her employer must promptly notify the dependent (i.e., spouse, former spouse, or child owed the support) or the judicial branch's Support Enforcement Services as directed. A new law requires employers to also include a copy of the income withholding order with the first report of occupational illness or injury to the workers' compensation carrier. Under the act, the carrier must withhold funds pursuant to the order and pay the withheld funds to DSS' Office of Child Support Services ([PA 17-27](#), effective January 1, 2018).

### ***Legal Protections for People Who Render Emergency Assistance to Children***

Under certain circumstances, a new law provides an affirmative defense against civil damages or criminal penalties to someone who enters another person's motor vehicle, including by the use of force, to remove a child who he or she reasonably believes is in imminent danger of serious bodily injury.

The affirmative defense provided under the new law is in addition to defenses or immunities available under federal, state, and common law but does not apply to acts or omissions constituting gross, willful, or wanton negligence. Under this legislation, a person may still be liable for civil damages if he or she attempts to provide aid to the child beyond the authorized actions ([PA 17-134](#), effective October 1, 2017).

## ***Marriage of Minors***

A new law (1) prohibits anyone under age 16 from receiving a marriage license and (2) narrows the circumstances in which such a license may be issued to a 16- or 17-year-old.

Under prior law, a 16- or 17-year-old could be issued a marriage license with the written consent of the minor's parent or guardian. If the minor was under age 16, he or she also needed the written consent of the probate judge where he or she lived. Under the new law, an individual under age 16 may not be issued a marriage license. A 16- or 17-year-old may only get one if the probate court where the minor resides approves a petition filed on the minor's behalf by his or her parent or guardian. The court may only approve such a petition following a hearing and if certain conditions are satisfied.

Under existing law, unchanged by the act, emancipated minors are not subject to these restrictions. (By law, a minor must be at least age 16 to be emancipated) ([PA 17-54](#), effective October 1, 2017).

## ***State Oversight of School Bus Company Driver Monitoring***

A new law requires the motor vehicles commissioner to ensure that school bus companies are fulfilling their duty to review the commissioner's periodic reports on drivers who have had their licenses withdrawn, suspended, or revoked. The law authorizes the commissioner to do this by conducting random compliance audits of bus companies to determine whether a company is performing the required review and otherwise complying with the law. The new law does not change the existing provision that subjects bus companies to civil penalties if they fail to review the commissioner's suspension reports ([PA 17-68, § 15](#), effective July 1, 2017).

KD:bs