

House of Representatives, April 2, 1998. The Committee on Human Services reported through REP. KEELEY, 125th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ESTABLISHING MULTIDISCIPLINARY TEAMS TO RESPOND TO REPORTS OF CHILD ABUSE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-106a of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:
4 (a) The Commissioner of Children and Families
5 [may] SHALL establish multidisciplinary teams [for
6 the purpose of reviewing particular cases or
7 particular types of cases or to coordinate the
8 prevention, intervention and treatment] IN EACH
9 JUDICIAL DISTRICT TO REVIEW SELECTED CASES of
10 child abuse or neglect. [in a particular region of
11 the state. If appropriate, the multidisciplinary
12 team may assess individual cases and make
13 recommendations for treatment and prevention of
14 abuse or neglect. The commissioner shall appoint
15 the members of the multidisciplinary team.
16 Notwithstanding any provision of the general
17 statutes, meetings of the multidisciplinary team
18 may be confidential when necessary to protect the
19 identity of parents, children or mandated
20 reporters, and members of the multidisciplinary
21 team may disclose otherwise confidential
22 information to other members of the team who shall

23 hold such information confidential.] THE PURPOSE
24 OF SUCH MULTIDISCIPLINARY TEAMS IS TO ADVANCE AND
25 COORDINATE THE PROMPT INVESTIGATION OF SUSPECTED
26 CASES OF CHILD ABUSE OR NEGLECT, TO REDUCE THE
27 TRAUMA OF ANY CHILD VICTIM AND TO ENSURE THE
28 PROTECTION AND TREATMENT OF THE CHILD. THE
29 MULTIDISCIPLINARY TEAMS MAY REQUEST THE ASSISTANCE
30 OF THE DIVISION OF STATE POLICE WITHIN THE
31 DEPARTMENT OF PUBLIC SAFETY FOR SUCH PURPOSES.

32 (b) EACH MULTIDISCIPLINARY TEAM SHALL CONSIST
33 OF AT LEAST ONE REPRESENTATIVE OF EACH OF THE
34 FOLLOWING: (1) THE STATE'S ATTORNEY OF THE
35 JUDICIAL DISTRICT OF THE TEAM; (2) THE
36 COMMISSIONER OF CHILDREN AND FAMILIES, OR HIS
37 DESIGNEE; (3) THE HEAD OF THE LOCAL OR STATE LAW
38 ENFORCEMENT AGENCIES, OR HIS DESIGNEE; (4) A
39 HEALTH CARE PROFESSIONAL WITH SUBSTANTIAL
40 EXPERIENCE IN THE DIAGNOSIS AND TREATMENT OF
41 ABUSED OR NEGLECTED CHILDREN; (5) A MENTAL HEALTH
42 PROFESSIONAL WITH SUBSTANTIAL EXPERIENCE IN THE
43 TREATMENT OF ABUSED OR NEGLECTED CHILDREN; AND (6)
44 ANY OTHER APPROPRIATE INDIVIDUAL WITH EXPERTISE IN
45 THE WELFARE OF CHILDREN THAT THE COMMISSIONER OF
46 CHILDREN AND FAMILIES DEEMS NECESSARY. EACH TEAM
47 SHALL SELECT A COORDINATOR. A TEAM MAY INVITE
48 EXPERTS TO PARTICIPATE IN THE REVIEW OF ANY CASE
49 AND MAY INVITE ANY OTHER INDIVIDUAL WITH
50 PARTICULAR INFORMATION GERMANE TO THE CASE TO
51 PARTICIPATE IN SUCH REVIEW, PROVIDED THE EXPERT OR
52 INDIVIDUAL SHALL HAVE THE SAME PROTECTION AND
53 OBLIGATIONS UNDER SUBSECTIONS (d), (g), (h) AND
54 (i) OF THIS SECTION AS MEMBERS OF THE TEAM.

55 (c) THE GOVERNOR SHALL DESIGNATE A TASK FORCE
56 COMPRISED OF INDIVIDUALS WITH EXPERTISE IN THE
57 INVESTIGATION OF CHILD ABUSE AND NEGLECT TO: (1)
58 ESTABLISH AND MODIFY STANDARDS TO BE OBSERVED BY
59 MULTIDISCIPLINARY TEAMS; (2) REVIEW PROTOCOLS OF
60 THE MULTIDISCIPLINARY TEAMS; AND (3) MONITOR AND
61 EVALUATE MULTIDISCIPLINARY TEAMS AND MAKE
62 RECOMMENDATIONS FOR MODIFICATIONS TO THE SYSTEM OF
63 MULTIDISCIPLINARY TEAMS.

64 (d) NOTWITHSTANDING ANY OTHER PROVISION OF
65 THE GENERAL STATUTES, MEETINGS OF EACH
66 MULTIDISCIPLINARY TEAM SHALL BE CONFIDENTIAL IF
67 THE TEAM DETERMINES SUCH CONFIDENTIALITY IS
68 NECESSARY TO PROTECT THE IDENTITY OF PARENTS,
69 CHILDREN OR MANDATED REPORTERS. MEMBERS OF A
70 MULTIDISCIPLINARY TEAM MAY DISCLOSE OTHERWISE

71 CONFIDENTIAL INFORMATION TO OTHER TEAM MEMBERS WHO
72 SHALL HOLD SUCH INFORMATION CONFIDENTIAL UNLESS
73 DISCLOSURE IS ORDERED BY A COURT OF COMPETENT
74 JURISDICTION OR IS NECESSARY TO COMPLY WITH THE
75 CONSTITUTION OF THE STATE OF CONNECTICUT.

76 (e) ALL CRIMINAL INVESTIGATIVE WORK OF THE
77 MULTIDISCIPLINARY TEAMS SHALL BE UNDERTAKEN BY
78 MEMBERS OF THE TEAM WHO ARE LAW ENFORCEMENT
79 OFFICERS AND ALL CHILD PROTECTION INVESTIGATION
80 WORK OF THE TEAMS SHALL BE UNDERTAKEN BY MEMBERS
81 OF THE TEAM WHO REPRESENT THE DEPARTMENT OF
82 CHILDREN AND FAMILIES, PROVIDED REPRESENTATIVES OF
83 THE DEPARTMENT MAY COORDINATE THEIR ACTIVITIES AND
84 RELY UPON INFORMATION GENERATED BY THE TEAM. THE
85 PROTOCOLS, PROCEDURES AND STANDARDS OF THE
86 MULTIDISCIPLINARY TEAMS SHALL NOT SUPERSEDE THE
87 PROTOCOLS, PROCEDURES AND STANDARDS OF THE
88 AGENCIES WHO ARE ON THE MULTIDISCIPLINARY TEAM.

89 (f) EACH MULTIDISCIPLINARY TEAM SHALL HAVE
90 ACCESS TO AND MAY COPY ANY RECORD, TRANSCRIPT,
91 DOCUMENT, PHOTOGRAPH OR OTHER DATA PERTAINING TO
92 AN ALLEGED CHILD VICTIM WITHIN THE POSSESSION OF
93 THE DEPARTMENT OF CHILDREN AND FAMILIES, ANY
94 PUBLIC OR PRIVATE EDUCATIONAL FACILITY, ANY PUBLIC
95 OR PRIVATE MEDICAL FACILITY OR ANY PUBLIC OR
96 PRIVATE HEALTH PROFESSIONAL PROVIDED, IN THE CASE
97 OF CONFIDENTIAL INFORMATION, THE COORDINATOR OF
98 THE TEAM, OR HIS DESIGNEE, IDENTIFIES THE RECORD
99 IN WRITING AND CERTIFIES, UNDER OATH, THAT THE
100 RECORD SOUGHT IS NECESSARY TO INVESTIGATE CHILD
101 ABUSE OR NEGLECT AND THAT THE TEAM WILL MAINTAIN
102 THE RECORD AS CONFIDENTIAL. NO PERSON WHO PROVIDES
103 ACCESS TO OR COPIES OF SUCH RECORD UPON DELIVERY
104 OF CERTIFICATION UNDER THIS SECTION SHALL BE
105 LIABLE TO ANY THIRD PARTY FOR SUCH ACTION. THE
106 MULTIDISCIPLINARY TEAM SHALL NOT BE DEEMED TO BE A
107 PUBLIC AGENCY UNDER THE FREEDOM OF INFORMATION
108 ACT.

109 (g) NO PERSON SHALL DISCLOSE INVESTIGATORY
110 INFORMATION OBTAINED FROM A MEETING OF THE
111 MULTIDISCIPLINARY TEAM WITHOUT THE CONSENT OF THE
112 PARTICIPANT OF THE MEETING WHO PROVIDED SUCH
113 INFORMATION UNLESS DISCLOSURE IS ORDERED BY A
114 COURT OF COMPETENT JURISDICTION OR IS NECESSARY TO
115 COMPLY WITH THE PROVISIONS OF THE CONSTITUTION OF
116 THE STATE OF CONNECTICUT.

117 (h) EACH MULTIDISCIPLINARY TEAM SHALL
118 MAINTAIN RECORDS OF MEETINGS THAT INCLUDE BUT ARE

119 NOT LIMITED TO THE NAME OF THE ALLEGED VICTIM AND
120 PERPETRATOR, THE DECISION OR RECOMMENDATION OF THE
121 TEAM, AND SUPPORT SERVICES PROVIDED. IN ANY
122 PROCEEDING TO GAIN ACCESS TO SUCH RECORDS OR
123 TESTIMONY CONCERNING MATTERS DISCUSSED AT A
124 MEETING, THE PRIVILEGES FROM DISCLOSURE APPLICABLE
125 TO THE INFORMATION PROVIDED BY EACH OF THE
126 PARTICIPANTS AT THE MEETING SHALL APPLY TO ALL
127 PARTICIPANTS.

128 Sec. 2. (NEW) There shall be within the
129 Division of State Police within the Department of
130 Public Safety a child abuse unit which shall (1)
131 at the request of any multidisciplinary team
132 established pursuant to section 17a-106a of the
133 general statutes, as amended by section 1 of this
134 act, assist such team in the investigation of a
135 report of child abuse, (2) investigate reports of
136 crime involving child abuse, and (3) help train
137 municipal police personnel in investigating crimes
138 involving child abuse.

139 STATEMENT OF LEGISLATIVE COMMISSIONERS: The
140 opening clause in subsection (d) of section 1 was
141 changed from "the provisions" to "any other
142 provision" for consistency in phraseology. The
143 words "is necessary" were added to the last
144 sentence in subsection (d) of section 1, for
145 internal consistency. In subsection (f) of section
146 1, "in the case of confidential information" was
147 added to clarify situations where additional
148 certification is needed to obtain records, and
149 language was changed to make it clear that those
150 confidential records will remain confidential. In
151 subsection (h) of section 1, wording was changed
152 to clarify what information will be appropriate to
153 record at team meetings.

154 PS COMMITTEE VOTE: YEA 22 NAY 0 JFS C/R HS
155 HS COMMITTEE VOTE: YEA 14 NAY 0 JFS-LCO

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5535

STATE IMPACT Significant Cost, see below

MUNICIPAL IMPACT Minimal Cost, Within Anticipated Budgetary Resources, see explanation below

STATE AGENCY(S) Departments of Public Safety, Children and Families, Division of Criminal Justice, Governor's Office

	Current FY	1998-99	1999-2000
State Cost (savings)	:	: 695,500	: 806,000
St Revenue (loss)	:	:	:
Net St Cost (savings)	:	:	:
Municipal Impact	:	:	:

EXPLANATION OF ESTIMATES:

STATE IMPACT: This bill will require the establishment of multidisciplinary teams in each of thirteen judicial districts to review selected cases of child abuse or neglect. The Department of Children and Families (DCF) currently supports eight multidisciplinary investigation teams with federal Child Abuse Prevention and Treatment Act funding. It additionally devotes a

staff person in one of its regional offices to the same function. It is anticipated that the agency will redeploy anticipated federal funds in SFY 1998-99 to support four additional teams. Therefore, no State costs will be incurred by the DCF to comply with the bill.

The bill also establishes a Child Abuse Unit in the Division of State Police within the Department of Public Safety (DPS) that shall, upon request, provide assistance to any multidisciplinary team in the investigation of a report of child abuse; investigate reports of crime involving child abuse; and help train municipal police personnel in investigating crimes involving child abuse.

There were an estimated 36,000 cases of child abuse or child neglect in Connecticut in 1997. There will be 13 multidisciplinary teams. DPS estimates that it would require a 12-person unit to provide this assistance, although the exact needs cannot be known at this time. The Unit would consist of 11 sworn personnel and 1 clerical position. Costs for FY '99 are estimated at \$659,500 and at \$806,000 in subsequent fiscal years. First year one-time start-up costs would include office equipment (\$30,000) and the training of the investigators (\$25,000). Annual recurring costs would include \$756,000 for the DPS Unit, and an estimated \$50,000 for actual training costs for municipal police officers. This assumes that the State would fund these training costs for local police. It should be noted that only three-quarter year funding would be needed for FY '99. Actual costs would depend on the number of times that the Unit would be called-in by the multidisciplinary teams.

The Division of Criminal Justice will be able to participate in the teams within its anticipated budgetary resources. It should be noted that it is assumed that experts who are invited to participate in case reviews will not be compensated for their services.

Executive branch appointees named by the Governor to participate in the Task Force will do so within the course of their routine duties.

MUNICIPAL IMPACT: It is anticipated that staff of local law enforcement agencies will participate in the multidisciplinary teams to the extent that their resources allow. It is also assumed that child abuse investigative training will be provided and funded by the State.

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OLR BILL ANALYSIS

SHB 5535

AN ACT ESTABLISHING MULTIDISCIPLINARY TEAMS TO RESPOND TO REPORTS OF CHILD ABUSE

SUMMARY: This bill requires, rather than allows, the Department of Children and Families (DCF) to establish multidisciplinary teams to review selected child abuse or neglect cases. DCF must establish the teams in each judicial district. Under current law, DCF may establish them in particular areas of the state. The bill establishes a child abuse unit in the State Police to help teams investigate reports of child abuse, when requested. It also requires the governor to designate a task force of people with expertise in investigating child abuse and neglect to monitor and evaluate the teams, establish and modify standards for them to observe, review their protocols, and recommend changes to the team system.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

The Teams

Current law allows the DCF commissioner to establish and appoint members of multidisciplinary teams to review particular cases or types of cases of child abuse or neglect or coordinate the prevention, intervention, and treatment of such cases in a particular region of the state. The teams may assess individual cases and make treatment and prevention recommendations. The bill requires the commissioner to establish teams in each judicial district to advance and coordinate prompt investigation of selected child abuse or neglect cases, reduce trauma of child victims,

and ensure the protection and treatment of the child.

Composition. Under current law, the DCF commissioner appoints team members. Under the bill, each team must include at least the following:

1. the state's attorney from a team's judicial district,
2. the DCF commissioner or his designee,
3. the head of the local or state law enforcement agency or his designee,
4. a health care professional with substantial experience diagnosing and treating abused or neglected children,
5. a mental health professional with substantial experience treating abused or neglected children, and
6. any other child welfare expert the commissioner deems necessary.

Each team selects its coordinator (presumably from among its members).

Case Reviews. A team may invite experts and anyone with germane information to a case to participate in reviews. Participants have the same protections and obligations as team members have under specified subsections of the bill. (The section contains an incorrect internal reference to a subsection i.) Other than the obligations and protections regarding confidentiality of information, it is not clear to what other "protections" the bill refers.

Confidentiality. As under current law, team meetings are confidential if the team determines confidentiality is necessary to protect the identity of parents, children, or mandated reporters. Members may disclose otherwise confidential information to other members who, under the bill, may disclose it only pursuant to court order or to comply with the state constitution.

Investigations. The bill requires any criminal investigative work to be undertaken by the team's law

enforcement members. It requires child protective work to be undertaken by DCF members. But DCF may coordinate these members' activities and rely on information the team generates. The teams' protocols, procedures, and standards cannot supercede those of the agencies represented on the teams.

Access to Information. The bill gives teams access to, and allows them to copy, any alleged victim's records, transcripts, documents, photographs, or other data in the possession of DCF, any medical facility, or health professional. The team's coordinator or designee must certify under oath that (1) any such record that is confidential is necessary to investigate child abuse or neglect and (2) the team will maintain it as confidential. Anyone providing records in response to this certification is not liable to a third party for doing so. The bill exempts team meetings and records from the Freedom of Information Act.

Disclosure. The bill prohibits disclosure of investigatory information obtained from a multidisciplinary team meeting without consent of the person providing the information unless a court orders disclosure or it is necessary to comply with the state constitution.

Records. The bill requires a team to maintain meeting records. These must include at least the name of an alleged victim and perpetrator, the team's decision or recommendations, and support services provided. In any proceeding to gain access to meeting records or testimony, the privileges from disclosure that apply to information provided by each participant apply to all of them.

State Police Child Abuse Unit

The bill establishes a child abuse unit in the State Police. When a team requests, the unit must help (1) investigate reports of child abuse, (2) investigate reports of crime involving child abuse, and (3) train local police officers to investigate crimes involving child abuse.

BACKGROUND

Liability

By law, multi-disciplinary team members are subject to the state's regular procedure for claims against the state and are thus exempt from personal liability for actions that are not wanton, reckless, or malicious arising in the scope of their duties (CGS Sec. 4-141).

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute Change or Reference
Vote 22 Nay 0

Human Services Committee

Joint Favorable Report
Yea 14 Nay 0