

File No. 658

(Reprint of File No. 396)

Substitute House Bill No. 5282
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 1, 1998

AN ACT CONCERNING NOTICE OF CHILD ABUSE.

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

1 (NEW) (a) Upon a substantiated complaint of
2 abuse of a child having a single custodial parent
3 or a guardian, the Department of Children and
4 Families shall give, when deemed to be in the best
5 interests of the child, to the noncustodial
6 parent, custodial parent and guardian of the child
7 notice of (1) the circumstances of the complaint,
8 including the name of the person who caused the
9 abuse, (2) the availability of services from the
10 department, including, but not limited to, child
11 care subsidies and emergency shelter and (3) the
12 programs of the Office of Victim Services and
13 information on obtaining a restraining order. The
14 notice shall also inform the recipient that such
15 child may be removed from the custody of the
16 custodial parent by the department if such removal
17 is authorized under the general statutes.

18 (b) The notice required under subsection (a)
19 of this section shall be (1) by certified mail,
20 return receipt requested, directed to the
21 last-known address of each recipient or (2) by
22 delivery by an agent of the department. In the

23 case of personal delivery by an agent, written
24 acknowledgement of such delivery shall be made by
25 the recipient.

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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 5282

STATE IMPACT	Cost, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Departments of Children and Families, Social Services, Office of Victim Services, Judicial Department

EXPLANATION OF ESTIMATES:

An estimated 33,000 reports of child abuse and neglect are investigated annually. Approximately forty seven percent (or 15,600) of these reports are substantiated. Of these, an estimated sixty five percent (or 10,140) involve children having a single custodial parent or guardian.

The bill requires the Department of Children and Families (DCF) to provide notice of the circumstances of the complaint, by either direct contact or certified mail, to the custodial parent or guardian and the noncustodial parent if it is not deemed to be contrary to the child's best interest. The agency will incur a minimal cost, which can be absorbed within its anticipated budgetary resources, to perform direct notification when possible.

In cases in which direct contact is not feasible, postage costs of \$2.77 per each letter of certified mail, return receipt requested, and an increased administrative workload will be incurred. As the volume of mailed notices is anticipated to be in the 8,000-13,000 range annually, a cost of approximately \$22,160-\$36,010 would result.

To the extent that information contained in the notice prompts additional individuals to seek State funded services via the DCF, the Department of Social Services, the Office of Victim Services or the courts, increased demand for their programs will result. It is expected that provision of any resulting additional services will occur to the extent that these agencies' resources allow.

House "A" clarifies the original bill by stating that when notification is made by mail, it shall be sent to the last known address of the recipient. Additionally, it allows the Department of Children and Families discretion to not make notification if it is not deemed to be in the best interest of the child.

This results in a potential indeterminate savings for the Department of Children and Families to the extent that it will not be responsible for locating current addresses of recipients. Also, to the extent that allowing the DCF to avoid making notification when the agency deems it to not be in the child's best interest results in fewer notices given, a minimal savings will ensue.

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OLR AMENDED BILL ANALYSIS

sHB 5282 (as amended by House "A")*

AN ACT CONCERNING NOTICE OF CULPABILITY OF CHILD ABUSE

SUMMARY: This bill requires the Department of Children and Families (DCF) to notify parents and guardians of children living with a single parent or guardian when it substantiates that the child has been abused, if it deems such notice to be in the child's best interests. The notice must describe the circumstances of the abuse; name the abuser; list the services available from the department, including child care subsidies and emergency shelter (DCF does not provide these services, but may refer people to them); describe the Office of Victim Services' programs; and provide information on how to obtain a restraining order. It must also inform the recipients that the law authorizes DCF to remove the child from the custodial parent's home under specific circumstances.

The notice must be given to the custodial parent or guardian and the noncustodial parent. It can be delivered by a DCF agent, in which case the recipient must make written acknowledgement, or to the recipient's last known address by certified mail, return receipt requested.

*House Amendment "A" (1) limits giving notice to situations in which DCF determines it is in the child's best interest and (2) specifies that mailed notice must be sent to the recipient's last known address.

EFFECTIVE DATE: October 1, 1998

BACKGROUND

Removing a Child from the Home

A DCF investigator can remove a child from his home and place him in DCF custody for 96 hours if he has probable cause to believe that (1) the child or any other child in the household is at imminent risk of physical harm from his surroundings and (2) immediate removal is necessary to ensure his safety (CGS Sec. 17a-101g).

DCF Policy on Service Referrals

DCF policy calls for investigators and child protective service workers to offer services to prevent out-of-home placements and promote family reunification. They may provide or refer families to a wide range of services including counseling, day care, emergency shelter, transportation, legal aid, psychological evaluation, and medical care (DCF Policy Manual, 34-9)

Legislative History

The House referred the bill (File 396) to the Appropriations Committee on April 13. That committee favorably reported it, unchanged, on April 16.

COMMITTEE ACTION

Children's Committee

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0

Human Services Committee

Joint Favorable Substitute Change of Reference
Yea 16 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0

Appropriations Committee

Joint Favorable Report
Yea 45 Nay 0