

# Department of Children and Families

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## 2017 Legislative Summary - Regular Session -

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The following is a compilation of legislation of interest to the Department of Children and Families that passed during the 2017 Regular Session of the General Assembly. These summaries are based largely upon the bill analysis prepared by the General Assembly's Office of Legislative Research.

The intent of this summary is to provide a general understanding of the actions taken by the legislature. Please refer to the specific text of each public or special act for a complete understanding of the action taken by the General Assembly. For additional information, please visit the General Assembly's website at <http://www.cga.ct.gov/>

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# 2017 Legislative Summary

## Contents

	<b>PAGE</b>
<b>Child Protective Services</b>	
PUBLIC ACT 17-18 – H.B. No. 7121 – AN ACT CONCERNING REVISIONS TO THE STATE'S SAFE HAVEN LAWS	1
PUBLIC ACT 17-92 – S.B. No. 895 – AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' STANDARDS AND REPORTING REQUIREMENTS	1
PUBLIC ACT 17-190 – H.B. No. 7112 – AN ACT CONCERNING CHILDREN'S ADVOCACY CENTERS	2
<b>Behavioral Health</b>	
PUBLIC ACT 17-131 – H.B. No. 7052 – AN ACT PREVENTING PRESCRIPTION OPIOID DIVERSION AND ABUSE	5
PUBLIC ACT 17-157 – H.B. No. 5140 - AN ACT CONCERNING REIMBURSEMENTS TO HEALTH CARE PROVIDERS FOR SUBSTANCE ABUSE SERVICES	6
PUBLIC ACT 17-210 - H.B. No. 6997 - AN ACT CONCERNING THE WELL-BEING OF CHILDREN AFFECTED BY PRENATAL DRUG OR ALCOHOL EXPOSURE	6
SPECIAL ACT 17-6 – H.B. No. 6297 – AN ACT ESTABLISHING A TASK FORCE TO STUDY VOLUNTARY ADMISSIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES	7
<b>Intimate Partner Violence</b>	
PUBLIC ACT 17-31 – H.B. No. 7299 – AN ACT CONCERNING STRENGTHENING LAWS CONCERNING DOMESTIC VIOLENCE	9
PUBLIC ACT 17-163 – S.B. No. 979 – AN ACT CONCERNING NOTIFICATION TO SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION OF RESTRAINING ORDERS, CIVIL PROTECTION ORDERS AND STANDING CRIMINAL PROTECTIVE ORDERS AFFECTING STUDENTS	9
<b>Trafficking</b>	
PUBLIC ACT 17-32 – H.B. No. 7309 – AN ACT CONCERNING HUMAN TRAFFICKING	10
PUBLIC ACT 17-129 – S.B. No. 930 – AN ACT CONCERNING THE RECEIPT OF ANNUAL REPORTS ON ANTI-HUMAN TRAFFICKING FROM LAW ENFORCEMENT AGENCIES	13
<b>Legal</b>	
PUBLIC ACT 17-54 – H.B. No. 5442 - AN ACT CONCERNING THE LEGAL AGE TO MARRY IN THIS STATE	15
PUBLIC ACT 17-81 – S.B. No. 893 – AN ACT CONCERNING REVISIONS TO CERTAIN STATUTES REGARDING THE DEPARTMENT OF CHILDREN AND FAMILIES	15
PUBLIC ACT 17-99 – H.B. No. 7198 – AN ACT CONCERNING COURT OPERATIONS, VICTIM SERVICES, FRAUDULENT FILINGS AND TRANSFERS OF AN INTEREST IN REAL PROPERTY TO A TRUST	19

PUBLIC ACT 17-119 – H.B. No. 6741 – AN ACT CONCERNING THE RIGHT OF COUNSEL TO ACCESS RECORDS IN CERTAIN ABUSE AND NEGLECT PROCEEDINGS	21
PUBLIC ACT 17-127 – S.B. No. 917 - AN ACT CONCERNING DISCRIMINATORY PRACTICES AGAINST VETERANS, LEAVES OF ABSENCE FOR NATIONAL GUARD MEMBERS, APPLICATION FOR CERTAIN MEDICAID PROGRAMS AND DISCLOSURE OF CERTAIN RECORDS TO FEDERAL MILITARY LAW ENFORCEMENT	21
PUBLIC ACT 17-136 – H.B. No. 7082 - AN ACT CONCERNING PROBATE COURT OPERATIONS	22
PUBLIC ACT 17-185 – H.B. No. 6999 - AN ACT CONCERNING THE PROVISION OF INFORMATION ABOUT THE USE OF THERAPY DOGS TO COMFORT AND SUPPORT TESTIFYING WITNESSES IN CERTAIN CRIMINAL PROSECUTIONS	23
PUBLIC ACT 17-216 – H.B. No. 7256 – AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL JUSTICE STATUTES AND THE REPORTING OF THE DEATH OF ANY PERSON IN STATE CUSTODY	23
<b>Licensing</b>	
SPECIAL ACT 17-21 - H.B. No. 6155 – AN ACT ESTABLISHING A WORKING GROUP TO REVIEW THE LICENSURE AND CERTIFICATION PROCESS FOR CERTAIN NONPROFIT COMMUNITY PROVIDERS	25
<b>Education</b>	
PUBLIC ACT 17-68 – S.B. No. 1014 – AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES	26
PUBLIC ACT 17-173 – H.B. No. 7253 – AN ACT CONCERNING MINOR REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES	27
PUBLIC ACT 17-194 – H.B. No. 7156 – AN ACT CONCERNING ACCESS TO STUDENT RECORDS FOR CERTAIN UNACCOMPANIED YOUTHS	28
<b>Other Acts of Interest</b>	
PUBLIC ACT 17-5 – H.B. No. 6695 – AN ACT CONCERNING THE PROTECTION OF YOUTH FROM CONVERSION THERAPY	29
PUBLIC ACT 17-19 – S.B. No. 766 – AN ACT EXTENDING CERTAIN DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF CHILDREN AND FAMILIES REPORTING DEADLINES	29
PUBLIC ACT 17-96 – H.B. No. 7192 – AN ACT CONCERNING A PROTECTION AND ADVOCACY SYSTEM FOR PERSONS WITH DISABILITIES	29
PUBLIC ACT 17-122 – H.B. No. 7007 – AN ACT CONCERNING AN INNOVATION INCENTIVE PROGRAM FOR NONPROFIT PROVIDERS OF HUMAN SERVICES	30
PUBLIC ACT 17-166 - H.B. No. 6260 – AN ACT CONCERNING TRAINING PROGRAMS FOR STATE AND LOCAL POLICE REGARDING JUVENILES WITH AUTISM SPECTRUM DISORDER OR NONVERBAL LEARNING DISORDER	30
PUBLIC ACT 17-202 – S.B. No. 796 - AN ACT CONCERNING THE USE OF RESPECTFUL AND PERSON-FIRST LANGUAGE	30

PUBLIC ACT 17-230 – H.B. No. 7055 – AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION REGARDING THE NOTIFICATION OF STATE CONSTRUCTION CONTRACT OPPORTUNITIES BY THE UNIVERSITY OF CONNECTICUT AND THE COMMISSIONER OF TRANSPORTATION, PARKING SPACES, WAYSIDE HORNS, THE DISPOSITION OF EXCESS STATE PROPERTY, HEAVY DUTY TRAILERS, FLASHING LIGHTS ON MOTOR VEHICLES CHILD RESTRAINT SYSTEMS, PESTICIDE APPLICATION BY RAILROAD COMPANIES, THE "MOVE OVER" LAW, ROAD DESIGN STANDARDS, AND ROAD AND BRIDGE DESIGNATIONS

31

## Child Protective Services

### **PUBLIC ACT 17-18 – H.B. No. 7121 – AN ACT CONCERNING REVISIONS TO THE STATE'S SAFE HAVEN LAWS.**

This act makes various changes to the state's 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.*). Among its changes, the act:

- (1) requires the Department of Children and Families 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;
- (2) specifies circumstances in which the DCF Commissioner may require DNA tests to determine the infant's parentage and otherwise requires the department to get a court order for such testing;
- (3) limits 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 allows the prospective adoptive parent to request a hearing before the removal;
- (4) clarifies the information a hospital employee may disclose about a safe haven surrender if he or she believes the infant was abused or neglected; and
- (5) prohibits DCF from disclosing information about the parents of a safe haven infant to a prospective adoptive parent or foster parent without a court order unless otherwise required by law.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2017 (*Signed by Governor Malloy on June 6, 2017*)

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### **PUBLIC ACT 17-92 – S.B. No. 895 – AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' STANDARDS AND REPORTING REQUIREMENTS.**

This act requires the Department of Children and Families Commissioner to establish protocols for investigating and responding to reports of abuse or neglect of children from birth to age three. The protocols must include:

- (1) appropriate case supervision;
- (2) appropriate DCF personnel visitations to such children;
- (3) documentation of case activities relevant to such children's safety and well-being; and
- (4) a case supervision tool specific to the unique needs and risk status of such children.

The act also broadens the circumstances in which DCF must perform certain investigations related to child abuse and neglect proceedings. In such proceedings, the court must schedule a preliminary hearing when it issues an order (1) to the child's parents or caregiver to appear in court to determine if the child should be temporarily placed outside the home during the proceedings or (2) *ex parte* (from the bench) vesting the child's care and custody temporarily with a relative, agency, or other person. Under current law, in advance of the hearing, the child's parent or guardian may request DCF to investigate placing the child or youth with a relative as a licensed foster parent or temporary custodian. The act requires DCF to investigate any such relative before the preliminary hearing, rather than requiring it to do so only when practicable.

The act also (1) requires the department to include in the report it must submit to the court at the hearing any potential barriers to licensing the relative as a foster parent or granting him or her temporary custody of the child and (2) specifies that the report is preliminary.

Under the act, if DCF places a child or youth into out-of-home care based on alleged abuse or neglect, it must include in any report it submits to the court information about:

- (1) the safety and suitability of the child's or youth's placement, taking into account the law's requirements regarding such placements;
- (2) the child's or youth's medical, dental, developmental, educational, and treatment needs; and
- (3) a timeline to ensure those needs are met.

The information also must be submitted (1) within 90 days of the child's or youth'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 or youth. The court must consider the information when making decisions on the child's or youth's well-being.

Additionally, the act requires DCF, by January 1, 2018, to begin annually reporting to the Children's Committee on its licensing practices.

EFFECTIVE DATE: July 1, 2017 (*Signed by Governor Malloy on June 30, 2017*)

#### **DCF Report to the Children's Committee**

The annual report to the Children's Committee must include:

- (1) DCF's methods of ensuring it complies with statutory and regulatory foster care licensing regulations;
- (2) DCF's methods of assessing the needs of children and youths in foster care and providing support for foster parents to help them meet such children's and youths' needs;
- (3) the safeguards DCF uses when it seeks to license a relative caregiver with (a) a history of child abuse or neglect, (b) psychiatric illness, or (c) a criminal record;
- (4) DCF's process for reversing a substantiated abuse or neglect finding or child abuse or neglect registry finding against a prospective relative caregiver;
- (5) for the past 12 months, the number of (a) child abuse and neglect reports involving children or youths in DCF licensed foster home, (b) such reports that were substantiated, and (c) foster home licenses that were revoked and applications that were denied;
- (6) the results of DCF's random audits of its licensing practices; and
- (7) information on the number and type of licensed foster home safety concerns the department identified through its assessment of its regulatory compliance system and any corresponding corrective actions it took.

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#### **PUBLIC ACT 17-190 – H.B. No. 7112 – AN ACT CONCERNING CHILDREN'S ADVOCACY CENTERS.**

This act defines a children's advocacy center for purposes of assisting multidisciplinary teams that investigate alleged child abuse, neglect, or trafficking. Under the act, such a center is an entity that (1) is accredited or granted associate or developing status by the National Children's Alliance and (2) provides a child-focused, trauma-informed, facility-based program that fosters collaboration among members of a multidisciplinary team (see below) to interview and meet with children and

their parents, guardians, or other caregivers to obtain and provide information to personnel charged with making decisions regarding (a) investigating and prosecuting alleged child abuse, neglect, or trafficking and (b) the safety, treatment, and provision of services to the alleged victims of these crimes.

Current law permits the Department of Children and Families and the appropriate state's attorney to establish multidisciplinary teams for various purposes related to child abuse, neglect, and trafficking. The act specifies that one purpose for such teams is to provide protection to abused, neglected, or trafficked children and their families, rather than just to such children as under current law.

The act adds to the individuals who must be included in a multidisciplinary team a forensic interviewer and Child Advocate, both of whom must be designated by the team members. It also (1) permits children's advocacy centers to assist, in various capacities, multidisciplinary teams and (2) specifies certain actions the state chapter of the National Children's Alliance and multidisciplinary teams may take.

The act also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2018 (*Signed by Governor Malloy on July 10, 2017*)

### **Children's Advocacy Centers**

Under the act, children's advocacy centers may assist multidisciplinary teams by:

- (1) providing safe, private, child and family-friendly settings;
- (2) establishing culturally competent policies and procedures;
- (3) helping to develop written protocols for an interdisciplinary and coordinated approach to investigations;
- (4) providing specialized medical evaluation and treatment, mental health services and support, and advocacy services to children at children's advocacy centers or through coordination with, and referral to, other appropriate providers;
- (5) providing regular case review to aid in decision-making, problem solving, systems coordination, and information sharing concerning the status of cases and services children and their families require; and
- (6) providing a tracking system to monitor case progress and outcomes.

The act also permits the advocacy centers to assist the teams by providing forensic interviews of children. Under the act, the interviews:

- (1) are conducted by a trained forensic interviewer and recorded;
- (2) solicit information in an unbiased, fact-finding manner that is culturally sensitive and appropriate for each child's developmental stage; and
- (3) may be observed by team members involved in child abuse, neglect, or trafficking investigations whenever possible.

### **State Chapter of the National Children's Alliance and Multidisciplinary Teams**

The act allows the multidisciplinary teams and state chapter of the National Children's Alliance to:

- (1) coordinate and facilitate the exchange of information among children's advocacy centers;
- (2) provide technical assistance to municipalities to support the establishment, growth, and accreditation of these centers;



- (3) educate the public and General Assembly on the need of child abuse, neglect, and trafficking victims;
  - (4) provide or coordinate multidisciplinary training opportunities that support a comprehensive response to alleged child abuse, neglect, or trafficking; and
  - (5) submit a report annually to the Governor's Task Force on Justice for Abused Children and the General Assembly on each center's outcomes.
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## Behavioral Health

### PUBLIC ACT 17-131 – H.B. No. 7052 – AN ACT PREVENTING PRESCRIPTION OPIOID DIVERSION AND ABUSE.

This act makes various changes to prevent and treat opioid drug abuse. Principally, it:

- (1) allows the Department of Consumer Protection (DCP) Commissioner to share certain prescription drug monitoring program information with other state agencies for certain drug abuse studies (§ 1);
- (2) generally requires prescriptions for controlled substances to be transmitted electronically to a pharmacy, which must have the technology to accept such prescriptions (§ 3);
- (3) limits access to controlled substances by (a) allowing certain registered nurses employed by home health care agencies to destroy or dispose of them, (b) creating a process for patients to request to not be prescribed opioids, and (c) generally reducing the amount of opioid drugs a minor may be prescribed (§§ 2, 4, & 5);
- (4) requires practitioners, when prescribing opioids, to discuss with all patients, rather than only minors, the risks associated with opioid drug use (§ 5);
- (5) requires the Alcohol and Drug Policy Council (ADPC) to take certain actions to address opioid drug abuse (§ 7);
- (6) requires certain individual and group health insurers to cover specified medically necessary, inpatient detoxification services for an insured or enrollee diagnosed with a substance use disorder (§§ 8 & 9);
- (7) requires alcohol or drug treatment facilities to use admissions criteria developed by the American Society of Addiction Medicine (§ 10);
- (8) extends the date by which municipalities must amend their local emergency medical services (EMS) plans to require at least one EMS provider likely to arrive first on the scene of a medical emergency to carry an opioid antagonist and complete a training on how to administer it (§ 11); and
- (9) allows a prescribing practitioner authorized to prescribe an opioid antagonist to issue a standing order (i.e., non-patient specific prescription) to a licensed pharmacist for an opioid antagonist under certain conditions (§ 12).

The act also makes technical and conforming changes.

It also (1) allows practitioners to apply for a waiver from the electronic prescription requirements indefinitely instead of until July 1, 2019, as under the original act, (2) provides immunity to certain prescribing practitioners who prescribe opioids without knowledge of a patient's voluntary non-opioid directive form, (3) generally reduces the amount of opioid drugs a minor may be prescribed, and (4) makes minor and technical changes.

EFFECTIVE DATE: July 1 2017, except that the provisions on (1) health insurance coverage for substance use disorder and electronic prescription requirements take effect January 1, 2018; (2) standing orders for opioid antagonists and opioid prescription drug provisions take effect October 1, 2017; and (3) drug monitoring information sharing and drug disposal take effect upon passage. *(Signed by Governor Malloy on June 30, 2017)*

**PUBLIC ACT 17-157 – H.B. No. 5140 - AN ACT CONCERNING REIMBURSEMENTS TO HEALTH CARE PROVIDERS FOR SUBSTANCE ABUSE SERVICES.**

This act requires certain health insurance policies to pay directly any out-of-network health care providers eligible for reimbursement for the diagnosis or treatment rendered in Connecticut for a substance use disorder. It does so by deeming that an insured receiving such diagnosis or treatment has assigned his or her reimbursement benefits and other rights under the health insurance policy to the provider.

Under the act, providers may collect from the insured any copayment, deductible, and other out-of-pocket costs due under the policy but are prohibited from otherwise billing; charging; collecting a deposit from; seeking compensation, remuneration, or reimbursement from; or having any recourse against the insured for the services.

The act applies to individual and group health insurance policies issued, delivered, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, or (4) hospital or medical services, including those provided through an HMO. (Due to the federal Employee Retirement Income Security Act, state insurance mandates do not apply to self-insured benefit plans.)

By law, these health insurance policies must cover the diagnosis and treatment of mental or nervous conditions, including substance use disorders, provided by (1) a licensed physician, advanced practice registered nurse, psychologist, clinical social worker, marital and family therapist, or professional counselor, (2) certain certified marital and family therapists or independent social workers, or (3) licensed or certified alcohol and drug counselors.

EFFECTIVE DATE: January 1, 2018 (*Signed by Governor Malloy on July 6, 2017*)

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**PUBLIC ACT 17-210 - H.B. No. 6997 - AN ACT CONCERNING THE WELL-BEING OF CHILDREN AFFECTED BY PRENATAL DRUG OR ALCOHOL EXPOSURE.**

This act requires the Department of Children and Families 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.

The Commissioner must report to the Public Health and Children's Committees by February 1, 2018 on:

- (1) the policies and procedures the Commissioner developed and implemented;
- (2) the number of cases involving such infants referred to the Commissioner by health care providers since the act's passage;
- (3) gaps in notification to the Commissioner in such cases;
- (4) gaps in services provided to such infants, their mothers, and other caregivers; and
- (5) recommendations for improvements in services.

## DEFINITIONS

Under the act:

- (1) “drug abuse” means the ingestion of controlled substances without a prescription or authorization required under state law;
- (2) “substance use” means the excessive use of drugs or alcohol in a way that causes harm to self or others; and
- (3) “fetal alcohol spectrum disorder” means a range of health conditions that may affect an infant whose mother drank alcohol during pregnancy, including fetal alcohol syndrome.

EFFECTIVE DATE: Upon passage (*Signed by Governor Malloy on July 10, 2017*)

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## **SPECIAL ACT 17-6 – H.B. No. 6297 – AN ACT ESTABLISHING A TASK FORCE TO STUDY VOLUNTARY ADMISSIONS TO THE DEPARTMENT OF CHILDREN AND FAMILIES.**

The act establishes a task force to study the voluntary services program operated by the Department of Children and Families. The task force shall consider and make recommendations concerning:

- (1) whether the general statutes should be amended to prohibit the Commissioner of Children and Families from requesting or requiring that the parent or guardian of a child or youth admitted to the department on a voluntary basis terminate such parent or guardian's parental rights or transfer legal custody of the child or youth to the department;
- (2) methods of increasing access to voluntary services provided by the department, including, but not limited to, closing gaps in private insurance coverage that prevent children and youths from accessing such services and aiding parents and guardians in accessing such services on behalf of children and youths without relinquishing custody of such children and youths to the department;
- (3) methods of improving the voluntary services provided by the department;
- (4) methods of improving the department's case management services and communication with other state agencies regarding case management; and
- (5) the ability of service providers that provide such voluntary services to meet the needs of children and youths admitted to the department on a voluntary basis, including, but not limited to, whether the number of available service providers is adequate to meet such needs.

The task force shall consist of the following members:

- (1) two appointed by the Speaker of the House of Representatives, one of whom shall be a pediatrician who serves adolescents and one of whom shall be a representative of a school-based health center;
- (2) two appointed by the President Pro Tempore of the Senate, one of whom shall be a child psychiatrist and one of whom shall be a primary care provider who serves children and youths;
- (3) two appointed by the Majority Leader of the House of Representatives, one of whom shall be a school psychologist and one of whom shall be a representative of a community health center;
- (4) two appointed by the Majority Leader of the Senate, one of whom shall be a judge of probate and one of whom shall be a parent or guardian of a child or youth who has utilized the department's voluntary services program;
- (5) two appointed by the Minority Leader of the House of Representatives, one of whom shall be a representative of an organization that specializes in the issue of custody relinquishment

- prevention and one of whom shall be a representative of an organization that advocates for consumers of the department's voluntary services program;
- (6) two appointed by the Minority Leader of the Senate, one of whom shall be a health insurer and one of whom shall be a representative of a service provider that provides voluntary services through the department;
  - (7) one appointed by the Governor, who shall be a representative of a child advocacy organization;
  - (8) the Commissioner of Children and Families, or the Commissioner's designee;
  - (9) the Commissioner of Mental Health and Addiction Services, or the Commissioner's designee;
  - (10) the Commissioner of Public Health, or the Commissioner's designee;
  - (11) the Commissioner of Education, or the Commissioner's designee;
  - (12) the Commissioner of Developmental Services, or the Commissioner's designee;
  - (13) the Insurance Commissioner, or the Commissioner's designee; and
  - (14) the Child Advocate, or the Child Advocate's designee.

The task force shall submit a report not later than February 1, 2018 on its findings and recommendations to the Governor, Speaker of the House of Representatives, President Pro Tempore of the Senate, Minority Leader of the House of Representatives, Minority Leader of the Senate and the Appropriations, Children, Education, Human Services, Insurance and Public Health Committees of the General Assembly.

EFFECTIVE DATE: Upon passage (*Signed by Governor Malloy on June 20, 2017*)

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## **Intimate Partner Violence**

### **PUBLIC ACT 17-31 – H.B. No. 7299 – AN ACT CONCERNING STRENGTHENING LAWS CONCERNING DOMESTIC VIOLENCE.**

This act makes various changes in laws concerning crimes against an individual.

The act:

- (1) expands the conduct that constitutes stalking to include conduct that causes a reasonable person to suffer “emotional distress;”
- (2) specifies that electronic or social media are among the methods, devices, or means by which conduct that constitutes 1<sup>st</sup> or 2<sup>nd</sup> degree stalking may occur;
- (3) broadens the strangulation statutes to include suffocation when a person obstructs another person's nose or mouth;
- (4) increases the penalty for violations of release conditions when the violation involves certain conduct; and
- (5) requires a presentence investigation for anyone convicted of a family violence felony for which a prison sentence may be imposed and prohibits such a defendant from waiving the investigation.

The act also makes conforming and technical changes.

EFFECTIVE DATE: October 1, 2017 (*Signed by Governor Malloy on June 6, 2017*)

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### **PUBLIC ACT 17-163 – S.B. No. 979 – AN ACT CONCERNING NOTIFICATION TO SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION OF RESTRAINING ORDERS, CIVIL PROTECTION ORDERS AND STANDING CRIMINAL PROTECTIVE ORDERS AFFECTING STUDENTS.**

This act makes changes to laws that govern the court's notification to schools or institutions of higher education when it issues certain protection orders.

Under current law, a court, upon the request of a victim, must notify the victim's school or institution of higher education when it issues a civil restraining order, civil protection order, family violence protective order, or criminal protective order. The act, instead, requires the court to do so only if the applicant provides the court with the school's or institution's name and address.

For civil restraining orders, the act additionally requires the court to provide such notice under the conditions described above, to the school or institution in which the victim's minor child protected by the order is enrolled.

The act also expands the court's duty to provide court notification to schools or institutions of higher education by requiring the court to do so, under the conditions described above, when it issues standing criminal protection orders and orders prohibiting harassment of a witness in a criminal case. Such notices are not required in these cases under current law.

EFFECTIVE DATE: January 1, 2018 (*Signed by Governor Malloy on July 7, 2017*)

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# Trafficking

## PUBLIC ACT 17-32 – H.B. No. 7309 – AN ACT CONCERNING HUMAN TRAFFICKING.

This act makes various changes in laws that pertain to human trafficking. The act principally:

- (1) adds to the Trafficking in Persons Council's membership and expands the Council's charge;
- (2) expands the conduct punishable as a trafficking in persons crime and increases the penalty for the crime;
- (3) reduces the penalty for patronizing a prostitute when the victim is a trafficking victim;
- (4) repeals the higher penalties under the patronizing a prostitute statute for conduct that involves a minor but imposes stricter penalties under a new crime the act creates (“commercial sexual abuse of a minor”);
- (5) broadens the list of people and entities required to post a notice about services for human trafficking victims and imposes a penalty for violations;
- (6) requires the Department of Children and Families Commissioner to consult with the Department of Emergency Services and Public Protection (DESPP) Commissioner in developing an educational and refresher training program related to human trafficking; and
- (7) requires the Attorney General to develop and report on a proposed certification for inclusion in state contracts to conform, to the extent legally feasible, with the provisions of the federal Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts.

It also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2017, except the provision on the attorney general's proposed certification is effective upon passage. (*Signed by Governor Malloy on June 8, 2017*)

### § 1 — Trafficking in Persons Council

#### **Membership**

The act increases the Council's membership from 25 to 27 by adding an adult trafficking victim, appointed by the Governor, and the Education Commissioner or her designee.

#### **Responsibilities**

By law, the Council must (1) coordinate the collection, analysis, and dissemination of data regarding human trafficking and (2) meet to provide updates and progress reports and consult with government and nongovernmental organizations in developing recommendations on trafficking efforts.

The act expands the Council's charge by requiring it to develop:

- (1) a list of key trafficking victim indicators;
- (2) a standardized curriculum and conduct training for doctors, nurses, pharmacists, pharmacy technicians, emergency medical services personnel, teachers, school counselors, school administrators, and DCF and Department of Public Health (DPH) personnel to identify human trafficking victims using the list of key indicators and assist the victims;
- (3) training for DCF and DPH personnel on methods to identify foster care children who may be at risk of becoming trafficking victims, and to conduct such training; and
- (4) a plan for mental health, support, and substance abuse programs for individuals identified as trafficking victims and those arrested for prostitution.

### ***Plan for Trafficking Victims' Programs***

Under the act, the plan for mental health, support, and substance abuse programs for trafficking victims must provide for the:

- (1) diversion of trafficking victims and prostitution offenders into community-based treatment and support services, including substance abuse recovery, housing, healthcare, job training, treatment and mental health support; and
- (2) after the successful completion of the program, the dismissal of any related criminal charges against the accused.

### ***Reporting Recommendations***

Starting by January 1, 2018, the act requires the Council to include the plan, and any recommendations for legislation to implement the plan, as part of its annual report to the legislature.

The act also requires the Council to examine the challenges faced by trafficking victims who do not have legal immigration status. It allows the Council to include in any of its reports recommendations for services that could benefit those individuals and legislation to provide such services.

### **§ 2 — Trafficking in Persons**

The act expands the trafficking in persons crime to include the commission of a sex trafficking act.

Under the act, “sex trafficking” is the recruitment, harboring, transportation, or provision of a person for the purpose of engaging in sexual conduct with another person for a fee.

Currently, one way to commit the trafficking in persons crime is to compel or induce someone under age 18 to engage in sexual contact that is prostitution or illegal sexual contact with a third person.

The act also increases, from a class B felony to class A felony, the penalty for the trafficking in persons crime.

By law, a class B felony is punishable by one to 20 years in prison, a fine of up to \$15,000, or both. A class A felony is punishable by 10 to 25 years in prison, a fine of up to \$20,000, or both.

### **§§ 3 & 10 — Patronizing a Prostitute**

#### ***Patronizing a Prostitute***

Currently, patronizing a prostitute is a class C felony if the victim is a minor (under age 18) or a trafficking victim. By law, a class C felony is punishable by one to 10 years in prison, a fine of up to \$10,000, or both.

By law, other cases of patronizing a prostitute are a class A misdemeanor punishable by up to one year in prison and a mandatory \$2,000 fine.

***When Victim is a Minor.*** The act repeals the higher penalties under the patronizing a prostitute statute for conduct that involves a minor but imposes stricter penalties under a new crime the act creates, “commercial sexual abuse of a minor,” (see § 4 below).



**Trafficking Victim.** The act reduces, from a class C felony to a class A misdemeanor, the penalty for patronizing a prostitute when the victim is a trafficking victim. It expands the trafficking in persons crime to include the commission of a sex trafficking act and imposes a stricter penalty (see § 2 above).

***Patronizing a Prostitute From a Motor Vehicle***

The act repeals the patronizing a prostitute from a motor vehicle statute and the corresponding impoundment statute. The provisions of these repealed statutes are addressed under existing patronizing a prostitute and forfeiture laws. Under existing law, patronizing a prostitute from a motor vehicle carries the same penalty as other cases of patronizing a prostitute as described above.

**§ 4 — Commercial Sexual Abuse of a Minor**

Under the act, a person is guilty of commercial sexual abuse of a minor when the person:

- (1) pays a fee to a minor or third person as compensation for a minor (under age 18) engaging in sexual conduct with such person;
- (2) pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return for such fee the minor will engage in sexual conduct with such person; or
- (3) solicits or requests to engage in sexual conduct with a minor, or any other person that such person reasonably believes to be a minor, in return for a fee.

Under the act, 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 under age 15.

**§ 5 — Human Trafficking Victim Services Notice**

***Notice***

The act adds to those people and entities required to post a notice developed by the Office of the Chief Court Administrator about services for human trafficking victims.

It expands the types of service operators that must post the notice. Currently, any publicly or privately operated service plazas, hotels, motels, similar lodgings, and businesses that offer for sale or promote performances for adult audiences must post it. The act requires operators of the following services to post this notice:

- (1) an establishment that provides massage services for a fee;
- (2) a public airport;
- (3) an acute care hospital emergency room;
- (4) an urgent care facility;
- (5) a passenger rail or bus service station;
- (6) an employment agency that offers personnel services to any operator required to post the notice; and
- (7) an establishment that provides services performed by a nail technician.

With certain exceptions, the law requires someone to post the notice if he or she holds an on-premises consumption permit for the retail sale of alcohol. Existing exceptions include caterers, railroads, boats, airlines, charitable organizations, and special clubs. The act eliminates the exception for railroads and airlines.

Under existing law, the notice must be posted in plain view in a conspicuous location where sales occur. The act expands this to include locations where the labor and services are provided or performed, tickets are sold, and other transactions occur.

By law, this notice must state the toll-free state and federal anti-trafficking hotline numbers that someone can use if he or she is forced to engage in an activity and cannot leave.

***Penalty***

Under the act, any operator or person who fails to comply with the notice provision is subject to a fine of \$100 for the first offense and \$250 for a subsequent offense. Additionally, violators are subject to any license, permit, or certificate suspension or revocation proceeding that an appropriate authority may initiate.

**§ 6 — DCF Educational Training Program**

The act requires the DCF Commissioner, in consultation with the DESPP Commissioner, to develop and approve an educational and refresher training program to accurately and promptly identify and report suspected human trafficking.

The program must include a video presentation that offers awareness of human trafficking issues and guidance to:

- (1) law enforcement personnel;
- (2) Superior Court judges;
- (3) prosecutors, public defenders, and attorneys who represent criminal defendants;
- (4) hospital emergency room and urgent care facility staff who have contact with patients; and
- (5) local or regional board of education, University of Connecticut, or Connecticut state college or university employees who have contact with students. (The act does not specify what “contact” means.)

These individuals must complete the (1) initial educational training by July 1, 2018 and (2) refresher training annually thereafter. New hires must complete the initial educational training within six months after their start date, or by July 1, 2018, whichever is later.

**§ 7 — Attorney General's Proposed Certification**

The act requires the attorney general to:

- (1) develop a proposed certification for inclusion in state contracts that conforms, to the extent legally feasible, with the provisions of federal Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts;
- (2) do so in consultation with the DAS Commissioner, the Office of Policy and Management Secretary, and any other state agencies or interested parties the Attorney General deems necessary; and
- (3) starting January 1, 2018, submit a report reflecting the proposed certification along with any related recommendations, to the Judiciary and Government Administration and Elections Committees.

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**PUBLIC ACT 17-129 – S.B. No. 930 – AN ACT CONCERNING THE RECEIPT OF ANNUAL REPORTS ON ANTI-HUMAN TRAFFICKING FROM LAW ENFORCEMENT AGENCIES.**

Starting October 1, 2017, this act requires the Chief State's Attorney's Office and each municipal police chief to annually report on anti-human trafficking efforts to the Trafficking in Persons Council, instead of requiring each state's attorney and police chief to report this information to the Children's and Judiciary Committees. It clarifies that the report must include the number of referrals received, rather than made, on alleged human trafficking.

Under the act, the Chief State's Attorney's Office, rather than each state's attorney, must include in the report information for the previous 12 months on the (1) number of human trafficking cases that resulted in convictions and (2) final disposition of all human trafficking cases, including those that were appealed.

By law, the Council must (1) identify criteria for providing services to trafficking victims and (2) consult with governmental and nongovernmental organizations to develop recommendations to strengthen state and local efforts to prevent human trafficking, protect and assist victims of trafficking, and prosecute traffickers (CGS § 46a-170(d)).

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2017 (*Signed by Governor Malloy on June 30, 2017*)

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## Legal

### **PUBLIC ACT 17-54 - H.B. No. 5442 - AN ACT CONCERNING THE LEGAL AGE TO MARRY IN THIS STATE.**

This act (1) prohibits anyone under age 16 from being issued a marriage license under any circumstances and (2) narrows the circumstances in which such a license may be issued to a 16- or 17-year-old.

Under current law, a 16- or 17-year-old may be issued a marriage license if the registrar of vital statistics has on file the written consent of the minor's parent or guardian. If the minor is under age 16, he or she also needs the written consent of the probate judge where he or she resides. (The probate judge's written consent alone may suffice for a minor's marriage license if no parent or guardian is a U.S. resident.)

Under the act, an individual under age 16 may not be issued a marriage license. A 16- or 17-year-old may only get a marriage license 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 must schedule a hearing on the petition and notify the minor, his or her parents or guardians, and the other party to the intended marriage. The minor and the petitioning parent or guardian must attend the hearing and the court may, at its discretion, also require the other party to the marriage to attend the hearing. After a hearing on the petition, the court may approve the license if it finds that the:

- (1) petitioning parent or guardian consents to the marriage;
- (2) minor (a) consents to the marriage based on an understanding of the nature and consequences of the marriage and (b) is sufficiently capable of making that decision;
- (3) minor's decision to marry is voluntary and made without coercion; and
- (4) marriage would not be detrimental to the minor.

Under existing law, unchanged by the act, emancipated minors are treated as adults for marriage purposes and therefore are not subject to these restrictions. (By law, a minor must be at least age 16 to be emancipated.)

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2017 (*Signed by Governor Malloy on June 20, 2017*)

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### **PUBLIC ACT 17-81 – S.B. No. 893 – AN ACT CONCERNING REVISIONS TO CERTAIN STATUTES REGARDING THE DEPARTMENT OF CHILDREN AND FAMILIES.**

#### **DCF LEGISLATIVE PROPOSAL**

This act makes various changes to the laws governing the Department of Children and Families.

Under certain circumstances, DCF may provide subsidies to (1) parents who adopt children with special needs and (2) relative caregivers who are acting as foster parents. The act makes changes to the statutes governing these subsidies by:

- (1) eliminating the Subsidy Review Board and instead providing recipients aggrieved by a department decision related to a subsidy the opportunity for an administrative hearing in accordance with the Uniform Administrative Procedures Act (UAPA);
- (2) subjecting all guardianship subsidies to the Commissioner's annual review;

- (3) permitting, rather than requiring, DCF to provide subsidies for youths age 18 to 20 who fulfill certain requirements; and
- (4) allowing DCF to require subsidy recipients to submit additional documentation as part of the annual or biennial review process.

The act adds to the list of entities to whom DCF, under certain circumstances, must, or may, disclose its records without the subject's consent. It allows the department to charge a reasonable fee for any record disclosure over 100 pages long, but the fee must be waived if the requester is indigent.

The act also requires DCF to notify the appropriate credentialing agency of the results of an investigation into child abuse or neglect by a school employee or staff member at a child care facility.

Additionally, the act (1) requires the DCF Commissioner to adopt regulations related to child care facilities it licenses and (2) makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2017 (*Signed by Governor Malloy on June 26, 2017*)

### **§§ 2 - 5 — Adoption and Guardianship Subsidies**

By law, DCF provides subsidies through its subsidized guardianship program to relative caregivers in cases where the child has been in foster care for at least six consecutive months and neither parental reunification nor adoption is an appropriate permanency goal. Under certain circumstances, the department also provides one-time or periodic subsidies, or both, to parents who adopt a child with special needs.

#### ***Subsidy Review Board***

The act eliminates the Subsidy Review Board tasked with hearing appeals of DCF decisions regarding adoption or guardianship subsidies. Current law (1) requires the board to consist of the DCF Commissioner or her designee, a child-placing agency representative, and an adoptive parent appointed by the Governor; (2) permits licensed child placing agencies and adoptive parents to appeal to the board any subsidy decision the Commissioner makes; and (3) requires DCF to provide subsidy recipients aggrieved by a department decision a hearing before the board within specified timeframes. Under the act, such an aggrieved recipient must instead be provided a hearing before the department that is held in accordance with the UAPA.

#### ***Guardianship Subsidy Duration***

Under current law, DCF must provide subsidies through its subsidized guardianship program to certain foster caretakers (1) until the child turns age 18 or (2) through the child's 21<sup>st</sup> birthday if he or she is attending certain school or vocational training full-time or otherwise meets criteria in federal law. Current law also provides similar criteria under which successor guardians of foster children may continue to receive such subsidies up until the child turns age 21, subject to the Commissioner's annual review.

The act subjects all guardianship subsidies to the Commissioner's annual review. It also eliminates the (1) requirement that DCF continue the subsidies for children age 18 to 20 who fulfill certain education or training requirements, and (2) separate subsidy criteria for children in the care of successor guardians.

Under the act, the Commissioner may provide guardianship subsidies for children ages 18 to 20 if they are:

- (1) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential;
- (2) enrolled full-time in a postsecondary or vocational education institution; or
- (3) participating full-time in a program of activity the Commissioner approved that is designed to promote or remove employment barriers.

The act permits the Commissioner, at her discretion, to waive the enrollment or participation requirements based on compelling circumstances. Currently, she may only waive the criteria for the successor guardian subsidies.

### ***Subsidy Review Requirements***

By law, adoption subsidies for children between ages 18 and 21 are subject to annual review by the department, and adoption subsidies for children under age 18 are subject to biennial review. The act permits DCF, as part of the subsidy review process, to require adoptive parents to submit any additional documentation it deems necessary to complete the review.

By law, a subsidized guardian must annually submit a sworn statement to the Commissioner that the child is still living with and receiving support from the guardian. The act permits DCF to require the guardian to submit any additional documentation it deems necessary to verify this information.

## **§ 1 — Record Disclosure**

### ***Required Disclosures***

By law, DCF must disclose its records without the subject's consent to certain entities and under certain circumstances. The act requires such disclosures to an attorney representing a parent, guardian, or child in a child abuse or neglect or termination of parental rights proceeding. But if the records do not pertain to the attorney's client or the client's child, the act prohibits the attorney from further disclosing them without a court order.

The act also specifies that if the records are confidential under federal law, they may not be disclosed to the attorney or client unless he or she is otherwise entitled to them. Additionally, it specifies that these provisions do not limit the disclosures current law requires DCF to make to an attorney or guardian ad litem who represents a child or youth in litigation affecting his or her best interest.

The act requires DCF to disclose its records without the subject's consent to the Department of Public Health (DPH) to notify the department when the DCF Commissioner places a DPH-licensed or –certified individual on the child abuse or neglect registry.

The act also requires DCF to disclose records without the subject's consent to state agencies that license or certify individuals to provide services to children or youths, in addition to agencies that provide such licenses or certify individuals who educate or care for them as required under current law.

### ***Permitted Disclosures***

The law also permits DCF to disclose records without the subject's consent to certain entities and under certain circumstances. Current law permits DCF to make such disclosures to individuals or

agencies under contract with DCF to identify and assess a potential foster or adoptive home for a child or youth, provided information about the child's or youth's parent may not be disclosed without the parent's permission. The act additionally allows DCF to make such disclosures, with the same limitation on parent information, to DCF-contracted entities to identify and assess a visiting resource for a child or youth.

The act also broadens the circumstances in which DCF may disclose records without the subject's consent to an individual or organization that provides medical, psychological, or psychiatric diagnosis and treatment. Currently, DCF may do so if the entity is treating an individual who, following an investigation, the department determined had perpetrated abuse or neglect or was unwilling or unable to protect a child from abuse or neglect. The act instead permits DCF to make the disclosures to such entities that are treating a person. In this context, a "person" includes an individual named in the record, his or her authorized representative if he or she is deceased, or the subject's parent or guardian if he or she is still a minor. As under current law, the department may make such a disclosure only if it determines that the disclosure is necessary to accomplish the diagnosis or treatment objectives.

The act also permits DCF to disclose records without the subject's consent to locate an individual's missing sibling, aunt, uncle, first cousin, or grandparent. Under current law and the act (1) DCF may also make these disclosures to locate an individual's missing parent or child and (2) the disclosures must be limited to information to help locate the missing person.

#### **§§ 6 & 7 — Child Abuse and Neglect Investigations**

The law requires DCF to take certain steps specific to investigations of alleged child abuse or neglect by a school employee or a staff member of a private school or private child care facility or institution. Under the act, if the employee or staff member DCF investigated has a state-issued license or certificate or State Board of Education-issued permit or authorization or his or her employing school, institution or facility has a state-issued license or approval, the Commissioner must notify the agency responsible for that credential of the investigation results.

The act also requires DCF to provide records of the investigation to the agency responsible for credentialing the (1) school employee who was investigated and (2) school where he or she works. It must already provide such records to the agency responsible for credentialing the (1) staff member who was investigated or (2) institution, school, or facility where the staff member works.

Existing law, unchanged by the act, 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 they employ.

#### **§§ 8 & 9 — Regulations**

The act requires DCF to adopt regulations that set standards for licensing child care facilities that include minimum standards for (1) the facilities' physical requirements, (2) care and treatment of children cared for or boarded in the facilities, and (3) staffing. (These facilities do not include child day care facilities, which are licensed by the Office of Early Childhood.) It also clarifies that the agency must adopt regulations for child-placing agencies, rather than for persons or entities that place children as required by current law.

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**PUBLIC ACT 17-99 – H.B. No. 7198 – AN ACT CONCERNING COURT OPERATIONS, VICTIM SERVICES, FRAUDULENT FILINGS AND TRANSFERS OF AN INTEREST IN REAL PROPERTY TO A TRUST.**

This act makes unrelated changes to various laws, including those about court operations, victim services, fraudulent filings, and transfer of property held in trust.

The act makes changes to various unrelated statutes. It (1) expands the availability of civil protection orders to certain stalking victims, (2) expands victims' access to juvenile records, (3) excuses individuals who have served as federal jurors during the last three preceding jury years from serving as state jurors; and (4) establishes the validity of conveyance of interest in real property by, or to, trusts and trustees.

**§ 1 – Civil Protection Orders**

By law, victims of sexual abuse, sexual assault, or stalking are eligible for civil protection orders if they are not eligible for civil restraining orders.

The act makes two changes related to civil protection orders. It (1) creates a specific definition of “stalking” for the purpose of civil protection orders that expands their availability to additional stalking victims and (2) allows applicants to request that their location be kept confidential.

***Stalking Definition***

Under the act, stalking victims are eligible for civil protection orders if they reasonably fear for their safety because another person who is not a family or household member (1) wilfully harasses, follows, lies in wait for, surveils, monitors, or sends unwanted gifts or messages to such individual directly, indirectly, or through a third person, by any method, device, or other means and (2) does so more than once in a threatening, predatory, or disturbing manner. To be eligible for a civil protection order under current law, a stalking victim must be a victim of 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree stalking as defined in the penal code.

***Confidential Applicant Location Information***

By law, a civil protection order applicant must submit an affidavit stating, under oath, the specific facts of the case. The act allows the applicant to ask the court to keep his or her location information confidential after attesting that its disclosure would jeopardize the health, safety, or liberty of the applicant or his or her children.

The act requires the chief court administrator to prescribe the form the applicant must use to make such a request.

**§§ 2 & 3 – Victim Access to Juvenile Records**

The act expands victim access to juvenile records in delinquency matters. It (1) gives victims the right to access specified information without a court order, (2) creates a process by which a party may object to the release of such information, and (3) specifies other information that the court may release and factors it must consider before doing so.

Under the act, a "victim" is (1) a person who is the victim of a delinquent act; (2) his or her legal representative; (3) a parent or guardian, if the person is a minor; or (4) a victim advocate.



### ***Victim's Right to Access Records***

Under current law, a victim of a child's delinquent act may request access to the child's related juvenile records, and such records must be available to the same extent that a criminal defendant's records are available to a crime victim.

Under the act, whether a matter is judicial or nonjudicial, a victim of a child's delinquent act must have access to the following without the need for a court order:

- (1) the name and address of the child and the child's parents or guardian;
- (2) any charges pending against the child at the time that the victim requests information related to the delinquent act;
- (3) information pertaining to the disposition of the matter that relates to the delinquent act; and
- (4) any court order pertaining to the victim, including any "no contact" order between the child and the victim.

The act allows the victim to use this information in a subsequent civil action for damages related to the child's delinquent act. However, as under existing law, the victim must not further disclose this information unless authorized by the court.

### ***Objection to Disclosure without a Court Order***

The act allows a prosecutorial official or an attorney representing the child, including a public defender, to file an objection with the court requesting that the above information not be disclosed. They may do so if the release of information may jeopardize (1) the safety of the child, a witness, or another person or (2) an ongoing criminal investigation.

The act requires the court to state on the record the specific reason for sustaining any objection to the disclosure.

### ***Records the Court May Disclose and Factors It Must Consider***

#### ***Records.***

The act allows the court, for good cause shown, to give victims access to other juvenile records, such as police reports, arrest warrants, search warrants, and related affidavits associated with the warrants that involve the victim. It prohibits the victim from further disclosing this information without a court order.

***Factors.*** The act requires the court, in determining whether good cause exists, to consider:

- (1) the child's age;
- (2) the degree of victim injury or property damage caused by the child's delinquent act;
- (3) whether a compelling reason exists for disclosure or nondisclosure of the information in the records; and
- (4) whether the release of the information would jeopardize an ongoing criminal investigation.

When making a good cause determination, the court may not consider whether the victim has an alternate means of ascertaining the information.

### **§§ 4 & 20 — School Violence Prevention Program**

By law, the school violence prevention program is a pretrial diversionary program for students charged with an offense involving the use or threatened use of physical violence in or on school property or at a school-sponsored activity.

Under current law, the program consists of at least eight group counseling sessions in anger management and nonviolent conflict resolution. The act eliminates the eight-session minimum and makes a conforming change.

EFFECTIVE DATE: October 1, 2017, except (1) January 1, 2018 for the fraudulent reporting provisions and (2) upon passage for the provisions on (a) family support magistrates, (b) the Willimantic courthouse, (c) housing matters moving to judicial district courts, and (d) the Reporter of Judicial Decisions publication of sentence review decisions. *(Signed by Governor Malloy on June 30, 2017)*

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**PUBLIC ACT 17-119 – H.B. No. 6741 – AN ACT CONCERNING THE RIGHT OF COUNSEL TO ACCESS RECORDS IN CERTAIN ABUSE AND NEGLECT PROCEEDINGS.**

This act 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.

Under the act, 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.

Under the act, related records include (1) Department of Social Services records and (2) medical, mental health, substance abuse treatment, law enforcement, and educational records. By law, attorneys who represent children in juvenile court must automatically be granted access to the related court and Department of Children and Families records (CGS §§ 17a-28(g)(3) and 46b-124(b)).

EFFECTIVE DATE: October 1, 2017 *(Signed by Governor Malloy on July 5, 2017)*

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**PUBLIC ACT 17-127 - S.B. No. 917 - AN ACT CONCERNING DISCRIMINATORY PRACTICES AGAINST VETERANS, LEAVES OF ABSENCE FOR NATIONAL GUARD MEMBERS, APPLICATION FOR CERTAIN MEDICAID PROGRAMS AND DISCLOSURE OF CERTAIN RECORDS TO FEDERAL MILITARY LAW ENFORCEMENT.**

Section 16 of this act requires disclosure without the person's consent to state or federal law enforcement officers for purposes of investigations related to child abuse or neglect. The act specifies that "law enforcement officer" includes a military law enforcement authority under the U.S. Department of Defense. Under existing law, the disclosures are allowed for purposes of investigating an allegation that a (1) child was abused or neglected, (2) person made a false report of suspected child abuse or neglect, or (3) mandated reporter failed to report suspected child abuse or neglect.

EFFECTIVE DATE: October 1, 2017 *(Signed by Governor Malloy on July 5, 2017)*

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**PUBLIC ACT 17-136 - H.B. No. 7082 - AN ACT CONCERNING PROBATE COURT OPERATIONS.**

This act makes changes to various unrelated laws that govern probate court operations. It:

- (1) extends to probate court employees the whistleblower protections available under existing law to employees of the state, quasi-public agencies, and large state contractors (§ 1);
- (2) extends the specialized services of the six regional children's probate courts to probate courts not served by them (§§ 3-6);
- (3) gives the probate court jurisdiction over proceedings to liquidate structured settlements in cases that involve people under conservatorship or guardianship (§ 16);
- (4) creates a process by which a guardian may seek authority to manage certain protected person's finances (§§ 18-20);
- (5) amends the notice requirement in certain probate court proceedings (§§ 2, 10 & 11);
- (6) expands the list of motions, petitions, and applications that are subject to a probate court fee (§ 9);
- (7) requires the electronic transfer of cases from one probate court to another (§§ 12-15); and
- (8) updates the requirements for an accountant to be eligible to serve on the Probate Court Administration's panel of auditors (§ 21).

It also makes minor, technical, and conforming changes, including updating statutory references to probate court and probate judges for consistency and repealing an obsolete statute dealing with release of identifying adoption records (§§ 7-8, 17, 22 & 23).

EFFECTIVE DATE: October 1, 2017, except the provisions on structured settlement liquidation, asset management, case transfer, and auditor eligibility are effective January 1, 2018. (*Signed by Governor Malloy on June 30, 2017*)

### **§§ 3-6 — REGIONAL CHILDREN'S PROBATE COURTS**

The law authorizes the probate court administrator to establish seven regional children's probate courts to handle children matters (i.e., guardianship, parental rights, paternity claims, emancipation of minors, and voluntary admission matters). Six such courts operate in Hartford, Meriden, New Haven, New London, Waterbury, and Windham.

#### ***Funding***

The act allows administrative judges for these courts, if authorized by the Probate Court Budget Committee, to employ the number of employees required for the court to operate efficiently. Currently, judges need the probate court administrator's approval to employ these individuals.

The act eliminates reimbursement for towns that establish a separate facility for these courts if they present vouchers to the probate court administrator.

#### ***Family Specialists***

The act changes the job title of a “probate court officer” to “family specialist.” The law specifies various job functions for them, including (1) conducting conferences with parties, their attorneys, DCF representatives, and social service providers; (2) facilitating the development of family plans and visitation plans; (3) assisting families to access community services; and (4) filing specific reports with the court.

The act allows (1) regional children's probate courts and (2) probate courts that are not located in a region served by a regional children's probate court to employ family specialists, if the Probate Court Budget Committee authorizes them to do so. Under the act, the family specialist, with the probate court judge's consent, may perform the job functions for that probate court.

## **§ 10 — NOTICE IN PROCEEDING TO REMOVE A PARENT AS GUARDIAN**

By law, in probate court proceedings involving the removal of a parent as guardian of a minor child, the court must order notice of the hearing be given to the Department of Children and Families commissioner, both parents, and the child, if over age 12, within a prescribed timeframe.

Under current law, (1) if the notice cannot reasonably be delivered, the court must order it to be published and (2) if the parents reside out of state or are absent, the court may order the notice to be published in a newspaper that circulates at the parents' last-known residence. The act (1) allows, instead of requires, the court to publish notice if it cannot reasonably be delivered and (2) specifies that any published notice must be in a newspaper that circulates at the parents' last known address or, if that is not known, where the application was filed. This conforms with the notice provisions in other children's matters.

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## **PUBLIC ACT 17-185 - H.B. No. 6999 - AN ACT CONCERNING THE PROVISION OF INFORMATION ABOUT THE USE OF THERAPY DOGS TO COMFORT AND SUPPORT TESTIFYING WITNESSES IN CERTAIN CRIMINAL PROSECUTIONS.**

This act requires the Judicial Branch to maintain on its website:

- (1) notice that the court may exercise its discretion to permit a dog to comfort and support a testifying witness;
- (2) a link to the website of an organization that provides information on animal assisted therapy resources; and
- (3) if applicable, a link to information on the Division of Criminal Justice's website about such resources.

EFFECTIVE DATE: October 1, 2017 *(Signed by Governor Malloy on July 10, 2017)*

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## **PUBLIC ACT 17-216 - H.B. No. 7256 – AN ACT CONCERNING REVISIONS TO CERTAIN CRIMINAL JUSTICE STATUTES AND THE REPORTING OF THE DEATH OF ANY PERSON IN STATE CUSTODY.**

This act makes various changes to laws concerning certain crimes and criminal investigations, including:

- (1) clarifying that the maximum prison term for a first conviction of aggravated sexual assault of a minor is 50 years;
- (2) making it an affirmative defense, rather than a standard defense, that an assault of a health care employee was a direct manifestation of the defendant's disability;
- (3) prohibiting this defense for individuals with a disability manifested only by repeated criminality or antisocial conduct;
- (4) changing certain procedures concerning court filings after law enforcement officials are granted ex parte court orders compelling disclosure of cell phone and internet records;
- (5) expanding the circumstances in which courts must disclose erased criminal records, including requiring disclosure to counsel in habeas proceedings if evidence of erased charges may become relevant; and
- (6) eliminating a requirement that the chief state's attorney adopt certain regulations.

The act also requires any executive branch department head and the state Supreme Court's chief justice to promptly notify the Division of Criminal Justice if someone dies while in the care, custody, or control of anyone under the department head's or chief justice's jurisdiction (§ 1).

EFFECTIVE DATE: October 1, 2017 (*Signed by Governor Malloy on July 10, 2017*)

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## Licensing

### SPECIAL ACT 17-21 - H.B. No. 6155 – AN ACT ESTABLISHING A WORKING GROUP TO REVIEW THE LICENSURE AND CERTIFICATION PROCESS FOR CERTAIN NONPROFIT COMMUNITY PROVIDERS.

This act requires the Secretary of the Office of Policy and Management to convene a working group conduct a review of the licensure and certification processes to study potential deficiencies for specific licensure categories in the Departments of Children and Families, Developmental Services, Mental Health and Addiction Services and Public Health.

The working group shall consist of (1) two representatives each from the Departments of Children and Families, Developmental Services, Mental Health and Addiction Services, and Public Health, and (2) six representatives of nonprofit community providers, three of whom shall be appointed by the Office of Policy and Management and three of whom shall be designated by the Connecticut Community Nonprofit Alliance. The working group shall conduct a review of each of said departments' licensure and certification processes listed below.

<i>Type of Private Provider</i>	<i>Licensing Agency</i>
Outpatient psychiatric clinics	DCF
Childcare facilities	
Extended day treatment programs	
Community-based residential facilities	DDS
Behavioral health facilities, alcohol or drug treatment facilities, and outpatient clinics	DPH
Outpatient clinics	
Community residences	

The working group shall consult with the Department of Social Services when licensure of a facility is a requirement for Medicaid reimbursement.

The working group shall submit a progress report by September 15, 2017 on its preliminary findings and recommendations to the General Assembly's Children, Government Administration, Human Services and Public Health. The working group shall submit a final report on its findings and recommendations concerning such study, not later than December 31, 2017 to the same legislative committees as the progress report was submitted.

EFFECTIVE DATE: Upon passage (*Signed by Governor Malloy on July 10, 2017*)

# Education

## PUBLIC ACT 17-68 – S.B. No. 1014 – AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES.

This act makes numerous changes to a variety of education statutes, including:

- (1) extending the school security grant program another year to June 30, 2018 (§ 1);
- (2) makes certified teachers from another state, U.S. possession or territory, District of Columbia, or Puerto Rico eligible for a temporary teaching certificate (§ 2);
- (3) extending the length of a resident teacher certificate from one to two years (§ 3);
- (4) specifying that an incarcerated parent is entitled, with exceptions, to access to all the educational, medical, or similar records of his or her minor child kept by the school district (§ 4);
- (5) adding measures for the Auditors of Public Accounts (hereinafter, “state auditors”) and local or regional boards of education (hereinafter, “boards”) to more closely monitor private special education providers (§§ 6 & 7);
- (6) creating a private school transportation pilot program in school districts within 12 miles of the West Hartford, New Haven, Shelton, Stamford, and Montville school districts (§ 8);
- (7) extending to private schools the applicant and employee background check requirements that apply to public schools (§§ 9 & 10);
- (8) requiring boards to conduct an annual health information survey (§ 13);
- (9) requiring the Motor Vehicles Commissioner to ensure that school bus companies are fulfilling their duty to monitor the Commissioner's periodic reports on drivers who have had their licenses withdrawn, suspended, or revoked (§ 15);
- (10) specifying that boards of libraries must adopt policies and rules for internet usage and content access (§ 16); and
- (11) authorizing private schools to issue “certificates of age” (working papers) for minors to work in a variety of settings (§ 18).

It also makes a number of minor, conforming, and technical changes. A section-by-section analysis follows.

### **§§ 9 & 10 — Private School Employee Background Checks**

The act extends to private schools the applicant and employee background check requirements that apply to public schools. It requires applicants for any positions in which the employee comes in direct contact with students to participate in, and consent to, a number of steps, including contacting former employers, to determine whether an applicant has a history of sexual misconduct or child abuse or neglect. Under the act, job applicants must submit to state child abuse and neglect registry and state and national criminal background checks and provide contact information for current or former employers if the job involved contact with children. It requires the supervisory agent of the private school to pay for the state and national criminal history check, as provided in state law (CGS § 29-17a).

The act applies the following requirements regarding the hiring processes for private schools:

- (1) establishes procedures for hiring certain applicants for select positions with education employers, including student transportation workers, temporary hires, substitute teachers, and contractor employees;

- (2) establishes requirements for sharing information about applicants between education employers and SDE and among education employers;
- (3) grants immunity from civil and criminal liability to SDE and current and former employers that share information about applicants;
- (4) extends regional education service center (RESA) fingerprinting services and regulates fees for these services; and
- (5) extends the prohibition on a school entering into an agreement for resignation or severance or any other agreement that has the effect of suppressing information related to an investigation of suspected employee abuse, neglect, or sexual misconduct.

Under current law, private schools may choose to take these steps.

EFFECTIVE DATE: July 1, 2017, except the sections regarding the school security grant program and the creation of a standardized form for contacting former employers of job applicants are upon passage. *(Signed by Governor Malloy on June 26, 2017)*

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**PUBLIC ACT 17-173 – H.B. No. 7253 – AN ACT CONCERNING MINOR REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES.**

This act makes the following changes in the education statutes:

- (1) requires the State Department of Education (SDE) to provide local and regional boards of education with mastery exam scores by August 15 of each school year following the exam administration (§ 1);
- (2) postpones for two years, from July 1, 2016 to July 1, 2018, the requirement that a person hold a master's degree in a subject matter area determined by the State Board of Education (SBE) in order to earn a professional educator certificate (§§ 2 & 3);
- (3) establishes a specific date by which the Education Commissioner must submit reports to the Education Committee on the Commissioner's network of schools and requires the committee to meet annually with the Commissioner to discuss such reports (§ 4);
- (4) requires public school superintendents to recommend in writing to a student's parents or guardians that the child be examined by a licensed optometrist or ophthalmologist if the child is found to have a vision defect or eye disease during an in-school exam (§ 5);
- (5) changes the frequency of private special education provider audits and requires boards of education and private providers to provide auditors with certain information (§§ 6-8);
- (6) adds the chief court administrator, or his designee, to the Interagency Council for Ending the Achievement Gap membership (§ 9);
- (7) allows boards of education to employ candidates for marital and family therapist licensure in their schools to provide services to students and their parents or guardians (§ 10);
- (8) allows boards of education to establish a "Pipeline for Connecticut's Future" program, in which boards of education must partner with local businesses to offer on-site training and course credit (§ 11);
- (9) requires SDE to conduct a study and report to the Education Committee on extending the annual October 1 deadline by which magnet school operators must report their enrollment numbers to the department (§ 12);



(10) allows a board of education to request from the Education Commissioner a one-time probationary extension for an uncertified, acting superintendent under certain circumstances (§ 13); and  
(11) establishes a task force to study issues related to high school interscholastic athletics programs (§ 14).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2017, except the sections about special education provider audits (§§ 6-8), the Interagency Council for Ending the Achievement Gap (§ 9), magnet school enrollment reporting (§ 12), superintendent probationary periods (§ 13), and the athletics programs task force (§ 14) take effect upon passage. *(Signed by Governor Malloy on July 6, 2017)*

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**PUBLIC ACT 17-194 – H.B. No. 7156 – AN ACT CONCERNING ACCESS TO STUDENT RECORDS FOR CERTAIN UNACCOMPANIED YOUTHS.**

This act requires local and regional boards of education to provide any homeless student, who is not in the physical custody of a parent or guardian, with full access to his or her educational records, including medical records, in the board's possession. The act specifically references federal education law that defines “unaccompanied youth” to include a homeless child or youth not in the physical custody of a parent or guardian (42 USC § 11434a).

By state and federal law, the parents or guardians of a student under age 18 have access to any school record for that student. Only students (1) over age 18 or (2) who are emancipated have rights as adults regarding record access.

EFFECTIVE DATE: July 1, 2017 *(Signed by Governor Malloy on July 5, 2017)*

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## Other Acts of Interest

### **PUBLIC ACT 17-5 – H.B. No. 6695 – AN ACT CONCERNING THE PROTECTION OF YOUTH FROM CONVERSION THERAPY.**

This act prohibits health care providers, or anyone else conducting 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.

Under the act, if a health care provider engages in such therapy, it is considered unprofessional conduct subject to disciplinary action. If anyone practices or administers conversion therapy while conducting trade or commerce, it is deemed an unfair or deceptive trade practice.

Finally, the act prohibits public funds from being spent for conversion therapy or related actions.

EFFECTIVE DATE: Upon passage (*Signed by Governor Malloy on May 10, 2017*)

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### **PUBLIC ACT 17-19 – S.B. No. 766 – AN ACT EXTENDING CERTAIN DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF CHILDREN AND FAMILIES REPORTING DEADLINES.**

Starting in 2018, this act delays, from January 1 to February 15, the annual deadline by which the Children and Families and Agriculture Commissioners must report to the Committee on Children on the number of written reports of animal neglect or cruelty they receive from DCF employees and animal control officers, respectively.

EFFECTIVE DATE: July 1, 2017 (*Signed by Governor Malloy on June 6, 2017*)

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### **PUBLIC ACT 17-96 – H.B. No. 7192 – AN ACT CONCERNING A PROTECTION AND ADVOCACY SYSTEM FOR PERSONS WITH DISABILITIES.**

Public Act 16-66 eliminated the Office of Protection and Advocacy (OPA) and the Board of Advocacy and Protection for Persons with Disabilities. It instead established a nonprofit entity (Disability Rights Connecticut, Inc. (DRC)) to serve as the state's protection and advocacy system and client assistance program for people with disabilities starting July 1, 2017. It also transferred OPA's investigatory responsibilities to the Department of Rehabilitation Services.

This act effectuates OPA's elimination by removing numerous statutory references to the office, including provisions concerning, among other things: (1) membership on various councils, committees, and task forces; (2) authority to apply to Superior Court to appoint a receiver for nursing homes or residential facilities for individuals with intellectual disability; and (3) joint review and approval, with the state building inspector, of applications to waive certain State Building Code accessibility standards.

Section 7 of the act transfers, from OPA to Disability Rights Connecticut, Inc. membership on the Children's Behavioral Health Advisory Committee.

EFFECTIVE DATE: July 1, 2017 *(Signed by Governor Malloy on June 30, 2017)*

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**PUBLIC ACT 17-122 – H.B. No. 7007 – AN ACT CONCERNING AN INNOVATION INCENTIVE PROGRAM FOR NONPROFIT PROVIDERS OF HUMAN SERVICES.**

This act permits the Office of Policy and Management (OPM) Secretary to establish an incentive program for human services providers that (1) have state contracts of no more than \$1 million and (2) provide direct services to no more than 150 people enrolled in state-funded assistance programs in specific geographic regions of the state. (The act does not specify any particular geographic regions.) Under the act, such programs include those that provide services to individuals with intellectual, physical, or mental disabilities, or autism spectrum disorder.

The act's incentive program must allow providers to keep a portion of any savings they realize from the contracted cost of services as long as they (1) meet their state contract's requirements and (2) use 50% of the savings they retain to expand services. Under the act, the program may require that future contracted amounts for the same type of service are not reduced solely to reflect the savings a provider achieves.

EFFECTIVE DATE: July 1, 2017 *(Signed by Governor Malloy on June 30, 2017)*

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**PUBLIC ACT 17-166 - H.B. No. 6260 – AN ACT CONCERNING TRAINING PROGRAMS FOR STATE AND LOCAL POLICE REGARDING JUVENILES WITH AUTISM SPECTRUM DISORDER OR NONVERBAL LEARNING DISORDER.**

This act requires each police review and basic or field training program conducted or administered on and after January 1, 2018, by the State Police, Police Officer Standards and Training Council (POST), or a municipal police department, to include 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.

Under existing law, these entities must already provide training to police officers on a range of juvenile matters.

EFFECTIVE DATE: October 1, 2017 *(Signed by Governor Malloy on July 7, 2017)*

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**PUBLIC ACT 17-202 – S.B. No. 796 - AN ACT CONCERNING THE USE OF RESPECTFUL AND PERSON-FIRST LANGUAGE.**

This act generally updates terminology to use “person first” language in various statutes relating to older adults and individuals with disabilities. Among other things, it substitutes the terms

“person with disabilities” for “handicapped person,” “deaf and hard of hearing” for “hearing impaired,” and “older person” for “elderly person.” Additionally, the act:

- (1) removes the prohibition on certain older persons, disabled veterans, and individuals with disabilities working extended hours in manufacturing, mechanical, or mercantile establishments; restaurants; and various other settings (§§ 81-83);
- (2) modifies the conditions under which the Department of Public Health (DPH) may purchase certain medical equipment for children with disabilities without going through the state's normal purchasing procedures (§ 73);
- (3) adds a statutory definition for “supervision” pertaining to licensed occupational therapists who oversee the work of occupational therapy assistants (§ 75);
- (4) designates the month, instead of the first week, of each October as “Disability Employment Awareness Month” (§ 85);
- (5) renames the “Board of Education and Services for the Blind (BESB)” the “Advisory Board for Persons Who are Blind or Visually Impaired” (§§ 22 & 23);
- (6) replaces references to BESB with the Department of Rehabilitative Services (DORS) in statutes pertaining to retirement credits for certain state employees, including those who are blind or visually impaired (§§ 24 & 25); and
- (7) removes an obsolete provision transferring certain funds and responsibilities between the social services and aging departments in 2013 when the aging department was re-established (§ 55).

The act also makes several technical and conforming changes.

It also adds the provisions that replace certain statutory references to BESB with DORS and make various technical and conforming changes to update terminology.

EFFECTIVE DATE: October 1, 2017 (*Signed by Governor Malloy on July 10, 2017*)

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**PUBLIC ACT 17-230 – H.B. No. 7055 – AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION REGARDING THE NOTIFICATION OF STATE CONSTRUCTION CONTRACT OPPORTUNITIES BY THE UNIVERSITY OF CONNECTICUT AND THE COMMISSIONER OF TRANSPORTATION, PARKING SPACES, WAYSIDE HORNS, THE DISPOSITION OF EXCESS STATE PROPERTY, HEAVY DUTY TRAILERS, FLASHING LIGHTS ON MOTOR VEHICLES CHILD RESTRAINT SYSTEMS, PESTICIDE APPLICATION BY RAILROAD COMPANIES, THE "MOVE OVER" LAW, ROAD DESIGN STANDARDS, AND ROAD AND BRIDGE DESIGNATIONS.**

Section 11 of this act expands the age and weight requirements of child restraint laws.

The act:

- (1) requires the use of child restraint systems for all children under eight years of age, rather than six years of age under current law;
- (2) requires the use of a rear-facing child restraint system equipped with a five-point harness for all children under two years of age or weighing less than thirty pounds;
- (3) requires children between two and five years of age, or between thirty and forty pounds, to ride in a five-point harness system that may be rear-facing or forward-facing;
- (4) requires children between five and eight years of age, or between forty and sixty pounds, to ride in a five-point harness system that may be rear-facing or forward-facing;

(5) prohibits the use of a rear-facing child restraint system in the front seat of any motor vehicle that is equipped with a functional air bag on the passenger side of the vehicle; and  
(6) requires the use of a child restraint system or a seat safety belt for any child eight years of age or older and weighing sixty or more pounds.

EFFECTIVE DATE: October 1 2017 (*Signed by Governor Malloy on July 11, 2017*)

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