

# Department of Children and Families

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## Legislative Summary

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*The following is a compilation of legislation of interest to the Department of Children and Families that passed during the 2018 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.*

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**PUBLIC ACT 18-17 – S.B. No. 244 – AN ACT REQUIRING BEHAVIOR ANALYSTS TO BE MANDATED REPORTERS OF SUSPECTED CHILD ABUSE AND NEGLECT.**

This act adds licensed behavior analysts to the statutory list of mandated reporters of suspected child abuse and neglect.

EFFECTIVE DATE: July 1, 2018 (*Signed by Governor Malloy 5/15/2018*)

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**PUBLIC ACT 18-23 – H.B. No. 5255 – AN ACT CONCERNING THE AUTISM SPECTRUM DISORDER ADVISORY COUNCIL.**

This act makes the Autism Spectrum Disorder Council permanent. Without this act, the council would have terminated June 30, 2018.

By law, the Autism Spectrum Disorder Council consists of 25 members, including the Commissioner of Children and Families, or designee, as well as persons with the disorder, their parents or guardians, and service providers appointed by the governor and legislative leaders. The council must advise the Department of Social Services (DSS) on policies and programs for people with autism spectrum disorder, services provided by DSS's Division of Autism Spectrum Disorder Services, and implementing the autism feasibility study's recommendations. It can also recommend policy and program changes to the DSS commissioner.

EFFECTIVE DATE: Upon passage (*Signed by Governor Malloy 5/24/2018*)

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**PUBLIC ACT 18-31 – H.B. No. 5041 – AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE AND CONCERNING THE TRANSFER OF JUVENILE SERVICES FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH.**

Starting on July 1, 2018, this act transfers legal authority from the Department of Children and Families (DCF) to the judicial branch over any child who was committed to DCF as a delinquent pursuant to a juvenile court order entered before that date. The branch's Court Support Services Division (CSSD) must, in turn, assume responsibility for supervising the children and may exercise its powers, duties, and functions to provide such supervision (§ 8).

Under existing law, the juvenile court is prohibited, starting July 1, 2018, from committing a child to DCF as a result of a delinquency adjudication. Existing law also (1) establishes a one-year transition period, from July 1, 2018 to January 1, 2019, during which the judicial branch may place a child convicted as delinquent in a DCF-operated congregate care setting or order the child to receive community-based DCF services and (2) requires the agencies to enter into an agreement that (a) allows the judicial branch to use these settings and services and (b) requires it to pay DCF for their use (PA 17-2 June Special Session (JSS) (§§ 321 & 323)).

The act also makes numerous other changes to the juvenile justice statutes. Principally, it:

1. specifies a deadline by which the appropriate school district must enroll a child in detention who is not otherwise enrolled in school and requires that the student remain enrolled in that district for the duration of his or her detention (§ 3);
2. requires school districts with over 6,000 students enrolled in the 2016-17 school year to designate at least one liaison to facilitate transitions between the district and the juvenile and criminal justice systems (§ 4);
3. requires the technical high school system superintendent and board, by January 1, 2019, to develop a plan to address education, training, and work experience for children in post-conviction justice system custody (§ 5);
4. requires the State Department of Education (SDE), by January 1, 2020, to develop a plan related to a statewide information technology platform (§ 6);
5. imposes various new juvenile justice-related reporting requirements on the Juvenile Justice Policy and Oversight Committee (JJPOC) and certain state agencies (§ 7);
6. deems any child transferred from DCF to CSSD under the act to be on probation for a period no longer than his or her remaining delinquency commitment to DCF as of June 30, 2018, and requires the court to review and, if appropriate, modify the probation conditions (§§ 8 & 37);
7. allows the Department of Corrections (DOC) to transfer an inmate under age 18, to CSSD under certain conditions, instead of allowing it to transfer such an inmate to DCF as under current law (§ 23);
8. limits and modifies the ways that a juvenile court may dispose of a delinquency adjudication and adds to the factors the court must consider when making a disposition (§ 36);
9. modifies the probation conditions the court may order, allows a juvenile probation supervisor's designee to establish the term of nonjudicial supervision for a juvenile for whom the court entered a nonjudicial disposition, and makes various other changes to laws related to juvenile probation (§§ 25, 31, 23, 32, 36-38);
10. makes changes to several definitions in the juvenile matters laws and adds several new ones (§§ 15 & 25);
11. eliminates provisions that permit the DCF commissioner, in certain circumstances, to transfer a child committed to the department to the John R. Manson Youth Institution or York Correctional Institution, as appropriate (§§ 20 & 43);
12. eliminates a provision that (a) explicitly allows a judge hearing a juvenile matter to make any order in connection to it that a Superior Court judge is authorized to grant and (b) gives such an order the same force and effect as a Superior Court order (§ 27);
13. modifies various juvenile justice system goals (§ 28);
14. permits the judicial branch to contract to establish secure residential facilities and requires it to develop a continuum of community-based programs (§ 29);
15. permits, instead of requires, the judicial branch to consult with the Commission on Racial and Ethnic Disparity in the Criminal Justice System to address the needs of minorities in the juvenile justice system (§ 29);
16. limits the circumstances in which DCF employees may have access to juvenile court records and adds to the records of delinquency proceedings that must be disclosed to the DMV commissioner (§ 30);
17. designates the chief court administrator or his designee, instead of the DCF commissioner or her designee, as administrator of the Interstate Compact for Juveniles (ICJ) (The compact enables

states to transfer a juvenile's supervision between states and return a runaway juvenile to his or her home state) (§§ 9 & 18);

18. eliminates as possible qualifications for members of the state Advisory Council on Children and Families that the member (a) represent young people, parents, and others interested in delivering juvenile justice services or (b) is a parent, foster parent, or family member of a child who has received or is receiving juvenile justice services (§ 17);

19. eliminates a requirement that a law enforcement officer who arrests a youth for prostitution report suspected abuse or neglect to DCF (§ 33);

20. specifies that, as required under existing law, CSSD and other state agencies must develop a community-based diversion system and school-based diversion plan (§§ 1 & 2);

21. makes numerous changes to conform with the transferred responsibility for children adjudicated delinquent from DCF to CSSD by eliminating references throughout the act to (a) children committed to DCF for delinquency and (b) the Connecticut Juvenile Training School (CJTS), which was a DCF-run secure detention facility for juveniles that permanently closed in April 2018 (§§ 10-14, 16, 18, 19, 21-22 & 35);

22. repeals several provisions pertaining to DCF responsibility for juveniles adjudicated delinquent, CJTS, and certain CSSD responsibilities (§ 43);

23. makes minor, technical, and conforming changes (§§ 26, 34, & 39-42).

#### **§§ 8 & 37 — PROBATION FOR CHILDREN TRANSFERRED TO CSSD**

Under the act, any child transferred from DCF to CSSD commitment must be deemed to be on probation for a period no longer than his or her remaining commitment as of June 30, 2018. Any parole supervision condition in place on that date must become the interim conditions of the remaining probation supervision. The act requires the juvenile court, by October 1, 2018, to conduct an in-court review for each such child to determine whether those interim conditions must continue or be modified for the remainder of the probation supervision period. The court must notify any identified victim of the time and date of the review.

Following the review, the court may (1) order that the interim conditions remain in effect without modification until the end of the supervision period or (2) modify the conditions for good cause shown. No probation period for a child transferred from DCF to CSSD under the act may extend beyond the remaining commitment period as of June 30, 2018, or 30 months total, whichever is shorter (see “Probation Supervision” below).

#### **§§ 17 & 28 — DELINQUENCY DISPOSITIONS**

The act makes various changes to the law regarding disposition of juvenile delinquency adjudications.

##### ***Factors the Court Must Consider***

The act adds the following factors to those the court must consider when determining the appropriate disposition for a child adjudicated as delinquent:

1. age and intellectual, cognitive, and emotional development;
2. prior involvement with (a) juvenile probation or (b) DCF as a committed delinquent;
3. history of participating in, and engaging with, programming and service interventions;
4. identified services, programs, and interventions that will best address the child's needs and risk of reoffending, as indicated by the CSSD-administered risk and needs assessment; and

5. level of supervision the assessment indicates and any other relevant evidence.

Under the act, a “risk and needs assessment” is a standardized tool that assists juvenile probation officers in collecting and synthesizing information about a child to estimate the child's risk of recidivating and identify other factors that, if treated and changed, can reduce the child's likelihood of reoffending and provides a guide for intervention planning.

The act also eliminates from the factors the court must consider the child's culpability in committing the offense including his or her level of participation in planning and carrying out the offense.

### ***Disposition***

The act eliminates several of the ways that the court may dispose of a delinquency case when a child is adjudicated delinquent. Currently, the court may:

1. order the child to participate in an alternative incarceration program, a program at DCF's wilderness school, or a youth service bureau program;
2. withhold or suspend execution of any judgment; or
3. for minors convicted of possessing alcohol, impose a fine of between \$200 and \$500 for a second or subsequent offense (the first offense is an infraction with no specified fine).

The act eliminates these options and instead permits the court to discharge the child from the court's jurisdiction with or without a warning. It also allows the court to place a child on probation supervision with or without residential placement for up to 18 months, which may be extended to up to 30 months total. Current law permits the court to sentence a child to probation and extend the probation as deemed appropriate with no maximum length specified.

The act also eliminates provisions that allow the court to commit a child to DCF if (1) following a delinquency adjudication, it finds that the probation services or other services available to it are not adequate for the child or (2) a child that comes under juvenile court jurisdiction is found to be mentally ill. It also eliminates a provision that authorizes a child adjudicated delinquent or judged to be from a family with service needs to be employed part-time or full-time at a useful occupation as a condition of probation or supervision in certain circumstances.

Additionally, it eliminates an obsolete provision that allows the court to commit a child it convicts as delinquent and finds to be “mentally deficient” to an institution for “mentally deficient” children and youths.

### **§ 23 — TRANSFER FROM DOC TO CSSD**

Current law permits the DOC commissioner to transfer an inmate under age 18 from a DOC institution to DCF when he finds that the inmate's health or welfare requires it. The act instead permits the DOC commissioner to make such a transfer to CSSD. Under the act, the transfer is contingent on the CSSD executive director, rather than the DCF commissioner, finding that the inmate would benefit from the transfer and agreeing to accept the transfer. Under existing law, unchanged by the act, the inmate must also consent to the transfer in writing.

### **§§ 25, 27, 31, 32 & 36-38 — PROBATION SUPERVISION**

Under the act, a person age 18 or older who is on probation supervision with or without residential placement falls under the juvenile court's continuing jurisdiction. Anyone on juvenile probation supervision may be subject to other reasonable court-ordered restrictions or conditions and required to participate in a variety of appropriate programmatic services. The act replaces references to "probation" throughout the juvenile matters statutes with "probation supervision." Currently, a child may be adjudicated for, among other things, violating conditions of probation. The act specifies that a child may be adjudicated delinquent for violating conditions of probation supervision or probation supervision with residential placement and, as a corollary, that such actions constitute delinquent acts.

### ***Definitions Related to Probation Supervision (§ 25)***

The act defines:

1. "probation supervision" as a legal status under which a juvenile who has been adjudicated delinquent is placed by court order under juvenile probation supervision for a specified period of time and on terms the court determines;
2. "probation supervision with residential placement" as probation supervision that includes a period of placement in a secure or staff-secure residential treatment facility, as ordered by the court, and a period of community supervision;
3. "secure residential facility" as a hardware-secured residential facility that includes direct staff supervision, surveillance enhancements, and physical barriers that allow for close supervision and controlled movement in a treatment setting; and
4. "staff-secure residential facility" is a residential facility that provides residential treatment for children in a structured setting where staff monitor the children.

### ***Probation Supervision Conditions (§ 36)***

As under current law, the act allows the court, when setting conditions on probation supervision with or without residential placement to order that the child:

1. reside with a parent, relative, or guardian, or in a suitable court-approved residence;
2. attend school and class on a regular basis and comply with school conduct and discipline policies;
3. refrain from violating any laws or ordinances;
4. undergo any medical or psychiatric evaluation the court deems necessary;
5. submit to random drug or alcohol testing, or both;
6. participate in a community service program; and
7. satisfy any other conditions the court deems appropriate.

The act eliminates as a condition participating in an alternative incarceration program or other program CSSD establishes.

The act also specifies that the court may order, as a condition of probation supervision with or without residential placement, that the child:

1. participate in a youth service bureau program;
2. obtain technical or vocational training, or both;
3. make a good faith effort to obtain and maintain employment;
4. be placed in an appropriate residential facility and remain in the facility until discharged;
5. not leave the state without notifying and receiving permission from his or her probation officer;

6. notify his or her probation officer of any change of address or phone number within 48 hours of the change;
7. make all reasonable efforts to keep all appointments scheduled by the probation officer, evaluators, and therapists, and notify the probation officer if unable to keep an appointment;
8. obey any graduated responses his or her probation officer orders;
9. not contact any victim of the offense; and
10. satisfy any other condition.

The act also allows the court to require the child or his or her parents or guardian or both to make restitution to the victim of the offense. Currently, the law permits the court to order the child to make such restitution. As allowed currently for probation, the court may order where the child must live, drug or alcohol treatment or testing, and school attendance, among other things.

Under the act, at any time during the probation supervision with or without residential placement, the court may modify or enlarge the probation conditions for good cause shown. The act also caps the length of time the court may extend the probation period by up to 12 months for a total supervision period of 30 months. Current law allows the court to extend the probation as deemed appropriate with no maximum length specified. As under current law, the court must have a copy of the order delivered to the child and his or her parent or guardian and probation officer.

#### ***Juvenile Probation Officer Responsibilities (§ 31)***

Current law requires juvenile probation officers to investigate and report as the court directs or the law requires. In addition to investigating and reporting, the act requires juvenile officers to make recommendations to the court, including pre-dispositional studies. Under the act, the officers must provide supervision and make referrals to pre- and post-adjudication services based on the juvenile's risks and needs, as determined by the risk and needs assessment. The officers must work collaboratively with treatment providers to ensure programs and services are adequately addressing the needs of juveniles they supervise.

The act requires the officers to keep records of all cases they investigate or that come under their care, instead of requiring them to preserve a record of all such cases.

#### ***Case Review Team Meeting (§ 36)***

Under the act, the court may authorize the child's probation officer, at any time during the probation supervision period, to convene a case review team meeting with the child and his or her attorney on any case (1) being considered for residential placement or (2) that is complex and could benefit from a multi-systemic approach. The probation officer and supervisor must facilitate the meeting, which must also include the child's family, the state's attorney, school officials, treatment providers, and state agency representatives, as deemed appropriate. Any recommendations to modify the probation supervision conditions, including residential placement, must be presented to the court for consideration and approval.

#### ***Probation Supervision with Residential Placement (§§ 25 & 36)***

Under the act, a child may only be placed on probation supervision with residential placement in a secure or staff-secure facility if CSSD has completed a current pre-dispositional study that the court has reviewed and the (1) placement is indicated by the child's clinical and behavioral needs

or (2) level of risk the child poses to public safety cannot be managed in a less restrictive setting. The court must consider all relevant reports, evaluations, and studies offered or admitted as evidence and his or her length of stay in a residential facility must be dependent on the child making treatment progress and attaining treatment goals.

Under the act, a “pre-dispositional study” is a comprehensive written report prepared by a juvenile probation officer regarding the child's social, medical, mental health, educational, risks and needs, and family history, as well as the event surrounding the offense to present a supported recommendation to the court.

***Probation Status Review Hearing (§ 37)***

The act also permits the court, at any time during the probation supervision period, to convene a probation status review hearing. The officer may file an ex parte request for a probation status review hearing with the court clerk, regardless of whether a new offense or violation has been filed. The court may grant the request and convene a probation status review hearing within seven days if it finds that it is in the child's or the public's best interest. The officer must inform the child and parent or guardian of the scheduled court date and time. The child must be represented by counsel at the hearing.

Under the act, if the child or his or her parents or guardian do not appear at the hearing, absent actual or in-hand service of the notice, the failure cannot be deemed willful. Instead, the court may continue the hearing to a future date and order the child and his or her parents or guardian to be served notice to appear in court. By agreement of the parties or when the evidentiary hearing concludes, the court may modify or enlarge the probation conditions and, if appropriate, order the child placed in a secure or staff-secure residential facility. But no such placement may be ordered unless (1) it is indicated by the child's clinical and behavioral needs or (2) the level of risk the child poses to the public cannot be managed in a less restrictive setting.

***Violation of Probation (§§ 31 & 37)***

The act allows the court, at any time during the probation supervision period, to issue a (1) warrant to arrest the child for violating the probation conditions or (2) notice to appear to answer the charges of alleged violation. Current law permits the court to issue such a warrant or notice if a child allegedly violates the conditions of probation or suspended commitment. The act additionally permits the court to issue an order to take the child into custody for violating probation conditions.

The act additionally permits the court, upon a finding of probable cause, to issue an order to detain a child who has absconded, escaped, or run away from a residential facility in which the child was placed by court order. All officers named in the order must be authorized to return the child to any suitable juvenile detention facility the court designates. The child must be detained pending a detention hearing to be held the next business day.

The act eliminates provisions that allow the court to continue or revoke a suspended commitment and, if the probation or suspended commitment to DCF is revoked, require the child to serve the commitment imposed or impose a lesser commitment. It allows the court to continue or revoke an order of probation supervision or modify or enlarge the supervision conditions when a child

allegedly violates a condition of probation supervision, as it may currently continue or revoke probation or modify or enlarge probation conditions when a child violates probation.

The act also eliminates a requirement that CSSD notify the local law enforcement agency when the court determines that a child or youth violated probation by failing to comply with electronic monitoring requirements.

The act also eliminates provisions that permit investigators authorized by the chief state's attorney's office to arrest any juvenile on probation without a warrant if the juvenile violated the conditions of his or her probation. The law, unchanged by the act, permits juvenile probation officers to make such arrests or deputize another officer with arrest powers to do so.

### ***Reduction of Probation Sentence (§ 38)***

Additionally, the act permits a child sentenced to a period of probation supervision with or without residential placement to earn a reduction of the probation period equal to the number of days that the child spent in a detention center or lockup prior to adjudication. Current law permits such a reduction for a child placed on probation.

### **§§ 15 & 25 — DEFINITIONS**

Currently, it is a serious juvenile offense for a child to run away without just cause from any secure placement, other than home, while referred as a delinquent to CSSD or committed as a delinquent to DCF for a serious juvenile offense. Under the act, it is instead a serious juvenile offense to abscond, escape, or run away, without just cause, from any secure residential facility in which the court places the child as a delinquent.

Under existing law, unchanged by the act, certain felonies constitute serious juvenile offenses. Among other things, serious juvenile offenders (1) are prohibited from obtaining gun permits, (2) are barred from certain court diversion programs, and (3) must keep the juvenile conviction on their record for a longer period than other juvenile offenders.

The act also eliminates obsolete definitions for “youth” and “mentally deficient” in the juvenile matters statutes, but preserves the definition of “youth” (i.e., a 16- or 17-year-old) in the DCF statutes.

### **§§ 20 & 43 — TRANSFER OF DCF-COMMITTED CHILDREN TO DOC CUSTODY**

Currently, when, in the opinion of the DCF commissioner or her designee, a person committed to the department who is age 14 or older is dangerous to himself or herself or others or cannot be safely held at CJTS or any other facility in the state available to DCF, the department may request an immediate juvenile court hearing to determine if the person should be transferred to Manson Youth Institution (if male) or York Correctional Institution (if female). The act eliminates (1) DCF's authority to request such a transfer and (2) the court's authority to grant the request. The act also repeals a provision that generally designates children transferred to these facilities from DCF custody to be under the jurisdiction of DOC, which runs the facilities.

### **§ 28 — JUVENILE JUSTICE SYSTEM GOALS**

The act requires the juvenile justice system to promote prevention efforts by supporting programs and services designed to prevent re-offending, instead of by supporting programs and services designed to meet the needs of juveniles charged with delinquency. It also makes various revisions to the goals of the juvenile justice system. Principally, it requires the goals to include:

1. basing probation case planning on individual risks and needs, instead of basing probation treatment planning on individual case management plans as under current law;
2. providing community-based, instead of nonresidential post-release, services to juveniles returned to their families or communities; and
3. creating and maintaining developmentally appropriate, trauma-informed, gender-responsive programs for juveniles that incorporate restorative principles and practices, instead of creating and maintaining programs for juvenile offenders that are gender specific (i.e., comprehensively address the unique needs of a targeted gender group) as required under current law.

Currently, another goal of the system must be to promote the development and implementation of community-based programs, including mental health services, designed to prevent unlawful behavior. The act (1) eliminates the requirement that the services include mental health services and (2) requires the services to be designed to prevent reoffending instead of unlawful behavior.

## **§ 29 — JUDICIAL BRANCH RESPONSIBILITIES**

The act permits the judicial branch to establish or contract to establish secure residential facilities and requires it to develop a continuum of community-based programs. Existing law requires the judicial branch to expand its contracted juvenile justice services to include a comprehensive system of graduated responses with an array of services, sanctions, and secure placements available for the court, juvenile probation officers, and other CSSD staff (PA 17-2, JSS (§ 322)).

### ***Contracting to Establish Secure Residential Facilities***

Current law permits the judicial branch to contract to establish regional secure residential and regional highly supervised residential dental facilities for court-referred juveniles. Under the act, the judicial branch may instead establish or contract to establish secure and staff-secure residential facilities for court-referred juveniles. As under current law, (1) the facilities must be exempt from DCF licensing requirements and (2) as part of a publicly bid contract, the branch may include a requirement that the contractor provide the space necessary for juvenile probation officers and other CSSD staff to perform their duties.

### ***Continuum of Community-Based Programs***

The act eliminates a requirement that the judicial branch develop constructive programs for the prevention and reduction of delinquency and crime among juvenile offenders. Instead, it requires the branch to develop a continuum of community-based programs for reducing juvenile delinquency. When appropriate, the judicial branch must coordinate the programs with DCF; SDE; the departments of Social Services, Developmental Services, and Mental Health and Addiction Services; and any other agencies necessary.

The continuum must be:

1. designed to address the individual risks and needs of juveniles;
2. able to take into account the juvenile's history, age, maturity and social development, gender, mental health, alcohol or drug use, need for structured supervision, and other characteristics; and

3. culturally appropriate, trauma-informed, and provided in the least restrictive environment possible in a manner consistent with public safety.

The branch must develop programs that provide research and evidence-based skills training and assistance to promote independent living skills, positive activities, and social connections in the juveniles' home communities. The programs must also address:

1. anti-sociality, impulse control, and behavioral problems;
2. anger management and nonviolent conflict resolution;
3. alcohol and drug use and dependency;
4. mental health needs;
5. inappropriate sexual behavior;
6. family engagement;
7. academic disengagement; and
8. technical and vocational training needs.

### **§ 30 — DISCLOSURE OF JUVENILE MATTERS RECORDS AND INFORMATION**

The act adds the following motor vehicle offenses to those for which records of delinquency proceedings must be disclosed to the DMV:

1. driving under the influence of drugs or alcohol (DUI)(CGS § 14-227a);
2. DUI while under age 21 with a blood alcohol content above .02% (CGS § 14-227g);
3. using, possessing with intent to use, delivering, possessing with intent to deliver, or manufacturing with intent to deliver drug paraphernalia with less than one-half ounce of marijuana (CGS § 21a-267(d)); or
4. possessing less than one-half ounce of marijuana (CGS § 21a-279a).

Current law permits DCF employees to access records of juvenile delinquency proceedings. The act limits this access by only allowing it if (1) the child who is the subject of the records is committed to the department due to abuse or neglect and (2) the court orders the department to provide services to the child. In such circumstances, the act specifically allows DCF employees to access information that identifies the child as the subject of the delinquency petition, in addition to the delinquency proceeding records.

The act also permits law enforcement officials to disclose information concerning a child who escaped from, or failed to return from, an authorized leave from court placement at a detention center or a secure or staff-secure residential treatment facility in which the court placed him or her. Current law permits these officials to disclose information for a child who has escaped from a detention center or from a facility to which the court committed him or her. Existing law, unchanged by the act, also permits law enforcement to disclose information about children who allegedly committed a felony and for whom an arrest warrant has been issued.

Additionally, current law allows for the release of information about a child who is the subject of a take into custody order or other delinquency process entered into a central computer system to be disclosed to judicial branch employees and authorized agents, law enforcement agencies, and DCF. Under the act, these disclosures are only permitted if the child is committed to DCF due to abuse or neglect. As under existing law, the disclosures must be made in accordance with the chief court administrator's policies and procedures.

### **§ 33 — DETENTION FACILITY PLACEMENT**

By law, the court may only order a child to be placed in detention in a juvenile detention facility following an arrest or after a detention hearing if it first makes certain findings. The act modifies the findings the court must make in order to detain a child. Currently, the court must find that there is probable cause to believe that the child has committed the acts alleged and that there is no less restrictive alternative available. The act specifies that the court must find there is no appropriate less restrictive alternative available.

The law also requires the court to make one of three additional findings in order to detain a child after he or she is arrested. Currently, two of those findings include that there is (1) probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition, or (2) a need to hold the child to ensure his or her appearance in court as demonstrated by his or her previous failure to respond to court process. Under the act, the court must instead find that there is (1) probable cause to believe that the risk the child poses to public safety if released to the community prior to the hearing or disposition cannot be managed in a less restrictive setting or (2) a need to hold the child in order to ensure the child's appearance before the court or compliance with court process, as demonstrated by previous failure to respond to court process. As under existing law, the court may also order the child detained if it finds that there is a need to hold him or her for another jurisdiction.

By law, any child confined in a community correctional center or lockup must be kept separate and apart from adult detainees. The act limits to six hours the maximum amount of time a child may be placed at such a facility.

### **§ 44 — REPEALERS**

The act repeals provisions that:

1. grant equal privileges to clergy of all religious denominations to provide religious instruction to inmates at CJTS and each chartered or incorporated institution to which any child may be committed by the court (CGS § 17a-201b);
2. delineate the current duties and responsibilities of the judicial branch to provide programs and services to the juvenile justice system (CGS § 46b-121i);
3. require CSSD to design and make available to the judicial branch programs and probation treatment services for juvenile offenders (CGS § 46b-121j);
4. require CSSD to fund projects for a program of early intervention initiatives designed for juvenile offenders (CGS § 46b-121l);
5. require DCF to establish or designate one or more secure facilities in the state devoted to caring for and treating children under Superior Court jurisdiction (CGS § 46b-126);
6. impose limits on the length of time for which a child may be committed to DCF as a result of a delinquency adjudication and requires DCF to fulfill certain reporting requirements to the court for each such child committed to its care (CGS § 46b-141);
7. allow the court to order an assessment for placement in an alternative incarceration program in lieu of commitment to DCF or juvenile detention center (CGS § 46b-141a); and
8. require CSSD to develop a probation treatment plan for each child referred to the division (CGS § 46b-141b).

It also repeals provisions that are generally obsolete, mainly due to the transfer of juvenile services from DCF to CSSD, including provisions that:

1. require the CJTS superintendent to notify the appropriate registrar of vital statistics when a child dies at the facility (CGS § 7-63);
2. delineate DCF's responsibilities regarding CJTS (CGS § 17a-6b);
3. establish the CJTS advisory group (CGS § 17a-6b);
4. require DCF to (a) annually report to the legislature on the number of children committed to the department for delinquency and (b) establish standard leave and release policies for such children (CGS §§ 17a-6c, -7a);
5. permit DCF to place a child committed to the department for delinquency on parole if it is in the child's best interest (CGS § 17a-7);
6. impose limits on the length of time a child adjudicated delinquent may be committed to DCF and allow the commissioner to place such a child over age 14 on vocational parole if it appears that the child cannot benefit from continued school attendance (CGS § 17a-8);
7. require DCF to pay for the support and maintenance of any delinquent child resident in any of the department's institutions or facilities and allow DCF to authorize medical treatment to ensure the child's good health or life (CGS § 17a-10);
8. generally designate a person committed to DCF who is transferred to Manson Youth Institution to be under DCF custody (as noted above, the act also eliminates DCF's authority to authorize such a transfer (CGS § 17a-13);
9. reference the CJTS construction project (CGS §§ 17a-27b, -27d);
10. allow DCF to establish a two-year Raise the Grade pilot program ending by July 1, 2015 (CGS § 17a-64);
11. enumerate DCF's duties regarding CJTS (CGS § 17-3a); and
12. allow the DCF commissioner to authorize leave for children committed to the department for delinquency (CGS § 17-8a).

EFFECTIVE DATE: July 1, 2018; except the provisions on the community-based diversion system and school-based diversion plan, school district liaisons, the technical high school system, the statewide information technology platform, and various reporting requirements are all effective upon passage; and the provision on school enrollment of students at detention facilities takes effect August 1, 2018. (*Signed by Governor Malloy 6/1/2018*)

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**[PUBLIC ACT 18-57](#) – S.B. No. 479 – AN ACT CONCERNING IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR PERSONS PROVIDING MEDICAL ASSISTANCE OR INTERVENTION IN A CHILD ABUSE OR NEGLECT CASE.**

This act provides immunity from civil and criminal liability to any person, institution, or agency that, in good faith, provides professional medical intervention or assistance in any proceeding involving child abuse or neglect. The act's immunity applies to liability that might otherwise arise from or is related to actions such as:

1. causing a photograph, x-ray, or physical custody examination to be made;
2. causing a child to be taken into emergency protective custody;
3. disclosing a medical record or other information pertinent to the proceeding; or
4. performing a medically relevant test.

The act also eliminates current immunity from civil or criminal liability for any person, institution, or agency that, in good faith, does not report suspected child abuse or neglect or alleged sexual assault of a student to the Department of Children and Families (DCF) or law enforcement as required or permitted by law. The act retains immunity for a person, institution, or agency that, in good faith, makes such a report and applies the immunity to civil or criminal liability that might otherwise arise from, or is related to, making the report. Currently, this immunity applies to civil or criminal liability that might otherwise be incurred or imposed.

Under the act, the immunity from civil or criminal liability for providing medical intervention or assistance or making a good faith report does not extend to medical malpractice that results in personal injury or death.

EFFECTIVE DATE: July 1, 2018, and applicable to any civil action pending or filed on or after that date. *(Signed by Governor Malloy 6/6/2018)*

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**[PUBLIC ACT 18-58](#) – S.B. No. 323 – AN ACT REQUIRING NOTICE PRIOR TO THE TRANSFER OF A CHILD TO A NEW OUT-OF-HOME PLACEMENT.**

This act requires the Department of Children and Families to provide written notice to any child or youth being transferred to a new out-of-home placement and his or her attorney at least 10 days before the transfer, except when immediate transfer is necessary due to an emergency or risk to the child's well-being.

EFFECTIVE DATE: July 1, 2018 *(Signed by Governor Malloy 6/4/2018)*

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**[PUBLIC ACT 18-67](#) – S.B. No. 315 – AN ACT CONCERNING MINOR REVISIONS TO THE STATUTES OF THE DEPARTMENT OF CHILDREN AND FAMILIES AND ESTABLISHING A PILOT PROGRAM TO PERMIT ELECTRONIC REPORTING BY MANDATED REPORTERS.**

This act makes several changes in laws related to the Department of Children and Families (DCF). It:

1. allows DCF to establish a pilot program to permit certain mandated reporters of child abuse and neglect to submit their reports electronically and, starting October 1, 2019, allows all such reporters, as well as other individuals, to submit reports of suspected child abuse or neglect in this manner (§§ 4-7, 12);
2. eliminates the requirement for a mother who is in the hospital after giving birth and who wishes to voluntarily surrender her infant under the state's safe haven law to provide written notice to a hospital health care provider. Other parents who wish to surrender their infant within 30 days of birth are not required to provide written notice of their intent. Requiring hospitals to use a form, proscribed by the Department (which is currently required, although there appears to be no form), could lead to further confusion about what information is provided to the Department and could lead to more cases where the mother's anonymity is comprised if the form is forwarded to the Department (§ 3);

3. broadens the definition of fictive kin caregiver to include a person unrelated to a child **or family** (§ 9);
4. requires a relative caregiver or foster care provider to be currently caring for a child in order to be considered a “caregiver” for purposes related to certain child welfare proceedings (§ 11);
5. exempts the Department of Developmental Services Continuous Residential Support (CRS) homes from DCF licensing. The CRS homes are overseen by DDS Quality Management but are not licensed by DDS. DCF currently licenses three CRS homes that serve youth under age 18. DDS has a review process which is equivalent or higher than the DCF licensing standard. (§ 10);
6. makes all reporting dates consistent for the Children’s Mental, Emotional and Behavioral Health Plan. Currently, most plan requirements are due on October 1st, however there are two isolated provisions with reporting dates of July 1 and September 15 (§§ 1 & 2); and
7. allows DCF to interview a child without the consent of a parent when “neglect” by that parent or a member of the household is suspected. The existing statute only permits an interview without the consent of a parent when “abuse” is suspected or in situations when seeking such consent would place the child at imminent risk of physical harm. (§ 8).

EFFECTIVE DATE: July 1, 2018, except the provisions that allow mandated reporters statewide to file reports electronically are effective October 1, 2019. *(Signed by Governor Malloy 6/1/2018)*

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**[PUBLIC ACT 18-71](#) – S.B. No. 312 – AN ACT CONCERNING RISK ASSESSMENT PRACTICES AND THE NEEDS OF CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.**

This act requires the Department of Children and Families (DCF) commissioner, in collaboration with the early childhood, developmental services, and social services commissioners, to develop investigation, assessment, and case-planning procedures that are responsive to the needs of children with intellectual and developmental disabilities. By February 1, 2019, the act requires the DCF commissioner to submit to the Children's Committee a report that describes the procedures developed and includes any legislative recommendations resulting from the collaboration.

By law, DCF must annually report certain information to the Children's Committee for inclusion in the children's report card. The act requires the report to additionally include an analysis of the efficacy of DCF's risk and safety assessment practices, including information about the (1) methodology used to determine the practices’ reliability, (2) use of evidence-based practices and tools, and (3) effectiveness of these practices for identifying children at risk of abuse or neglect.

EFFECTIVE DATE: July 1, 2018 *(Signed by Governor Malloy 6/4/2018)*

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**[PUBLIC ACT 18-81](#) – S.B. No. 543 – AN ACT CONCERNING REVISIONS TO THE STATE BUDGET FOR FISCAL YEAR 2019 AND DEFICIENCY APPROPRIATIONS FOR FISCAL YEAR 2018.**

This act makes various statutory and budgetary changes to reduce projected General Fund deficits for FY 19 and deficiency appropriations for FY 18.

Section 1 of the act makes the following adjustments to the DCF budget:

DEPARTMENT OF CHILDREN AND FAMILIES		
Personal Services	[ <del>273,254,796</del> ]	<u>266,242,164</u>
Other Expenses	[ <del>30,416,026</del> ]	<u>28,887,225</u>
Workers' Compensation Claims	12,578,720	
Family Support Services	867,677	
Differential Response System	7,764,046	
Regional Behavioral Health Consultation	1,619,023	
Health Assessment and Consultation	1,082,532	
Grants for Psychiatric Clinics for Children	14,979,041	
Day Treatment Centers for Children	6,759,728	
Child Abuse and Neglect Intervention	10,116,287	
Community Based Prevention Programs	7,637,305	
Family Violence Outreach and Counseling	2,547,289	
Supportive Housing	18,479,526	
No Nexus Special Education	2,151,861	
Family Preservation Services	6,070,574	
Substance Abuse Treatment	9,840,612	
Child Welfare Support Services	1,757,237	
Board and Care for Children - Adoption	98,735,921	
Board and Care for Children - Foster	135,345,435	
Board and Care for Children - Short-term and Residential	90,339,295	
Individualized Family Supports	6,552,680	
Community Kidcare	37,968,191	
Covenant to Care	[ <del>136,273</del> ]	<u>133,548</u>
<b>AGENCY TOTAL</b>	<b>[<del>777,000,075</del>]</b>	<b><u>768,455,917</u></b>

Section 44 of the act makes the following deficiency appropriation for DCF:

DEPARTMENT OF CHILDREN AND FAMILIES	
Personal Services	5,400,000
Substance Abuse Treatment	3,800,000

Section 69 of the act requires the OPM secretary to allocate available FY 19 funds to provide a 1% COLA to employees who provide state-administered human services. The act allows the secretary to reduce rates for any provider that receives such funds but fails to provide his or her employees with such adjustment.

Under the act, "employee" means any privately employed person who provides state-administered human services, including any person in a contractual arrangement with a human services provider who is not directly employed by such provider (e.g., sub-contractor), and "state-administered human services" means any of the services administered by the Departments of Correction, Housing, Public Health, Social Services, Children and Families, Rehabilitation Services and Mental Health and Addiction Services; the Office of Early Childhood; and the Judicial Department that involve direct care of or services for eligible persons, including (1) medical services, (2) mental health and addiction treatment, (3) nutrition and housing assistance, and (4) services for children.

EFFECTIVE DATE: Most provisions are effective July 1, 2018, deficiency appropriations is effective upon passage. *(Signed by Governor Malloy 5/15/2018)*

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**[PUBLIC ACT 18-92](#) – H.B. No. 5185 – AN ACT CONCERNING GUARDIANSHIP APPOINTMENTS FOR INDIVIDUALS SEEKING SPECIAL IMMIGRANT JUVENILE STATUS.**

Existing law permits a party in a probate court case involving guardianship, parental rights, or adoption to petition the court to make certain findings that someone may use to apply to the U.S. Citizenship and Immigration Services (USCIS) for special immigrant juvenile status (SIJS). Under federal law, an immigrant child under age 21 who (1) has been abused, neglected, or abandoned and (2) meets certain other criteria, may apply for SIJS. If granted by the federal court, SIJS allows the child to legally remain in the United States.

For proceedings involving guardianship appointment or removal, this act allows the probate court to issue those findings for certain SIJS applicants under age 21, instead of under age 18 as under current law. This change enables 18-, 19-, and 20-year-olds who are eligible to apply for SIJS under federal law, in certain circumstances, to petition the probate court for the findings they need to make that application (i.e., that they are dependent on the court).

The act also makes conforming changes.

EFFECTIVE DATE: July 1, 2018 *(Signed by Governor Malloy 6/4/2018)*

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**[PUBLIC ACT 18-111](#) – H.B. No. 5332 – AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.**

This act makes several changes in laws related to the Department of Children and Families (DCF). It requires the department to:

1. take certain steps to identify and address racial and ethnic disparities within child welfare practices (§§ 1 - 3),
2. provide records without the subject's consent to the chief state's attorney's office to investigate benefits fraud (§ 4),
3. develop guidelines for the care of high-risk newborns who are born with signs indicating prenatal substance exposure or fetal alcohol syndrome (§ 5), and

4. perform child abuse and neglect registry checks on a foster care provider seeking to renew his or her license or approval and anyone age 16 or older living in the home (§ 6).

The act also:

1. requires health care providers to notify DCF when a child is born with symptoms indicating prenatal substance exposure or fetal alcohol spectrum disorder, and include a copy of the newborn's safe care plan (§ 5);
2. eliminates a provision that permits the commissioner, when someone applies for, or seeks to renew, a license or approval to provide foster care, to run state and national criminal history record checks on anyone over age 16 who does not live in the applicant's house but who has regular unsupervised access to children in the home (§ 6);
3. establishes notice and hearing requirements that DCF may follow before imposing a fine for failure to comply with certain licensing requirements to care for, board, or place a child (§ 7); and
4. makes other minor and technical changes.

### **§§ 1-3 — ADDRESSING RACIAL AND ETHNIC DISPARITIES IN CHILD WELFARE PRACTICE**

The act requires DCF to take steps to address racial and ethnic disparities within child welfare practices by adopting strategies, establishing a data reporting system, working to eliminate disparities, and annually reporting to the Children's Committee.

#### ***Strategies to Address Disparities***

Existing law requires DCF, with the assistance of the State Advisory Council on Children and Families and in consultation with certain other stakeholders, to develop and regularly update a strategic plan to meet the needs of children and families the department serves. Under the act, the plan must include strategies DCF must use to identify racial and ethnic disparities within child welfare practices and work to eliminate those disparities. The strategies must be informed by data on referrals, abuse and neglect substantiations, removals, placements, and retention.

#### ***Commissioner Responsibilities and Reporting Requirement***

The act adds to the DCF commissioner's existing responsibilities requirements that she:

1. establish a standardized data reporting system to support data collection regarding (a) the race and ethnicity of children and families referred to the department at key decision points, including referral, substantiation, removal, and placement and (b) retention rates of children and families by race and ethnicity; and
2. work to eliminate disparities in referral rates, substantiations, placements, and retention among (a) racial and ethnic groups and (b) groups known to experience higher rates of adverse child welfare, health, and service outcomes because of religion, age, sex, sexual orientation, national origin, socioeconomic and immigration status, language, ancestry, intellectual or physical disability, mental health status, prior criminal convictions, homelessness, gender identity or expression, or geographic residential area.

The act also requires the commissioner, by February 15, 2019, to begin annually reporting to the Children's Committee data illustrating DCF service use by race and ethnicity, an assessment of usage trends, and recommendations for results-based accountability measures to ensure parity in access to such services.

#### **§ 4 — DCF RECORDS DISCLOSURES**

The act expands the existing list of circumstances under which DCF must disclose its records to the chief state's attorney's office without a subject's consent. Under the act, the department must make such disclosures for purposes of investigating or prosecuting alleged benefits fraud, provided no information identifying the subject of the record is disclosed unless the information is essential to the investigation or prosecution. The law additionally requires DCF to make such disclosures to the chief state's attorney's office in order to investigate or prosecute allegations (1) related to child abuse or neglect, (2) that an individual falsely reported suspected child abuse or neglect, or (3) that a mandated reporter failed to report child abuse or neglect.

Generally, DCF records are confidential but can be disclosed (1) with the consent of the subject or (2) without such consent and for certain purposes to a guardian ad litem or attorney representing a child or youth in litigation affecting the child's or youth's best interests, certain foster or prospective adoptive parents, and various agencies officials, and other persons for certain purposes.

#### **§ 5 — SAFE CARE OF SUBSTANCE EXPOSED NEWBORNS**

By January 1, 2019, the act requires the DCF commissioner, in consultation with other departments, agencies, or entities concerned with the health and well-being of children, to develop guidelines for the safe care of newborns who exhibit (1) physical, neurological, or behavioral symptoms consistent with prenatal substance exposure; (2) withdrawal symptoms from prenatal substance exposure; or (3) fetal alcohol syndrome. The guidelines must include instructions to providers regarding the providers' participation in the discharge planning process, including the creation of written plans of safe care, which must be developed between the providers and mothers of the newborns as part of that process.

Under the act, a provider involved in the delivery or care of a newborn who, in the provider's estimation, exhibits physical, neurological, or behavioral symptoms consistent with prenatal substance exposure, associated withdrawal symptoms, or fetal alcohol spectrum disorder must notify DCF of these conditions in the newborn. The notice must be made in a form and manner the commissioner prescribes and in addition to any applicable reporting requirements under the state's child welfare laws. Starting January 15, 2019, the notice must include a copy of the plan of safe care created pursuant to the above guidelines.

Under the act, providers include the following licensed health professionals: physicians, surgeons, homeopathic physicians, physician assistants, nurse-midwives, practical nurses, registered nurses, and advanced practice registered nurses.

#### **§ 6 — CHILD ABUSE AND NEGLECT REGISTRY CHECK**

Under existing law, before issuing a license or approval to provide foster care, DCF has to run state and national criminal history and state child abuse registry records checks on the applicant and anyone living in the applicant's household who is age 16 or older. Once licensed or approved, the foster care provider and anyone age 16 or older living in the household must again submit to a criminal history check at the time of renewal. For license and approval renewal purposes, the act requires DCF to once again check the child abuse and neglect registry for those individuals.

Additionally, the act eliminates provisions that permit the commissioner to (1) run criminal history and child abuse registry checks, when someone applies for a license or approval to provide foster care, on anyone over age 16 who does not live in the applicant's house but who has regular unsupervised access to children in the home and (2) conduct criminal background checks on such individuals at the time of license or approval renewal.

### **§ 7 — LICENSE VIOLATIONS FOR CHILD CARE, BOARDING, AND PLACEMENT**

By law, certain persons and entities must be licensed by DCF in order to care for or board a child, place a child in a foster or adoptive home, or bring or send a child into the state for placement or care in a home or institution. Under current law, any person or corporation that violates these licensing requirements may be fined up to \$100. The act broadens the violators subject to the fine to include persons and entities, instead of persons and corporations as under current law. Under the act, DCF may provide the violator with notice and the notice must include information about the violator's right to a hearing before DCF imposes such a penalty.

Additionally, the act authorizes DCF, on the advice of the attorney general and in the manner provided by law, to (1) investigate any reported violation of these licensing requirements and (2) in the state's name, seek an injunction or other civil process against any person or governmental unit to restrain or prevent them from caring for, boarding, or placing a child while in violation of those requirements.

#### ***Notice Requirement***

If the commissioner has reason to believe that a person or entity has committed a violation of the licensing requirements punishable by a \$100 fine, she may notify the alleged violator by certified mail, return receipt requested, or by personal service. (Since the commissioner is permitted, but not required, to send the notice, it is unclear what happens if she does not send it.) The notice must include:

1. a reference to the laws allegedly violated,
2. a short and plain statement of the matter asserted or charged,
3. a statement of the prescribed \$100 civil penalty for the violations, and
4. a statement of the alleged violator's right to request a hearing and requirement that the request be submitted in writing to the commissioner within 30 days after the notice is mailed or given by personal service.

#### ***Hearing Requirement and Penalty Order***

Within 30 days after receiving a request for a hearing, the commissioner must hold one in accordance with the Uniform Administrative Procedures Act. The commissioner may order the \$100 civil penalty if (1) after holding the hearing, the commissioner finds that a violation of the licensing requirements occurred, or (2) the alleged violator does not request a hearing or requests one but does not appear at it. The commissioner must send a copy of any such order by certified mail, return receipt requested, to the person or entity named in the order.

EFFECTIVE DATE: July 1, 2018, except the provision that makes changes to foster care criminal background and child abuse and neglect registry check requirements is effective upon passage.  
(Signed by Governor Malloy 6/7/2018)

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**[PUBLIC ACT 18-161](#) – H.B. No. 5220 – AN ACT CONCERNING THIRD-PARTY FINGERPRINTING SERVICES, MINIMUM STANDARDS AND PRACTICES FOR THE ADMINISTRATION OF LAW ENFORCEMENT UNITS AND REPORTS OF POLICE PURSUITS.**

This act makes changes affecting the Department of Emergency Services and Public Protection (DESPP) and the Police Officer Standards and Training Council (POST). Generally, it:

1. allows the DESPP commissioner to enter into agreements with contractors to electronically take and transmit fingerprints and demographic information to the State Police Bureau of Identification (SPBI) for processing criminal history record checks;
2. requires, within available appropriations, POST and the DESPP commissioner to jointly develop (a) minimum standards and practices for administering and managing law enforcement units and (b) a process for reviewing compliance, including a certificate of compliance;
3. requires, beginning January 1, 2019, law enforcement units to adopt and maintain POST's minimum standards and practices or a higher level of accreditation standards; and
4. establishes a series of reporting requirements concerning police pursuits, including for police officers, local police chiefs, the DESPP commissioner, and POST.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2018, except that the provisions on (1) police pursuits are effective October 1, 2018, and (2) minimum standards and practices are effective January 1, 2019. *(Signed by Governor Malloy 6/14/2018)*

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**[PUBLIC ACT 18-182](#) – H.B. No. 5446 – AN ACT CONCERNING MINOR REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES.**

Sections 2 and 18 of the act require the State Department of Education (SDE) to assist and encourage boards of education to include instruction related to the safe haven law. It also requires DCF to provide instructional materials related to the safe haven law to (1) SDE by October 1, 2018 in order to assist SDE in meeting this responsibility and (2) upon their request, to boards of education.

EFFECTIVE DATE: July 1, 2018. *(Signed by Governor Malloy 6/14/2018)*

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**[PUBLIC ACT 18-186](#) – H.B. No. 5470 – AN ACT CONCERNING THE PROVISIONS OF TIMELY NOTICE OF CHILD PLACEMENT INFORMATION FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE ATTORNEY OR GUARDIAN AD LITEM REPRESENTING THE CHILD IN A CHILD PROTECTION MATTER.**

This act generally requires the Department of Children and Families (DCF) to provide written notice to an attorney or guardian ad litem (GAL) representing a child before any:

1. meeting in which the department is considering removing a child from his or her home on the basis of abuse or neglect,
2. placement or placement change of a child who is in DCF custody, and

3. administrative or permanency team meeting to review the child's permanency plan.

The act establishes timeframes for each of these notice requirements. It provides an exception to the first notice requirement above when the DCF commissioner or her designee authorizes an emergency removal from the home to ensure a child's safety.

The act also requires DCF to provide notice to any attorney or GAL appointed to represent a child when he or she absconds from care, but it does not specify a timeframe for the notification.

#### **NOTICE OF MEETING TO DISCUSS REMOVAL**

The act generally requires DCF to provide written notice to any attorney or GAL representing a child at least five days before the date of any meeting in which the department is considering removing the child from the household. The act provides an exception to this notice requirement if the DCF commissioner or her designee have authorized the child's immediate removal from the home. By law, the commissioner may authorize such a removal if there is probable cause to believe (1) that the child or any other child in the household is in imminent risk of physical harm from his or her surroundings and (2) the immediate removal is necessary to ensure the child's safety (CGS § 17a-101g(e)).

#### **PLACEMENT NOTIFICATION**

The act requires DCF, when placing a child or youth committed to its care (e.g., in a foster home), to provide written notice to any attorney or GAL appointed by the court to represent the child. The notice must include the name, address, and other relevant contact information related to the placement. The commissioner must also provide written notice to the attorney or GAL of any change in placement, including a hospitalization or respite placement. The notice must be provided (1) within 10 business days before the change of placement in a nonemergency situation or (2) no later than two days after a change of placement in an emergency situation.

#### **PERMANENCY PLAN NOTIFICATION**

By law, the DCF commissioner must prepare and maintain a plan for the care, treatment, and permanent placement (i.e., permanency plan) for each child under her care and she must review the plan at least every six months to (1) determine if it is appropriate and (2) make any appropriate modifications. The act requires DCF to provide written notice to the child's attorney or GAL at least 21 days before the date of any administrative meeting to review the plan.

Additionally, under the act, the commissioner must provide written notice to any attorney or GAL the court appointed for the child, regardless of the child's age, at least five days in advance of any permanency team meeting concerning the child's plan.

EFFECTIVE DATE: October 1, 2018 (*Signed by Governor Malloy 6/14/2018*)

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**[SPECIAL ACT 18-13](#) – H.B. No. 5190 – AN ACT EXTENDING THE REPORTING DEADLINE OF THE TASK FORCE TO STUDY VOLUNTARY ADMISSION TO THE DEPARTMENT OF CHILDREN AND FAMILIES.**

This act extends the deadline for the task force to issue its report to various committees of the General Assembly from February 1, 2018 to January 1, 2019. Special Act 17-6 originally established this task force to study the voluntary services program operated by the Department of Children and Families.

EFFECTIVE DATE: Upon passage (*Signed by Governor Malloy 6/4/2018*)

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