



General Assembly

Substitute Bill No. 7001

January Session, 2019



**AN ACT CONCERNING THE NOTIFICATION OF CERTAIN
EMPLOYERS OF THE PLACEMENT OF AN EMPLOYEE ON THE
CHILD ABUSE OR NEGLECT REGISTRY.**

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

1 Section 1. Section 17a-101g of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) Upon receiving a report of child abuse or neglect, as provided in
4 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which
5 the alleged perpetrator is (1) a person responsible for such child's
6 health, welfare or care, (2) a person given access to such child by such
7 responsible person, or (3) a person entrusted with the care of a child,
8 the Commissioner of Children and Families, or the commissioner's
9 designee, shall cause the report to be classified and evaluated
10 immediately. If the report contains sufficient information to warrant an
11 investigation, the commissioner shall make the commissioner's best
12 efforts to commence an investigation of a report concerning an
13 imminent risk of physical harm to a child or other emergency within
14 two hours of receipt of the report and shall commence an investigation
15 of all other reports within seventy-two hours of receipt of the report. A
16 report classified by the commissioner, or the commissioner's designee,
17 as lower risk may be referred for family assessment and services
18 pursuant to subsection [(g)] (h) of this section. Any such report may

19 thereafter be referred for standard child protective services if safety
20 concerns for the child become evident. A report referred for standard
21 child protective services may be referred for family assessment and
22 services at any time if the department determines there is a lower risk
23 to the child. If the alleged perpetrator is a school employee, as defined
24 in section 53a-65, or is employed by an institution or facility licensed or
25 approved by the state to provide care for children, the department
26 shall notify the Department of Education or the state agency that has
27 issued such license or approval to the institution or facility of the
28 report and the commencement of an investigation by the
29 Commissioner of Children and Families. The department shall
30 complete any such investigation not later than forty-five calendar days
31 after the date of receipt of the report. If the report is a report of child
32 abuse or neglect in which the alleged perpetrator is not a person
33 specified in subdivision (1), (2) or (3) of this subsection, the
34 Commissioner of Children and Families shall refer the report to the
35 appropriate local law enforcement authority for the town in which the
36 child resides or in which the alleged abuse or neglect occurred.

37 (b) The Commissioner of Children and Families shall establish
38 protocols for the investigation of and response to reports of child abuse
39 or neglect of children from birth to three years of age. Such protocols
40 shall include, but need not be limited to, (1) appropriate supervision of
41 the case, (2) appropriate visitation by department personnel to such
42 children, (3) documentation of case activities relevant to the safety and
43 well-being of such children, and (4) a case supervision tool specific to
44 the unique needs and risk status of children from birth to three years
45 of age. All investigations of a report of child abuse or neglect pursuant
46 to this section shall include a home visit at which the child and any
47 siblings are observed, if appropriate, a determination of the nature,
48 extent and cause or causes of the reported abuse or neglect, a
49 determination of the person or persons suspected to be responsible for
50 such abuse or neglect, the name, age and condition of other children
51 residing in the same household and an evaluation of the parents and
52 the home. The report of such investigation shall be in writing. The

53 investigation shall also include, but not be limited to, a review of
54 criminal conviction information concerning the person or persons
55 alleged to be responsible for such abuse or neglect and previous
56 allegations of abuse or neglect relating to the child or other children
57 residing in the household or relating to family violence. After an
58 investigation into a report of abuse or neglect has been completed, the
59 commissioner shall determine, based upon a standard of reasonable
60 cause, whether a child has been abused or neglected, as defined in
61 section 46b-120. If the commissioner determines that abuse or neglect
62 has occurred, the commissioner shall also determine whether: (A)
63 There is an identifiable person responsible for such abuse or neglect;
64 and (B) such identifiable person poses a risk to the health, safety or
65 well-being of children and should be recommended by the
66 commissioner for placement on the child abuse and neglect registry
67 established pursuant to section 17a-101k. If the commissioner has
68 made the determinations in subparagraphs (A) and (B) of this
69 subsection, the commissioner shall issue notice of a recommended
70 finding to the person suspected to be responsible for such abuse or
71 neglect in accordance with section 17a-101k. If the child is represented
72 by an attorney or guardian ad litem, the commissioner shall notify the
73 child's attorney or guardian ad litem in writing not less than five days
74 prior to the date of any meeting in which the department is
75 considering removing the child from the household, except, if the
76 commissioner, or the commissioner's designee, has authorized the
77 immediate removal of a child from his or her household pursuant to
78 the provisions of subsection [(e)] (f) of this section, the commissioner,
79 or the commissioner's designee, shall not be required to provide
80 advance written notice of such removal to the child's attorney or
81 guardian ad litem.

82 (c) Except as provided in subsection (d) of this section, no entry of
83 the recommended finding shall be made on the child abuse or neglect
84 registry and no information concerning the finding shall be disclosed
85 by the commissioner pursuant to a check of the child abuse or neglect
86 registry or request for information by a public or private entity for

87 employment, licensure, or reimbursement for child care purposes
88 pursuant to programs administered by the Department of Social
89 Services or pursuant to any other general statute that requires a check
90 of the child abuse or neglect registry until the exhaustion or waiver of
91 all administrative appeals available to the person suspected to be
92 responsible for the abuse or neglect, as provided in section 17a-101k.

93 (d) If the child abuse or neglect resulted in or involves (1) the death
94 of a child; (2) the risk of serious physical injury or emotional harm of a
95 child; (3) the serious physical harm of a child; (4) the arrest of a person
96 due to abuse or neglect of a child; (5) a petition filed by the
97 commissioner pursuant to section 17a-112 or 46b-129; or (6) sexual
98 abuse of a child, entry of the recommended finding may be made on
99 the child abuse or neglect registry and information concerning the
100 finding may be disclosed by the commissioner pursuant to a check of
101 the child abuse or neglect registry or request for information by a
102 public or private entity for employment, licensure, or reimbursement
103 for child care purposes pursuant to programs administered by the
104 Department of Social Services or pursuant to any other general statute
105 that requires a check of the child abuse or neglect registry, prior to the
106 exhaustion or waiver of all administrative appeals available to the
107 person suspected to be responsible for the abuse or neglect as provided
108 in section 17a-101k.

109 (e) If entry of the recommended finding is made on the child abuse
110 or neglect registry, the Commissioner of Children and Families shall
111 make a reasonable effort to determine whether the person against
112 whom such finding was made is employed in a capacity that requires
113 such person to have regular and direct contact with children and
114 provide services to or on behalf of children. If the commissioner
115 determines that such person is employed in such capacity, the
116 commissioner shall notify the employer of such person's placement on
117 the abuse or neglect registry.

118 [(e)] (f) If the Commissioner of Children and Families, or the
119 commissioner's designee, has probable cause to believe that the child

120 or any other child in the household is in imminent risk of physical
121 harm from the child's surroundings and that immediate removal from
122 such surroundings is necessary to ensure the child's safety, the
123 commissioner, or the commissioner's designee, shall authorize any
124 employee of the department or any law enforcement officer to remove
125 the child and any other child similarly situated from such
126 surroundings without the consent of the child's parent or guardian.
127 The commissioner shall record in writing the reasons for such removal
128 and include such record with the report of the investigation conducted
129 under subsection (b) of this section.

130 ~~[(f)]~~ (g) The removal of a child pursuant to subsection ~~[(e)]~~ (f) of this
131 section shall not exceed ninety-six hours. During the period of such
132 removal, the commissioner, or the commissioner's designee, shall
133 provide the child with all necessary care, including medical care,
134 which may include an examination by a physician or mental health
135 professional with or without the consent of the child's parents,
136 guardian or other person responsible for the child's care, provided
137 reasonable attempts have been made to obtain consent of the child's
138 parents or guardian or other person responsible for the care of such
139 child. During the course of a medical examination, a physician may
140 perform diagnostic tests and procedures necessary for the detection of
141 child abuse or neglect. If the child is not returned home within such
142 ninety-six-hour period, with or without protective services, the
143 department shall proceed in accordance with section 46b-129.

144 ~~[(g)]~~ (h) (1) Notwithstanding the provisions of subsections (a) to ~~[(f)]~~
145 (g), inclusive, of this section, the commissioner may establish a
146 program of family assessment response to reports of child abuse and
147 neglect whereby the report may be referred to appropriate community
148 providers for family assessment and services without an investigation
149 or at any time during an investigation, provided there has been an
150 initial safety assessment of the circumstances of a family and child and
151 criminal background checks have been performed on all adults
152 involved in the report. Services provided through family assessment

153 response shall include an array of community-based services and
154 supports designed to meet the individual needs of families, build upon
155 their strengths, enhance child development, reduce child abuse and
156 neglect and increase the health, safety and well-being of children.

157 (2) In response to an accepted family assessment report, the
158 department shall conduct a comprehensive family assessment that
159 shall include a safety and risk assessment and an assessment of family
160 strengths and needs. Such assessment shall include personal
161 interviews with the child and the child's parent or primary caretaker,
162 an evaluation of the home environment and the performance of
163 criminal background checks on all adults residing in the same
164 household. Such assessment may include, as appropriate, personal
165 interviews with other children or adults residing in the same
166 household as well as any other caregivers, family members and
167 collateral contacts. In conducting such assessment, the department
168 shall consider the age and vulnerability of the child, family
169 functioning, family history of abuse and neglect and family history of
170 involvement with the department. The department shall, upon
171 securing any necessary releases, request any relevant out-of-state
172 history of child abuse or neglect involving any adults residing in the
173 same household.

174 (3) The following reports of suspected child abuse or neglect shall
175 not be referred for family assessment response: (A) Sexual abuse, (B)
176 abuse or neglect occurring in an out-of-home placement, (C) abuse or
177 neglect resulting in the death or serious physical or mental injury of a
178 child, or (D) where the department's safety assessment reveals that the
179 child is unsafe. A case supervisor or manager shall approve all
180 referrals to family assessment response.

181 (4) Prior to referring a report to an appropriate community
182 provider, the department shall develop a service plan designed to meet
183 the family's immediate needs for services and supports and to guide
184 the community provider's development of a long-term plan of care for
185 the family.

186 (5) Following a referral pursuant to subdivision (1) of this
187 subsection, a community provider shall schedule an in-person meeting
188 with the family and shall develop a plan of care. Such plan of care shall
189 be developed in consultation with the family and shall include (A) a
190 review of the department's family assessment and service plan and any
191 services and supports the family is currently receiving, and (B) an
192 identification of the family's ongoing needs and the services and
193 supports that may be available to meet such needs. Such plan of care
194 shall identify the family's strengths and needs and describe the
195 services and supports to be offered to (i) address the family's needs, (ii)
196 build upon the family's strengths, and (iii) increase the health, safety
197 and well-being of the child. The provider shall monitor the family's
198 participation and progress with the plan of care.

199 (6) The community provider shall maintain ongoing contact with
200 the family through in-person meetings, visits to the home, child and
201 family team meetings and phone calls. If at any time following the
202 referral or during the implementation of the plan of care, the provider
203 has reasonable cause to suspect or believe that any child under
204 eighteen years of age (A) has been abused or neglected, as defined in
205 section 46b-120, (B) has suffered a nonaccidental physical injury or an
206 injury that is at variance with the history given for such injury, or (C) is
207 placed at imminent risk of serious harm, the provider shall report or
208 cause a report to be made in accordance with the provisions of sections
209 17a-101b to 17a-101d, inclusive.

210 (7) The community provider shall schedule an in-person meeting
211 with the family prior to the end of services. The determination to end
212 services shall be based upon the family's preference and progress in
213 meeting the goals outlined in the plan of care. The community
214 provider shall submit individual child and family specific data and
215 administrative service data to the department not later than thirty days
216 after ending services. Such data shall identify the needs of the family,
217 the services and supports made available to address those needs, the
218 family's met and unmet treatment goals, the final disposition at the

219 time of ending services and the reasons for the family's discharge from
220 services, including, but not limited to, met treatment goals, family
221 relocation, the receipt of a new report by the department or transfer of
222 the family to another provider.

223 (8) Subdivisions (5) to (7), inclusive, of this subsection shall apply to
224 all community provider service contracts in effect on June 9, 2016, to
225 the extent they are not in conflict with such contracts, and shall apply
226 to all contracts entered into, amended, extended or renewed on or after
227 June 9, 2016.

228 (9) The commissioner shall adopt procedures to establish a method
229 for the department to monitor the progress of the child and family
230 referred to a community provider pursuant to subdivision (1) of this
231 subsection and to set standards for reopening an investigation
232 pursuant to this section. Such standards shall include, but need not be
233 limited to, provisions for the reassignment of a report referred for
234 family assessment response for an immediate investigation based on
235 (A) a reassessment of the initial report of child abuse or neglect or the
236 discovery of new or additional facts indicating that the child is unsafe,
237 or (B) a determination that the report meets the criteria of subdivision
238 (3) of this subsection and, as a result, does not qualify for family
239 assessment response. Not later than January 1, 2017, the commissioner
240 shall submit a report regarding such procedures and standards, in
241 accordance with the provisions of section 11-4a, to the joint standing
242 committee of the General Assembly having cognizance of matters
243 relating to children.

244 (10) Consistent with the provisions of section 17a-28, the
245 department shall disclose all relevant information in its possession
246 concerning the child and family, including prior child protection
247 activity, to each provider to whom a report has been referred for use
248 by the provider in the assessment, diagnosis and treatment of unique
249 needs of the family and the prevention of future reports. Each provider
250 who has received a report of child abuse or neglect referred pursuant
251 to this subsection shall disclose to the department, consistent with the

252 provisions of section 17a-28, all relevant information gathered during
253 assessment, diagnosis and treatment of the child and family. The
254 department may use such information solely to monitor and ensure
255 the continued safety and well-being of the child or children.

256 (11) Not later than July 1, 2016, and annually thereafter, the
257 department shall submit a report, in accordance with the provisions of
258 section 11-4a, to the joint standing committee of the General Assembly
259 having cognizance of matters relating to children for inclusion in the
260 annual report card prepared pursuant to section 2-53m on the status of
261 family assessment response. Such report shall include data from the
262 previous calendar year, including, but not limited to: (A) The number
263 of accepted reports of child abuse or neglect, and the percentage of
264 reports assigned to the family assessment response track; (B) the
265 disposition of families assigned a family assessment response; (C) for
266 cases assigned to the family assessment response track, a breakdown
267 by reporter type; (D) the number and percentage of family assessment
268 response cases that changed track to investigations; (E) an analysis of
269 the department's prior or subsequent involvement with a family that
270 has been assigned to family assessment response, if applicable; (F) an
271 analysis of the department's prior or subsequent involvement with a
272 family that has been assigned to a community partner agency; (G) a
273 description of services that are commonly provided to families referred
274 to the community support for families program; (H) a description of
275 the department's staff development and training practices relating to
276 intake; (I) the number and percentage of referred families who were
277 ultimately enrolled in the community support for families program; (J)
278 the number and percentage of families receiving a family assessment
279 response broken down by race and ethnicity; (K) the reason for
280 discharge from the community support for families program, as
281 identified in subdivision (7) of this subsection, broken down by race
282 and ethnicity; (L) a comparison of the needs identified and the needs
283 addressed for families referred to the community support for families
284 program; and (M) an analysis of the efficacy of the department's risk
285 and safety assessment practices, including information concerning the

286 methodology used to determine the reliability of such practices, the
287 utilization of evidence-based practices and tools, and the effectiveness
288 of such assessment practices for identifying children at risk for abuse
289 or neglect.

290 Sec. 2. Subsection (b) of section 17a-16a of the general statutes is
291 repealed and the following is substituted in lieu thereof (*Effective*
292 *October 1, 2019*):

293 (b) (1) Whenever a child is placed in out-of-home care by the
294 department pursuant to an emergency order under subsection [(e)] (f)
295 of section 17a-101g, as amended by this act, or an order of temporary
296 custody or an order of commitment under section 46b-129, and at any
297 subsequent change in out-of-home care, any such child may, if it is in
298 the best interests of the child, as determined pursuant to subdivision
299 (3) of this subsection, continue to attend his or her school of origin.
300 Such child shall continue to be a resident of the school district in which
301 such school is located during such attendance for purposes of chapters
302 168 to 170, inclusive, 172 and 173. The board of education for the
303 school of origin shall continue to provide free school privileges to the
304 child and any services provided by such board shall be in accordance
305 with the provisions of subdivision (2) of subsection (e) of section 10-
306 76d and section 10-253. If the child continues to attend his or her
307 school of origin following placement in out-of-home care by the
308 department, the local or regional board of education of the school of
309 origin shall not be eligible to receive an excess cost grant pursuant to
310 subdivision (2) of subsection (e) of section 10-76d for the cost of such
311 education, including, but not limited to, tuition and transportation
312 costs. For the fiscal year ending June 30, 2013, and each fiscal year
313 thereafter, an excess cost grant pursuant to subdivision (2) of
314 subsection (e) of section 10-76d shall be available to the nexus school
315 district when the nexus school district pays the child's tuition to the
316 local or regional board of education of the school of origin. If the nexus
317 school district placed the child in a private school or regional
318 educational service center program prior to the child being removed

319 from the home by the department and the child continues to attend
320 such prior placement, the nexus school district, or, if the nexus school
321 district cannot be identified, the town where the child resides, shall be
322 eligible to receive the excess cost grant pursuant to section 10-76g.

323 (2) Every decision by the department to place a child into out-of-
324 home care under the provisions of subsection [(e)] (f) of section 17a-
325 101g, as amended by this act, and section 46b-129, and any subsequent
326 change in out-of-home care, shall take into account the
327 appropriateness of the school setting and the proximity to the school of
328 origin.

329 (3) (A) Whenever a child is placed in out-of-home care by the
330 department pursuant to an emergency order under subsection [(e)] (f)
331 of section 17a-101g, as amended by this act, or an order of temporary
332 custody or an order of commitment under section 46b-129, and at any
333 subsequent change in out-of-home care, the department shall
334 immediately determine whether it is in the best interests of the child to
335 remain in the school of origin. There shall be a presumption that it is in
336 the child's best interests to remain in the school of origin. The
337 department shall provide written notice of its decision to the parties
338 not later than three business days after the date on which the decision
339 is made. Such notice shall identify the factors that form the basis of the
340 department's decision. Any party may object to the department's
341 decision not later than three business days after receipt of such notice.
342 The child shall remain in the school of origin until the time for
343 objection has passed and until any disagreement is resolved, except as
344 provided in subparagraph (C) of this subdivision. The child shall be
345 transported to the school of origin pursuant to subsection (c) of this
346 section during any such disagreement except as provided in
347 subparagraph (C) of this subdivision. Such disagreements shall be
348 expeditiously resolved. The department shall bear the burden of proof
349 that the school placement decision is in the child's best interests.

350 (B) The school placement decision may be revisited at any time
351 during the child's out-of-home care, if circumstances change, in order

352 to ensure that the school placement decision remains in the best
353 interests of the child. Notice of any subsequent decision to change the
354 child's school placement decision shall be provided in accordance with
355 subparagraph (A) of this subdivision. Any school placement decision
356 made pursuant to this section may be challenged through the dispute
357 resolution process for treatment plans. The child shall remain in the
358 school of origin until any such disagreement is resolved, except as
359 provided in subparagraph (C) of this subdivision and shall be
360 provided with transportation in accordance with subsection (c) of this
361 section.

362 (C) If at any time the department determines that continued
363 placement in the school of origin will jeopardize the child's immediate
364 physical safety, the department may immediately remove the child
365 from the school and shall notify the child's attorney, parents, guardian
366 ad litem and surrogate parent, if any, by phone or by facsimile on the
367 same business day. Any party may object to the decision to change the
368 child's school placement not later than three business days after receipt
369 of such notice. If any party objects to the change in school placement,
370 the department shall hold an administrative hearing not later than
371 three business days after the objection.

372 Sec. 3. Section 17a-101m of the general statutes is repealed and the
373 following is substituted in lieu thereof (*Effective October 1, 2019*):

374 Immediately upon the removal of a child from the custody of the
375 child's parent or guardian pursuant to subsection [(e)] (f) of section
376 17a-101g or section 46b-129, the Commissioner of Children and
377 Families shall exercise due diligence to identify all adult grandparents
378 and other adult relatives of the child, including any adult relatives
379 suggested by the parents, subject to exceptions due to family or
380 domestic violence. Not later than thirty days after the removal, the
381 commissioner shall provide such grandparents and other relatives
382 with notice that (1) the child has been or is being removed from the
383 custody of the child's parent or guardian; (2) explains the options that
384 the relative has under federal, state and local law to participate in the

385 care and placement of the child, including any options that may be lost
386 by failing to respond to the notice; (3) describes the requirements (A)
387 to obtain a foster care license pursuant to section 17a-114, and (B) for
388 additional services and supports that are available for children placed
389 in such a home; and (4) describes the subsidized guardianship
390 program under section 17a-126, including (A) eligibility requirements,
391 (B) the process for applying to the program, and (C) financial
392 assistance available under the program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	17a-101g
Sec. 2	<i>October 1, 2019</i>	17a-16a(b)
Sec. 3	<i>October 1, 2019</i>	17a-101m

Statement of Legislative Commissioners:

Section 3 was added to make a conforming change.

KID *Joint Favorable Subst.*