



General Assembly

February Session, 2024

**Raised Bill No. 437**

LCO No. 3031



Referred to Committee on GOVERNMENT  
ADMINISTRATION AND ELECTIONS

Introduced by:  
(GAE)

**AN ACT CONCERNING THE STRUCTURE OF THE OFFICE OF THE  
CHILD ADVOCATE WITHIN THE OFFICE OF GOVERNMENTAL  
ACCOUNTABILITY.**

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

1 Section 1. Section 46a-13k of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 1, 2025*):

3 (a) There is established, within the Office of Governmental  
4 Accountability established under section 1-300, an Office of the Child  
5 Advocate. [The Governor, with the approval of the General Assembly,  
6 shall appoint a person with knowledge of the child welfare system and  
7 the legal system to fill the Office of the Child Advocate. Such person  
8 shall be qualified by training and experience to perform the duties of the  
9 office as set forth in section 46a-13l. Upon any vacancy in the position of  
10 Child Advocate, the advisory committee established pursuant to section  
11 46a-13r shall meet to consider and interview successor candidates and  
12 shall submit to the Governor a list of not fewer than three and not more  
13 than five of the most outstanding candidates, not later than sixty days  
14 after the occurrence of said vacancy, except that upon any vacancy in

15 said position occurring after January 1, 2012, but before June 15, 2012,  
16 the advisory committee shall submit such list to the Governor on or  
17 before July 31, 2012. Such list shall rank the candidates in the order of  
18 committee preference. Not later than eight weeks after receiving the list  
19 of candidates from the advisory committee, the Governor shall  
20 designate a candidate for Child Advocate from among the choices on  
21 such list. If at any time any of the candidates withdraw from  
22 consideration prior to confirmation by the General Assembly, the  
23 designation shall be made from the remaining candidates on the list  
24 submitted to the Governor. If, not later than eight weeks after receiving  
25 the list, the Governor fails to designate a candidate from the list, the  
26 candidate ranked first shall receive the designation and be referred to  
27 the General Assembly for confirmation. If the General Assembly is not  
28 in session, the designated candidate shall serve as acting Child  
29 Advocate and be entitled to the compensation, privileges and powers of  
30 the Child Advocate until the General Assembly meets to take action on  
31 said appointment. The person appointed Child Advocate shall serve for  
32 a term of four years and may be reappointed or shall continue to hold  
33 office until such person's successor is appointed and qualified.] The  
34 Office of the Child Advocate shall be led by the Child Advocate, who,  
35 for any advocate appointed on or after January 1, 2025, shall be  
36 appointed by the Office of the Child Advocate Board, in accordance  
37 with the provisions of section 46a-13r, as amended by this act. Upon any  
38 vacancy in the position of Child Advocate and until such time as [a  
39 candidate] an individual has been [confirmed by the General Assembly  
40 or, if the General Assembly is not in session, has been designated by the  
41 Governor] appointed by the board, the Associate Child Advocate shall  
42 serve as the acting Child Advocate and be entitled to the compensation,  
43 privileges and powers of the Child Advocate.

44 (b) Notwithstanding any other provision of the general statutes, the  
45 Child Advocate shall act independently of any state department in the  
46 performance of the advocate's duties.

47 (c) The Child Advocate may, within available funds, appoint such  
48 staff as may be deemed necessary provided, for the fiscal years ending

49 June 30, 1996, and June 30, 1997, such staff shall not exceed one and one-  
50 half full-time positions or the equivalent thereof. The duties of the staff  
51 may include the duties and powers of the Child Advocate if performed  
52 under the direction of the Child Advocate.

53 (d) The General Assembly shall annually appropriate such sums as  
54 necessary for the payment of the salaries of the staff and for the payment  
55 of office expenses and other actual expenses incurred by the Child  
56 Advocate in the performance of his or her duties. Any legal or court fees  
57 obtained by the state in actions brought by the Child Advocate shall be  
58 deposited in the General Fund.

59 (e) The Child Advocate shall annually submit, in accordance with the  
60 provisions of section 11-4a, to the Governor, the joint standing  
61 committees of the General Assembly having cognizance of matters  
62 relating to the judiciary, children and human services and the [advisory  
63 committee] Office of the Child Advocate Board, established pursuant to  
64 section 46a-13r, as amended by this act, a detailed report analyzing the  
65 work of the Office of the Child Advocate.

66 Sec. 2. Section 46a-13r of the general statutes is repealed and the  
67 following is substituted in lieu thereof (*Effective January 1, 2025*):

68 (a) [There] Until December 31, 2024, there is established an advisory  
69 committee to the Office of the Child Advocate established under section  
70 46a-13k, as amended by this act. [Said committee shall prepare and  
71 submit to the Governor a list of candidates for appointment of the Child  
72 Advocate.] The advisory committee shall consist of seven members as  
73 follows: (1) One appointed by the president pro tempore of the Senate;  
74 (2) one appointed by the speaker of the House of Representatives; (3)  
75 one appointed by the majority leader of the Senate; (4) one appointed by  
76 the majority leader of the House of Representatives; (5) one appointed  
77 by the minority leader of the Senate; (6) one appointed by the minority  
78 leader of the House of Representatives; and (7) one appointed by the  
79 Governor. The committee shall select a chairperson who shall preside at  
80 meetings of the committee. No member of the advisory committee shall

81 be a person who is a volunteer for, a board member of, or is employed  
82 by, any entity or agency subject to the review of, or evaluation or  
83 monitoring by the Child Advocate pursuant to section 46a-13l, as  
84 amended by this act, or is a communicator lobbyist who pursuant to  
85 such lobbyist's registration under chapter 10, lobbies on behalf of any  
86 entity or agency subject to the review of, or evaluation or monitoring by  
87 the Child Advocate pursuant to [said] section 46a-13l, as amended by  
88 this act. [Each member of the advisory committee shall serve a term of  
89 five years and may be reappointed at the conclusion of such term. All  
90 initial appointments to the advisory committee shall be made not later  
91 than September 1, 2011.] Each member of the advisory committee shall  
92 serve a five-year term from July first of the year of their appointment.  
93 Any vacancy in the membership of the committee shall be filled by the  
94 appointing authority for the unexpired portion of the term. Any  
95 member appointed to the advisory committee prior to January 1, 2025,  
96 and serving as a member on December 31, 2024, shall be automatically  
97 appointed to serve as a member of the board established under  
98 subsection (b) of this section for the remainder of the member's term.

99 (b) On and after January 1, 2025, there is established an independent,  
100 nonpartisan board within the Office of the Child Advocate, the Office of  
101 the Child Advocate Board, which shall be a successor to the advisory  
102 committee established under subsection (a) of this section, in accordance  
103 with the provisions of section 4-38d. The board shall consist of seven  
104 members who have experience working with, or on behalf of,  
105 vulnerable children involved in the child welfare system, juvenile justice  
106 system or children who have received special education and other  
107 disability support services. No member of the board shall be a person  
108 who is a volunteer for, a board member of or is employed by, any entity  
109 or agency subject to the review of, or evaluation or monitoring by the  
110 Child Advocate pursuant to section 46a-13l, as amended by this act, or  
111 is a communicator lobbyist who, pursuant to such lobbyist's registration  
112 under chapter 10, lobbies on behalf of any entity or agency subject to the  
113 review of, or evaluation or monitoring by the Child Advocate pursuant  
114 to section 46a-13l, as amended by this act. The board members shall be

115 appointed as follows:

116 (1) One appointed by the president pro tempore of the Senate;

117 (2) One appointed by the speaker of the House of Representatives;

118 (3) One appointed by the majority leader of the Senate;

119 (4) One appointed by the majority leader of the House of  
120 Representatives;

121 (5) One appointed by the minority leader of the Senate;

122 (6) One appointed by the minority leader of the House of  
123 Representatives; and

124 (7) One appointed by the Governor.

125 (c) Each member of the board shall serve a five-year term from July  
126 first of the year of their appointment. Any vacancy in the membership  
127 of the board shall be filled by the appointing authority for the unexpired  
128 portion of the term. The board shall select a chairperson from among the  
129 members who shall preside at meetings of the board.

130 [(b)] (d) The [advisory committee] board shall meet at least three  
131 times each year with the Child Advocate, and the Child Advocate's staff,  
132 [for the purposes described in subdivision (13) of subsection (a) of  
133 section 46a-13l.] and shall have the following duties:

134 [(c) The advisory committee shall provide for an annual evaluation  
135 of the effectiveness of the Office of the Child Advocate.]

136 (1) To appoint a person to serve as the Child Advocate, as described  
137 in subsection (e) of this section;

138 (2) To annually evaluate the effectiveness of the Office of the Child  
139 Advocate and the performance of the Child Advocate, in writing, and  
140 to post such evaluation on the Internet web site of the Office of the Child  
141 Advocate as a public document; and

142 (3) To advise the Child Advocate on the strategic direction of the  
143 office and its mission and help promote the use and engagement of, and  
144 access to, the office.

145 (e) On and after January 1, 2025, the board shall appoint a person to  
146 serve as the Child Advocate. The Child Advocate shall be an individual  
147 qualified by training and experience to perform the duties of the office  
148 as set forth in section 46a-13l, as amended by this act. The person  
149 appointed Child Advocate shall serve for a term of four years and may  
150 be reappointed or shall continue to hold office until such person's  
151 successor is appointed and qualified by the board. The board may  
152 reappoint the Child Advocate at the conclusion of the Child Advocate's  
153 four-year term and may discharge an acting Child Advocate for cause.  
154 A two-thirds majority vote of the membership of the board shall be  
155 required to hire, reappoint or discharge the Child Advocate. When a  
156 vacancy arises in the position of Child Advocate, the board shall  
157 convene to hire a successor Child Advocate.

158 (f) The Office of the Child Advocate Board shall not be construed to  
159 be a commission or board within the meaning of section 4-9a.

160 Sec. 3. Subsection (a) of section 46a-13l of the general statutes is  
161 repealed and the following is substituted in lieu thereof (*Effective January*  
162 *1, 2025*):

163 (a) The Child Advocate shall:

164 (1) Evaluate the delivery of services to children by state agencies and  
165 those entities that provide services to children through funds provided  
166 by the state;

167 (2) Review periodically the procedures established by any state  
168 agency providing services to children to carry out the provisions of  
169 sections 46a-13k to 46a-13p, inclusive, as amended by this act, with a  
170 view toward the rights of the children and recommend revisions to such  
171 procedures;

172 (3) Review complaints of persons concerning the actions of any state  
173 or municipal agency providing services to children and of any entity  
174 that provides services to children through funds provided by the state,  
175 make appropriate referrals and investigate those where the Child  
176 Advocate determines that a child or family may be in need of assistance  
177 from the Child Advocate or that a systemic issue in the state's provision  
178 of services to children is raised by the complaint;

179 (4) Pursuant to an investigation, provide assistance to a child or  
180 family who the Child Advocate determines is in need of such assistance  
181 including, but not limited to, advocating with an agency, provider or  
182 others on behalf of the best interests of the child;

183 (5) Periodically review the facilities and procedures of any and all  
184 institutions or residences, public or private, where a juvenile has been  
185 placed by any agency or department;

186 (6) Recommend changes in state policies concerning children  
187 including changes in the system of providing juvenile justice, child care,  
188 foster care and treatment;

189 (7) Take all possible action including, but not limited to, conducting  
190 programs of public education, undertaking legislative advocacy and  
191 making proposals for systemic reform and formal legal action, in order  
192 to secure and ensure the legal, civil and special rights of children who  
193 reside in this state;

194 (8) Provide training and technical assistance to attorneys  
195 representing children and guardians ad litem appointed by the Superior  
196 Court;

197 (9) Periodically review the number of special needs children in any  
198 foster care or permanent care facility and recommend changes in the  
199 policies and procedures for the placement of such children;

200 (10) Serve or designate a person to serve as a member of the child  
201 fatality review panel established in subsection (b) of this section;

202 (11) Take appropriate steps to advise the public of the services of the  
203 Office of the Child Advocate, the purpose of the office and procedures  
204 to contact the office;

205 (12) Prepare an in-depth report on conditions of confinement,  
206 including, but not limited to, compliance with section 46a-152,  
207 regarding children twenty-one years of age or younger who are held in  
208 secure detention or correctional confinement in any facility operated by  
209 a state agency. Such report shall be submitted, in accordance with the  
210 provisions of section 11-4a, to the joint standing committee of the  
211 General Assembly having cognizance of matters relating to children not  
212 later than March 1, 2017, and, within available appropriations, every  
213 two years thereafter; and

214 (13) Present to the [advisory committee] Office of the Child Advocate  
215 Board, established pursuant to section 46a-13r, as amended by this act,  
216 at least three times each year, a report on the goals of and projects  
217 undertaken by the Office of the Child Advocate, within available  
218 appropriations, that are consistent with the responsibilities of the Child  
219 Advocate, and review resource needs of the office.

220 Sec. 4. Section 46a-13m of the general statutes is repealed and the  
221 following is substituted in lieu thereof (*Effective January 1, 2025*):

222 (a) Notwithstanding any provision of the general statutes concerning  
223 the confidentiality of records and information, the Child Advocate may  
224 request and shall have access to, including the right to promptly inspect  
225 and copy, any records necessary to carry out the responsibilities of the  
226 Child Advocate, as provided in section 46a-13l, as amended by this act.  
227 Such records shall be provided to the Child Advocate not later than  
228 fourteen days from the date of such request. If the Child Advocate is  
229 denied access to any records necessary to carry out said responsibilities,  
230 the Child Advocate may issue a subpoena for the production of such  
231 records as provided in subsection (c) of this section.

232 (b) In the performance of [his] the Child Advocate's responsibilities  
233 under subsection (a) of section 46a-13l, as amended by this act, the Child



234 Advocate may communicate privately with any child or person who has  
235 received, is receiving or should have received services from the state.  
236 Such communications shall be confidential and not be subject to  
237 disclosure, except as provided in subsection (a) of section 46a-13n, as  
238 amended by this act.

239 (c) The Child Advocate may issue subpoenas to compel the  
240 attendance and testimony of witnesses or the production of books,  
241 papers and other documents and to administer oaths to witnesses in any  
242 matter under [his] investigation by the Child Advocate. If any person to  
243 whom such subpoena is issued fails to appear or, having appeared,  
244 refuses to give testimony or fails to produce the evidence required, the  
245 Child Advocate may apply to the superior court for the judicial district  
246 of Hartford which shall have jurisdiction to order such person to appear  
247 and give testimony or to produce such evidence, as the case may be.

248 (d) The Child Advocate may apply for and accept grants, gifts and  
249 bequests of funds from other states, federal and interstate agencies and  
250 independent authorities and private firms, individuals and foundations,  
251 for the purpose of carrying out [his] the Child Advocate's  
252 responsibilities. There is established within the General Fund a child  
253 advocate account which shall be a separate nonlapsing account. Any  
254 funds received under this subsection shall, upon deposit in the General  
255 Fund, be credited to said account and may be used by the Child  
256 Advocate in the performance of [his] the Child Advocate's duties.

257 Sec. 5. Subsection (a) of section 46a-13n of the general statutes is  
258 repealed and the following is substituted in lieu thereof (*Effective January*  
259 *1, 2025*):

260 (a) The name, address and other personally identifiable information  
261 of a person who makes a complaint to the Child Advocate as provided  
262 in section 46a-13l, as amended by this act, all information obtained or  
263 generated by the office in the course of an investigation and all  
264 confidential records obtained by the Child Advocate or a designee shall  
265 be confidential and shall not be subject to disclosure under the Freedom

266 of Information Act or otherwise, except that such information and  
267 records, other than confidential information concerning a pending law  
268 enforcement investigation or a pending prosecution, may be disclosed  
269 if the Child Advocate determines that disclosure is (1) in the general  
270 public interest or (2) necessary to enable the Child Advocate to perform  
271 his or her responsibilities under subsection (a) of section 46a-13l, as  
272 amended by this act. If the Child Advocate determines that disclosure  
273 of confidential information is not in the public interest but is necessary  
274 to enable the Child Advocate to perform responsibilities under  
275 subsection (a) of section 46a-13l, as amended by this act, or to identify,  
276 prevent or treat the abuse or neglect of a child, the Child Advocate may  
277 disclose such information to the appropriate agency responsible for the  
278 welfare of such child, [or] the legal representative for such child, or to a  
279 federal, state or local agency legally authorized to investigate or address  
280 concerns or findings identified or disclosed by the Child Advocate.

281 Sec. 6. Subdivision (1) of subsection (a) of section 1-301 of the general  
282 statutes is repealed and the following is substituted in lieu thereof  
283 (*Effective January 1, 2025*):

284 (a) (1) There shall be a Governmental Accountability Commission,  
285 within the Office of Governmental Accountability established under  
286 section 1-300, that shall consist of seven members as follows: (A) The  
287 executive director of the Judicial Review Council established under  
288 section 51-51k, or the executive director's designee; (B) the chairperson  
289 of the Judicial Selection Commission established under section 51-44a,  
290 or the chairperson's designee; (C) the chairperson of the Board of  
291 Firearms Permit Examiners established under section 29-32b, or the  
292 chairperson's designee; (D) the Child Advocate appointed under section  
293 [46a-13k] 46a-13r, as amended by this act, or the advocate's designee; (E)  
294 the Victim Advocate appointed under section 46a-13b, or the advocate's  
295 designee; (F) the chairperson of the State Contracting Standards Board  
296 established under section 4e-2, or the chairperson's designee; and (G)  
297 the Correction Ombuds appointed under section 18-81jj, or the  
298 Correction Ombuds' designee, provided no person serving as a designee  
299 under this subsection may be a state employee. The Governmental

300 Accountability Commission shall select a chairperson who shall preside  
301 at meetings of the commission. Said commission shall meet for the  
302 purpose of making recommendations to the Governor for candidates for  
303 the executive administrator of the Office of Governmental  
304 Accountability pursuant to the provisions of subsection (b) of this  
305 section, or for the purpose of terminating the employment of the  
306 executive administrator.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2025</i>	46a-13k
Sec. 2	<i>January 1, 2025</i>	46a-13r
Sec. 3	<i>January 1, 2025</i>	46a-13l(a)
Sec. 4	<i>January 1, 2025</i>	46a-13m
Sec. 5	<i>January 1, 2025</i>	46a-13n(a)
Sec. 6	<i>January 1, 2025</i>	1-301(a)(1)

**GAE**      *Joint Favorable*