

DEPARTMENT of CHILDREN and FAMILIES

Making a Difference for Children, Families and Communities



Joette Katz Commissioner Dannel P. Malloy Governor

TO: Members of the Region III RAC

FROM: Josh Howroyd

DCF Legislative Program Manager

DATE: March 3, 2016

SUBJECT: Legislative Update

DCF LEGISLATIVE PROPOPSALS

- S.B. No. 184 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING CHILDREN
 IN NEED OF SPECIAL SERVICES', to remove children and youths "in need of special services"
 from the statutory definition of children and youths who are "uncared for". REF. COMMITTEE ON
 CHILDREN
- S.B. No. 185 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING REPORTING REQUIREMENTS AND MINOR AND TECHNICAL REVISIONS TO THE GENERAL STATUTES AFFECTING THE DEPARTMENT OF CHILDREN AND FAMILIES', to make minor and technical revisions to the statutes affecting the Department of Children and Families. REF. COMMITTEE ON CHILDREN
- S.B. No. 186 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING CHILD PROTECTIVE SERVICES WORKERS', to establish a crime of threatening a child protective services worker. REF. COMMITTEE ON CHILDREN
- <u>S.B. No. 187</u> (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING TRANSFERS OF GUARDIANSHIP', to permit the transfer of subsidies in cases where a guardian is removed and another is appointed, and to permit a permanent transfer of guardianship to fictive kin. **REF. COMMITTEE ON CHILDREN**

MAJOR BILLS OF INTEREST

Juvenile Services

- S.B. No. 18 SEN. LOONEY, 11th DIST.; SEN. DUFF, 25th DIST.; REP. SHARKEY, 88th DIST.; REP. ARESIMOWICZ, 30th DIST. 'AN ACT CONCERNING A SECOND CHANCE SOCIETY', to implement the Governor's budget recommendations. REF. JUDICIARY
- S.B. No. 75 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING DETAINED YOUTH', to improve the behavioral and mental health services provided to youth in the custody of the Department of Children and Families and the Department of Correction by requiring such departments to limit instances of seclusion and restraint to individuals twenty years of age and older, to study and report upon youths held in secure detention and correctional facilities and to adopt certain performance-based standards for such facilities. REF. COMMITTEE ON CHILDREN

Proposed H.B. No. 5135 REP. KLARIDES, 114th DIST.; SEN. FASANO, 34th DIST. 'AN ACT CONCERNING THE CLOSURE OF THE CONNECTICUT JUVENILE TRAINING SCHOOL AND THE PUEBLO UNIT FOR GIRLS', to reduce costs to the state by requiring the closure of the Connecticut Juvenile Training School and the Pueblo Unit for girls not later than January 1, 2017. REF. COMMITTEE ON CHILDREN

Trafficking

• H.B. No. 5052 REP. SHARKEY, 88th DIST.; REP. ARESIMOWICZ, 30th DIST.; SEN. LOONEY, 11th DIST.; SEN. DUFF, 25th DIST. 'AN ACT STRENGTHENING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING', to implement the Governor's budget recommendations. REF. JUDICIARY

Intimate Partner Violence

- S.B. No. 324 (RAISED) JUDICIARY. 'AN ACT CONCERNING A TEMPORARY HOLDING PERIOD FOR CERTAIN FAMILY VIOLENCE ARRESTEES', to allow for a temporary holding period for certain persons arrested for a family violence crime. REF. JUDICIARY
- H.B. No. 5054 REP. SHARKEY, 88th DIST.; REP. ARESIMOWICZ, 30th DIST.; SEN. LOONEY, 11th DIST.; SEN. DUFF, 25th DIST. 'AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE', to implement the Governor's budget recommendations. REF. PUBLIC SAFETY AND SECURITY
- H.B. No. 5376 (RAISED) HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT. 'AN ACT CONCERNING AFFIRMATIVE CONSENT', to require the inclusion of affirmative consent as a standard in every institution of higher education's policy or policies regarding sexual assault, stalking and intimate partner violence. REF. HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT

Behavioral Health

- S.B. No. 129 (RAISED) PUBLIC HEALTH. 'AN ACT CONCERNING INSURANCE COVERAGE FOR ABUSE-DETERRENT OPIOID ANALGESICS', to require insurance coverage for abuse-deterrent opioid analgesics. REF. PUBLIC HEALTH
- S.B. No. 352 (RAISED) PUBLIC HEALTH. 'AN ACT CONCERNING PRESCRIPTIONS FOR AND THE DISPENSING OF OPIOID ANTAGONISTS', to permit prescribing practitioners to issue a standing order to pharmacists to permit them to dispense an opioid antagonist in a nasal form to a person without a patient-specific prescription. REF. PUBLIC HEALTH
- S.B. No. 353 (RAISED) PUBLIC HEALTH. 'AN ACT CONCERNING OPIOID ABUSE', to add members to the Connecticut Alcohol and Drug Policy Council and specify requirements for the council's state-wide plan, allow for the provision of auricular acupuncture services outside of private, freestanding facilities and to allow primary care providers and licensed alcohol and drug counselors to provide certain services relating to patients' substance abuse. REF. PUBLIC HEALTH
- H.B. No. 5053 REP. SHARKEY, 88th DIST.; REP. ARESIMOWICZ, 30th DIST.; SEN. LOONEY, 11th DIST.; SEN. DUFF, 25th DIST. 'AN ACT INCREASING ACCESS TO OVERDOSE REVERSAL DRUGS', to implement the Governor's budget recommendations. REF. PUBLIC HEALTH
- H.B. No. 5301 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING OPIOID ANALGESIC PRESCRIPTIONS ISSUED TO MINORS', to require prescribing practitioners to obtain parental consent for opioid analgesic prescriptions issued to patients under the age of eighteen. REF. COMMITTEE ON CHILDREN
- H.B. No. 5434 (RAISED) GENERAL LAW. 'AN ACT CONCERNING THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM AND NON-OPIOID SCHEDULE V CONTROLLED SUBSTANCES', to ensure patients timely access to non-opioid schedule V controlled substances, including, but not limited to, epilepsy medications. REF. GENERAL LAW
- <u>H.B. No. 5531</u> (RAISED) JUDICIARY. 'AN ACT CONCERNING THE CARE AND TREATMENT OF PERSONS WITH A MENTAL ILLNESS OR SUBSTANCE USE

DISORDER', to provide a Probate Court with the authority to appoint a conservator of the person who may consent to the administration of medication on behalf of a conserved person who has a mental illness or substance use disorder. **REF. JUDICIARY**

Foster Care

- S.B. No. 72 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING A NOTIFICATION OF SUPPORT FOR FOSTER PARENTS AND RELATIVE CAREGIVERS', to provide information and support for foster parents and relative caregivers by aggregating the various privileges and options available to such parents and caregivers in a single document and distributing the document to such parents and caregivers at the time of placement of a child or at such parents' or caregivers' request. REF. COMMITTEE ON CHILDREN
- S.B. No. 74 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING SECOND PARENT ADOPTION', to exempt couples seeking a second-parent or co-parent adoption from the home study requirement. REF. COMMITTEE ON CHILDREN
- H.B. No. 5290 (RAISED) AGING. 'AN ACT INCREASING FINANCIAL ASSISTANCE FOR GRANDPARENTS AND OTHER NONPARENT RELATIVES WHO ARE RAISING CHILDREN', to provide financial assistance to grandparents and other nonparent relatives who have assumed the responsibility of raising needy children. REF. AGING

Out-of-State Placements

• S.B. No. 182 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING THE IDENTIFICATION OF CONNECTICUT'S CHILD PLACEMENT NEEDS', to help identify the services and programs needed in Connecticut in order to meet the treatment needs of Connecticut's children and avoid out-of-state placements. REF. COMMITTEE ON CHILDREN

Family Assessment Response

• S.B. No. 183 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING THE PROGRAM OF FAMILY ASSESSMENT RESPONSE', to require the Department of Children and Families to submit an annual report on the program of family assessment response for inclusion in the annual report card on policies and programs affecting children. REF. COMMITTEE ON CHILDREN

Therapy Animals

H.B. No. 5140 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING THE USE
OF THERAPY ANIMALS TO COMFORT CHILDREN TESTIFYING IN CERTAIN
CRIMINAL PROSECUTIONS', to allow the use of therapy animals to provide comfort to children
who are testifying in a criminal prosecution of an offense involving the assault, sexual assault or abuse
of a child twelve years of age or younger. REF. COMMITTEE ON CHILDREN

Homeless Youth

- S.B. No. 10 SEN. LOONEY, 11th DIST.; SEN. DUFF, 25th DIST.; REP. SHARKEY, 88th DIST.; REP. ARESIMOWICZ, 30th DIST. 'AN ACT INCREASING ACCESS TO CHILDCARE FOR CHILDREN WHO ARE HOMELESS', to implement the Governor's budget recommendations. REF. COMMITTEE ON CHILDREN
- <u>S.B. No. 258</u> (RAISED) HOUSING. 'AN ACT BROADENING THE DEFINITION OF CHILD CARE FACILITY', to broaden the definition of "child care facility" to include persons under twenty-five years of age who are currently homeless. **REF. HOUSING**

Education

• S.B. No. 246 (RAISED) JUDICIARY. 'AN ACT CONCERNING THE ZERO-TOLERANCE SAFE SCHOOL ENVIRONMENT ACT', to increase the penalties when a threat involves a preschool, school or an institution of higher education and to provide for an automatic pardon for certain persons who make such a threat prior to attaining the age of eighteen years. REF. JUDICIARY

- S.B. No. 316 (RAISED) EDUCATION. 'AN ACT CONCERNING THE POSTING OF CARELINE INFORMATION IN PUBLIC SCHOOLS', to require local and regional boards of education to post in the public schools the telephone number for the Department of Children and Families' Careline. REF. EDUCATION
- <u>S.B. No. 323</u> (RAISED) EDUCATION. 'AN ACT CONCERNING UNSUBSTANTIATED ALLEGATIONS OF ABUSE AND NEGLECT BY SCHOOL EMPLOYEES', to require the removal of all references in a school employee's personnel records of a report and investigation relating to an unsubstantiated allegation of abuse or neglect by such school employee and to prohibit the use of such report and investigation against such school employee for any purpose relating to his or her employment. **REF. EDUCATION**
- <u>S.B. No. 378</u> (RAISED) EDUCATION. 'AN ACT CONCERNING THE RECOMMENDATIONS
 OF THE HIGH SCHOOL GRADUATION REQUIREMENTS TASK FORCE', to make changes
 to the high school graduation requirements, to establish the High School Graduation Requirements
 Council, and to require the State Board of Education to develop recommendations for a new set of high
 school graduation requirements. REF. EDUCATION
- H.B. No. 5400 (RAISED) JUDICIARY. 'AN ACT CONCERNING THE DISCLOSURE OF CERTAIN EDUCATION PERSONNEL RECORDS', to ensure that local and regional boards of education have information concerning whether an applicant has been found to have committed abuse or sexual misconduct and that local and regional boards of education share such findings with other boards of education who may employ such applicant. REF. JUDICIARY
- <u>H.B. No. 5550</u> (RAISED) EDUCATION. 'AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES', to make various revisions and additions to the education statutes. **REF. EDUCATION**
- H.B. No. 5551 (RAISED) EDUCATION. 'AN ACT CONCERNING THE COMMISSIONER'S NETWORK OF SCHOOLS', to make revisions to the commissioner's network of schools. REF. EDUCATION
- <u>H.B. No. 5552</u> (RAISED) EDUCATION. 'AN ACT CONCERNING SPECIAL EDUCATION', to require parties to participate in an adjudication conducted by an impartial third-party adjudicator before conducting a special education hearing. REF. EDUCATION

Legal

- S.B. No. 143 (RAISED) JUDICIARY. 'AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH PROBATE COURT ORDERS', to require each state agency to follow any order, denial or decree of a Probate Court that is applicable to a determination made by the state agency, and clarify that a state agency has standing to appeal any such order, denial or decree to the Superior Court with respect to its applicability to the state agency's determination. REF. JUDICIARY
- S.B. No. 180 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING PERMANENCY HEARINGS, YOUTH ADVISORY COUNCILS AND FOSTER FAMILIES', to enable children twelve years of age and older who are under the custody of the Department of Children and Families to have a more prominent voice during permanency hearings, to require youth advisory councils at certain child care facilities, to require the department to provide foster care family profiles to foster children and to solicit feedback from certain foster children to better recruit, train and retain high-quality foster parents. REF. COMMITTEE ON CHILDREN
- S.B. No. 181 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING ACCESS TO RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES', to allow certain individuals access to records of the Department of Children and Families when the records pertain to a child receiving services from the department and the parent, guardian, foster parent or prospective adoptive parent with whom such child lives or is placed is convicted of certain crimes. REF. COMMITTEE ON CHILDREN
- S.B. No. 219 (RAISED) JUDICIARY. 'AN ACT CONCERNING PROBATE COURT OPERATIONS', to: (1) Provide a Probate Court with the ability to transfer a file when another Probate Court has jurisdiction over the file, (2) eliminate the requirement that the Probate Court provide notice of certain proceedings to the Commissioner of Revenue Services, (3) require a hearing for a person

under voluntary representation who is without an attorney before a change of residence for such person occurs, (4) set forth additional activities that require a filing fee, (5) clarify who may be granted rights of visitation with a minor, (6) expand jurisdictional venue in certain Probate Court proceedings involving removal of guardian or termination of parental rights, and (7) expand the types of entities that may be appointed as a conservator. **REF. JUDICIARY**

- S.B. No. 347 (RAISED) JUDICIARY. 'AN ACT ESTABLISHING A PROGRAM FOR COURT APPOINTED SPECIAL ADVOCATES IN CERTAIN JUVENILE COURT MATTERS', to establish a court appointed special advocate program for certain juvenile court matters. REF. JUDICIARY
- <u>S.B. No. 349</u> (RAISED) JUDICIARY. 'AN ACT CONCERNING THE PRIVACY OF A MINOR', to protect the privacy of a minor when a recording is captured by a police officer using bodyworn recording equipment. REF. JUDICIARY
- S.B. No. 359 (RAISED) PUBLIC SAFETY AND SECURITY. 'AN ACT CONCERNING THE USE OF BODY-WORN RECORDING EQUIPMENT BY LAW ENFORCEMENT', to (1) exempt the special police force at The University of Connecticut Health Center from using body-worn recording equipment, and (2) exempt records captured by a school resource officer of a student that constitute an unwarranted invasion of personal privacy from disclosure under the Freedom of Information Act. REF. PUBLIC SAFETY AND SECURITY
- S.B. No. 363 (RAISED) JUDICIARY. 'AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM', to (1) amend the Nuisance Abatement and Quality of Life Act; (2) provide for the use of electronic signatures in certain reports; (3) ensure that all law enforcement professionals who work for the state or a municipality are covered for purposes of indemnification; (4) make restitution orders in criminal cases enforceable for the same duration as in civil matters; (5) protect victims in cases where the defendant is allowed to benefit from a diversionary program that results in the underlying case being dismissed or not prosecuted; (6) provide for criminal lockout protection to tenants of nonresidential properties; (7) provide an enhanced penalty for victims of larceny who have been deemed incapable by the probate court; and (8) add victims of sexual assault in a spousal or cohabitating relationship to statutes concerning the privacy of such victims. REF. JUDICIARY
- H.B. No. 5366 (RAISED) JUDICIARY. 'AN ACT CONCERNING COURT OPERATIONS', to: (1) Conform internal statutory references to the appropriate governing federal act; (2) amend sections 46b-15 and 46b-16a of the general statutes to permit minors to apply for certain orders of protection; (3) exclude cap plea agreements from review by the Sentence Review Division; (4) specify that a party to a deposition or the deponent may obtain a copy of the deposition transcript and permanent electronic record of such deposition as his or her own expense; (5) delete the requirement that a two dollar fee be paid to a court clerk for receiving and filing an assessment of damages by appraisers of land taken for public use; and (6) amend the 2013 bond act to allow the Judicial Branch to purchase the Waterford Juvenile Facility. REF. JUDICIARY

Other Bills of Interest

- S.B. No. 37 (RAISED) INSURANCE AND REAL ESTATE. 'AN ACT REQUIRING HEALTH INSURANCE COVERAGE FOR PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDER ASSOCIATED WITH STREPTOCOCCAL INFECTIONS', to require health insurance coverage for the diagnosis and treatment of pediatric autoimmune neuropsychiatric disorder associated with streptococcal infections. REF. INSURANCE AND REAL ESTATE
- S.B. No. 73 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING CHILDREN'S SAFETY', to study children's safety within the state. REF. COMMITTEE ON CHILDREN
- S.B. No. 131 (RAISED) PUBLIC HEALTH. 'AN ACT CONCERNING THE WORKING GROUP ON BEHAVIORAL HEALTH UTILIZATION', to make changes to the data reported by the working group on behavioral health utilization and extend the report date. REF. PUBLIC HEALTH

- S.B. No. 294 (RAISED) PUBLIC HEALTH. 'AN ACT CONCERNING SERVICES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITY', to require the Commissioner of Developmental Services to take certain actions relating to the Department of Developmental Services' waiting list, to require the Secretary of the Office of Policy and Management to consult with stakeholders on a plan to close facilities operated by the department and to require advance notice when an individual with intellectual disability's eligibility for state-assisted care will end. REF. PUBLIC HEALTH
- S.B. No. 364 (RAISED) JUDICIARY. 'AN ACT CONCERNING NOTIFICATION TO THE STATE'S ATTORNEY OF THE DEATH OF A PERSON IN STATE CUSTODY', to provide notification to the Chief State's Attorney of the death of an individual in the care or custody of a state agency or department. REF. JUDICIARY
- S.B. No. 365 (RAISED) JUDICIARY. 'AN ACT CONCERNING CHILD ENDANGERMENT WHILE DRVING WHILE INTOXICATED AND THE TIME LIMIT UNDER WHICH TO ADMINISTER A TEST FOR BLOOD ALCOHOL LEVELS', to (1) provide for an appropriate penalty for operating under the influence with a child in the vehicle; and (2) remove the requirement that a test for blood alcohol levels be performed within two hours of operation for purposes of administrative per se hearings; and (3) require that any test not commenced within two hours be established as reliable by expert witness testimony for purpose of criminal prosecution. REF. JUDICIARY
- S.B. No. 372 (RAISED) INSURANCE AND REAL ESTATE. 'AN ACT CONCERNING CLINICAL REVIEW CRITERIA FOR UTILIZATION REVIEW AND ADVERSE DETERMINATION NOTICES', to (1) specify certain clinical review criteria health carriers may use for utilization review for the treatment of a substance use disorder or the treatment of a child or an adolescent mental disorder or an adult mental disorder, (2) require health carriers to post clinical review criteria on their Internet web sites, and (3) require a notice of an adverse determination to include the link on a health carrier's Internet web site to a rule, guideline, protocol or other similar criterion the health carrier relied upon to make the adverse determination. REF. INSURANCE AND REAL ESTATE
- H.B. No. 5136 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING THE HEALTH OF CHILDREN', to study the health of children in the state. REF. COMMITTEE ON CHILDREN
- <u>H.B. No. 5138</u> (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING THE
 DEPARTMENT OF CHILDREN AND FAMILIES', to study issues affecting children under the
 care and custody of the Department of Children and Families. REF. COMMITTEE ON CHILDREN
- H.B. No. 5176 (RAISED) PLANNING AND DEVELOPMENT. 'AN ACT CONCERNING COMMUNITY RESIDENCES', to allow municipalities to designate an employee to serve as a liaison between the municipality and any state agency with respect to community residences located in such municipality, and to establish a task force to study the distribution of community residences throughout the state. REF. PLANNING AND DEVELOPMENT
- H.B. No. 5271 (RAISED) PUBLIC HEALTH. 'AN ACT CONCERNING MENTAL HEALTH TRAINING IN STATE AND LOCAL POLICE TRAINING PROGRAMS AND THE AVAILABILITY OF PROVIDERS OF MENTAL HEALTH SERVICES ON AN ON-CALL BASIS', to require (1) state and local police training programs to provide training on handling incidents involving individuals affected with a developmental disability and to require the duration of training on individuals affected with a serious mental illness or developmental disability to be not less than two hours; and (2) on-call mental health services providers. REF. PUBLIC HEALTH
- H.B. No. 5303 (RAISED) COMMITTEE ON CHILDREN. 'AN ACT CONCERNING CHILDHOOD OBESITY', to increase the physical health of children by prohibiting or limiting the serving of sweetened beverages in child care settings, prohibiting children's access to certain electronic devices in child care settings, and increasing children's participation in daily exercise. REF. COMMITTEE ON CHILDREN
- H.B. No. 5307 (RAISED) EDUCATION. 'AN ACT PROHIBITING THE UNREASONABLE DELAY OF ENROLLING A CHILD IN KINDERGARTEN', to limit the circumstances in which

- a parent may withhold enrolling their child in kindergarten until the child is seven years old. **REF. EDUCATION**
- H.B. No. 5365 (RAISED) JUDICIARY. 'AN ACT CONCERNING LEGAL PROTECTIONS
 FOR PERSONS ENTERING CARS TO RENDER EMERGENCY ASSISTANCE TO
 CHILDREN', to provide legal protections to a person who enters the vehicle of another to rescue a
 child who is reasonably believed to be in imminent danger of serious bodily injury. REF. JUDICIARY
- H.B. No. 5529 (RAISED) JUDICIARY. 'AN ACT CONCERNING SEXUAL OFFENDER REGISTRATION LAWS, RESIDENCY RESTRICTIONS FOR REGISTERED SEXUAL OFFENDERS', to amend Connecticut's sex offender registry laws to establish a three-tiered system in accordance with the Adam Walsh Child Protection and Safety Act of 2006, and to require that convicted sexual offenders reside at least one thousand feet away from a school or child care center. REF. JUDICIARY
- H.B. No. 5565 (RAISED) BANKING. 'AN ACT CONCERNING SECURITY FREEZES ON CHILDREN'S CREDIT REPORTS', to update the definition of minor child and to change the requirements imposed on credit rating agencies related to putting security freezes on children's credit reports. REF. BANKING
- H.B. No. 5587 (RAISED) HUMAN SERVICES. 'AN ACT ESTABLISHING A COUNCIL TO MAKE RECOMMENDATIONS CONCERNING SERVICES FOR CHILDREN AND YOUNG ADULTS WITH DEVELOPMENTAL DISABILITIES', to establish a council to make recommendations concerning services for children and young adults with developmental disabilities who may or may not have mental health treatment needs. REF. HUMAN SERVICES