

Department of Children and Families 2010 Legislative Proposals

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**STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE PROPOSAL
2010 SESSION**



Document Name DCF 2010-1

Agency Department of Children and Families	Agency Priority (See instructions) 1
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Title of Proposal Promoting Educational Stability	Statutory Reference §§ 10-76d, 10-253, 17a-10b, 17a-118, 46b-129 Proposal Type <input type="checkbox"/> New <input checked="" type="checkbox"/> Resubmittal

ATTACH COPY OF FULLY DRAFTED BILL (Required for review)

*If resubmittal: What happened? What was last action this past legislative session?
This proposal was submitted as part of DCF's legislative package during the 2009 session, but was withdrawn to allow further clarification of the federal requirements. The federal mandate is effective 7/1/2010.

APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)

Agency State Department of Education	Agency Contact (Name and Title) Jennifer Widness
Attach Summary of Agency Comments	Contact Date 10/15/2009

Summary of Proposal (Include background information)

To modify various state statutes to comply with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

Reason for Proposal (Include significant policy and programmatic impacts)

This proposal is intended to comply with the provisions of the federal Implementation of the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008. In December 2008, DCF Commissioner Hamilton and SDE Commissioner McQuillan formed a Joint Task Force to develop recommendations for the implementation of the Fostering Connections educational stability provisions. The Task Force report is included with this proposal.

Significant Fiscal Impacts

Municipal: Unknown.

Federal: Revenue

State: Potential significant cost, partially offset by federal Title IV-E reimbursement. Under Title IV-E, 50% of the costs of such transportation may be claimed for those cases eligible for Title IV-E funding. Connecticut's current penetration rate (percent of eligible children) is currently about 51%. Thus, reimbursement, which flows to the General Fund, is about 25%. In addition, the federal stimulus package contains provisions to increase Title IV-E reimbursement to states. Therefore, the actual reimbursement will be approximately 28% of allowable costs. This proposal will require budget adjustments.

Promoting Educational Stability

Section 1. (NEW) (*Effective July 1, 2010*) (a) For purposes of sections 1 through 4 of this act, “child” refers to any school-aged child, any child between the ages of three to five who has been identified as having a disability under the Individuals with Disabilities Education Act and who has an individual education program, or any child between the ages of three to five who has been referred to a planning and placement team for eligibility for special education services under the Individuals with Disabilities Education Act, who is in an out of home placement identified by the Commissioner of Children and Families pursuant to an order of temporary custody or an order of commitment, pursuant to section 46b-129 of the general statutes. For purposes of sections 1 through 4 of this act, “school of origin” refers to the school that the child is attending at the time of out of home placement, or at the time of any change of out of home placement, by the Commissioner of the Department of Children and Families. For purposes of sections 1 through 4 of this act, “receiving school” refers to the school that a child is transferred to after out of home placement, or after any change in out of home placement, in cases in which remaining in the school of origin is determined not to be in the child’s best interest. For purposes of sections 1 through 4 of this act, “school placement decision” refers to a decision regarding the school in which the child will be enrolled.

(b) Notwithstanding any provision of the general statutes, whenever a child is placed in an out of home placement by the Department of Children and Families pursuant to an emergency order under subsection (e) of section 17a-101g, or an order of temporary custody or an order of commitment under section 46b-129, and at any subsequent change in out of home placement, any such child may, if it is in the best interest of the child, continue to attend his or her school of origin. Such child shall be considered a resident of the school district in which such school is located during such attendance for purposes of chapters 168 to 170, inclusive, 172 and 173 of the general statutes.

(c) Every decision by the Department of Children and Families to place a child into out of home care under the provisions of this section, and any subsequent change in out of home placement, shall take into account the appropriateness of the school setting and the proximity to the school of origin.

Sec. 2. (NEW) (a) Whenever a child is placed in out of home care by the Department of Children and Families pursuant to an emergency order under subsection (e) of section 17a-101g, or an order of temporary custody or an order of commitment under section 46b-29, and at any subsequent change in out of home placement, the Department of Children and Families shall immediately determine whether it is in the best interest of the child to remain in the school of origin. There shall be a presumption that it is in the child’s best interest to remain in the school of origin. The Department of Children and Families shall provide written notice of its decision to the parties within three business days. Said notice shall identify the factors that form the basis of the department’s decision. Any party may object to the Department’s decision within three business days of receipt of notice. The child shall remain in the school of origin until the time for objection has passed and until any disagreement is resolved, except as provided in subsection (c) of this section. Such disagreements shall be expeditiously resolved. The Department of

Children and Families shall bear the burden of proof that the school placement decision is in the child's best interest.

(b) The decision of which school placement is in the best interest of the child may be revisited at any time during the child's placement if circumstances change, in order to ensure that the school placement decision remains in the best interest of the child. Notice of any subsequent decision to change the child's school placement shall be provided in accordance with subsection (a) this section. Any disagreement with a school placement decision made pursuant to this section may be challenged through the ordinary dispute resolution process for treatment plans. The child shall remain in the school of origin until any such disagreement is resolved, except as provided in subsection (c) of this section.

(c) If, at any time, the Department of Children and Families determines that continued placement in the school of origin will jeopardize the child's immediate physical safety, the Department of Children and Families may immediately remove the child from the school and shall notify the child's attorney, parents, guardian ad litem, and surrogate parent, if any, by phone or by fax on the same business day. Any party may object to the decision to change the child's school placement within three business days. If any party objects to the change in school placement, the Department of Children and Families shall hold an administrative hearing within three business days of the objection.

Sec. 3. (NEW) (a) If it is determined that it is in a child's best interests to remain in his or her school of origin, the Department of Children and Families and the local educational agency shall collaborate on a transportation plan for such child from the town in which the child is placed to such school of origin. The department shall be responsible for the cost of such transportation. The department shall maximize federal reimbursements under Title IV-E of the Social Security Act, as amended, for costs of transporting Title IV-E eligible children. The department and the local education agencies shall consider a range of cost-effective, reliable and safe transportation options, including but not limited to reimbursing school districts for use of existing transportation options and reimbursing foster parents and relative caregivers for such transportation.

(b) If it is not in the best interest of the child to attend the school that the child attended prior to out of home placement or change in out of home placement, the Department of Children and Families shall work with the local education agencies of the school of origin and the receiving school to ensure immediate and appropriate enrollment, with all of the educational records of the child provided, in accordance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub. L. 110-351). Upon notification by the Department of Children and Families of a decision to change a child's school placement, and notwithstanding section 10-220h, the school of origin shall send by facsimile to the receiving school all essential educational records for the child, including but not limited to the child's individualized education plan and behavioral intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services, within one business day from receipt of notification from the Department of Children and Families. Non-essential records shall be mailed immediately to the receiving school in accordance with section 10-220h.

Sec. 4. Subdivision (2) of subsection (e) of section 10-76d of the general statutes, as amended by section 45 of September Special Session public act 09-6 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(2) (A) For purposes of this subdivision, "public agency" includes the offices of a government of a federally recognized Native American tribe. For the fiscal year ending June 30, 1987, and each fiscal year thereafter, whenever a public agency, other than a local or regional board of education, the State Board of Education or the Superior Court acting pursuant to section 10-76h, places a child in a foster home, group home, hospital, state institution, receiving home, custodial institution or any other residential or day treatment facility, and such child requires special education, the local or regional board of education under whose jurisdiction the child would otherwise be attending school or, if no such board can be identified, the local or regional board of education of the town where the child is placed, shall provide the requisite special education and related services to such child in accordance with the provisions of this section. Within one business day of such a placement by the Department of Children and Families or offices of a government of a federally recognized Native American tribe, said department or offices shall orally notify the local or regional board of education responsible for providing special education and related services to such child of such placement. The department or offices shall provide written notification to such board of such placement within two business days of the placement. Such local or regional board of education shall convene a planning and placement team meeting for such child within thirty days of the placement and shall invite a representative of the Department of Children and Families or offices of a government of a federally recognized Native American tribe to participate in such meeting. [(A) The] (i) Subject to the provisions of subparagraph (B) of this subdivision, the local or regional board of education under whose jurisdiction such child would otherwise be attending school shall be financially responsible for the reasonable costs of such special education and related services in an amount equal to the lesser of one hundred per cent of the costs of such education or the average per pupil educational costs of such board of education for the prior fiscal year, determined in accordance with the provisions of subsection (a) of section 10-76f. The State Board of Education shall pay on a current basis, except as provided in subdivision (3) of this subsection, any costs in excess of such local or regional board's basic contributions paid by such board of education in accordance with the provisions of this subdivision. [(B) Whenever] (ii) Subject to the provisions of subparagraph (B) of this subdivision, whenever a child is placed pursuant to this [subdivision] subparagraph, on or after July 1, 1995, by the Department of Children and Families and the local or regional board of education under whose jurisdiction such child would otherwise be attending school cannot be identified, the local or regional board of education under whose jurisdiction the child attended school or in whose district the child resided at the time of removal from the home by said department shall be responsible for the reasonable costs of special education and related services provided to such child, for one calendar year or until the child is committed to the state pursuant to section 46b-129 or 46b-140 or is returned to the child's parent or guardian, whichever is earlier. If the child remains in such placement beyond one calendar year the Department of Children and Families shall be responsible for such costs. During the period the local or regional board of education is responsible for the reasonable cost of special education and related services pursuant to this subparagraph, the board shall be responsible for such costs in an amount equal to the lesser of one hundred per cent of the costs of such education and related services or the average per pupil educational costs of such board of education for the prior fiscal year,

determined in accordance with the provisions of subsection (a) of section 10-76f. The State Board of Education shall pay on a current basis, except as provided in subdivision (3) of this subsection, any costs in excess of such local or regional board's basic contributions paid by such board of education in accordance with the provisions of this subdivision. The costs for services other than educational shall be paid by the state agency which placed the child. The provisions of this subdivision shall not apply to the school districts established within the Department of Children and Families, pursuant to section 17a-37, the Department of Correction, pursuant to section 18-99a, or the Department of Developmental Services, pursuant to section 17a-240, provided in any case in which special education is being provided at a private residential institution, including the residential components of regional educational service centers, to a child for whom no local or regional board of education can be found responsible under subsection (b) of this section, Unified School District #2 shall provide the special education and related services and be financially responsible for the reasonable costs of such special education instruction for such children. Notwithstanding the provisions of this subdivision, for the fiscal years ending June 30, 2004, to June 30, 2007, inclusive, and for the fiscal years ending June 30, 2010, and June 30, 2011, the amount of the grants payable to local or regional boards of education in accordance with this subdivision shall be reduced proportionately if the total of such grants in such year exceeds the amount appropriated for the purposes of this subdivision for such year.

(B) Notwithstanding any other provision of the general statutes, on and after July 1, 2010, if any child in the care and custody of the Commissioner of Children and Families pursuant to an order of temporary custody or an order of commitment requires special education and related services and such child continues to attend the school such child attended prior to placement or change in placement, in accordance with the provisions of section 1 of this act, the local or regional board of education for the school district in which such child attends such school shall provide or continue to provide the requisite special education and related services to such child. Such local or regional board of education shall be financially responsible for the reasonable costs of such special education and related services in an amount equal to the lesser of one hundred per cent of the costs of such education or the average per pupil educational costs of such board of education for the prior fiscal year, determined in accordance with the provisions of subsection (a) of section 10-76f. The State Board of Education shall pay on a current basis, except as provided in subdivision (3) of this subsection, any costs in excess of such local or regional board's basic contributions paid by such board of education in accordance with the provisions of this subdivision.

Sec. 5. Subdivision (2) of subsection (e) of section 10-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(2) Children in temporary shelters shall be entitled to free school privileges from either the school district in which the shelter is located or the school district in which the child would otherwise reside, if not for the need for temporary shelter. Upon notification from the school district in which the temporary shelter is located, the school district in which the child would otherwise reside, if identified, shall either pay tuition to the school district in which the temporary shelter is located for the child to attend school in that district or shall continue to provide educational services, including transportation, to such child. If the school district where the child would otherwise reside cannot be identified, the school district in which the temporary

shelter is located shall be financially responsible for the educational costs for such child, except that in the case of a child who requires special education and related services and is placed by the Department of Children and Families in a temporary shelter on or after July 1, 1995, the school district in which the child resided immediately prior to such placement or the Department of Children and Families shall be responsible for the cost of such special education and related services, to the extent such board or department is responsible for such costs under subparagraph [(B)] (A)(ii) of subdivision (2) of subsection (e) of section 10-76d, as amended by this act. If the school district where the child would otherwise reside declines to provide free school privileges, the school district where the temporary shelter is located shall provide free school privileges and may recover tuition from the school district where the child would otherwise reside. In the case of children requiring special education who have been placed in out-of-district programs by either a board of education or state agency, the school district in which the child would otherwise reside shall continue to be responsible for the child's education until such time as a new residence is established, notwithstanding the fact that the child or child's family resides in a temporary shelter.

APPENDIX

JOINT TASK FORCE FOR THE IMPLEMENTATION OF THE EDUCATIONAL
STABILITY PROVISIONS OF FOSTERING CONNECTIONS TO SUCCESS AND
INCREASING ADOPTIONS ACT OF 2008 (P.L. 110-351), FINAL RECOMMENDATIONS,
April 23, 2009

JOINT TASK FORCE
FOR THE
IMPLEMENTATION OF
THE EDUCATIONAL STABILITY
PROVISIONS
OF
FOSTERING CONNECTIONS TO SUCCESS
AND INCREASING ADOPTIONS ACT OF 2008
P.L. 110-351
FINAL RECOMMENDATIONS
April 23, 2009

JOINT TASK FORCE FOR THE IMPLEMENTATION OF THE
EDUCATIONAL STABILITY PROVISIONS OF
FOSTERING CONNECTIONS TO SUCCESS AND INCREASING
ADOPTIONS ACT OF 2008
P.L. 110-351

FINAL RECOMMENDATIONS
April 23, 2009

INTRODUCTION

Last year, Congress passed, and President Bush signed into law, new federal legislation titled the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). The Act contains a number of mandatory and optional provisions. One such mandatory provision is the implementation of several interconnected educational stability requirements. These are undoubtedly the most far-reaching requirements of the Fostering Connections Act, both in terms of immediate positive impact on children placed in foster care and in terms of the complexity of implementation for child welfare and educational agencies. The federal Administration for Children and Families has approved an extension of time to July 1, 2010 for the State of Connecticut to fully implement the effective date for the educational provisions.

The educational stability requirements of the Fostering Connections Act are summarized as follows:

- State child welfare agency decisions to place school-aged children in foster care must factor in the educational setting and the proximity of the foster care placement to the school the child is enrolled in at the time of placement.
- State agencies must coordinate with local school districts to ensure that children remain in their home schools unless, on a case-by-case basis, that would not be in the child's best interests.
- If remaining in the same school is not in a child's best interests, the state must ensure immediate enrollment in an appropriate new school with the educational records of the child provided immediately to the new school.
- The cost of transportation from a child's foster home to that child's home school, if any, can be used as part of the calculation for federal Title IV-E reimbursement to child welfare agencies.¹

¹Under the Act, 50% of the costs of such transportation may be claimed for those cases eligible for Title IV-E funding. Connecticut's current penetration rate (percent of eligible children) is currently about 51%. Thus, as written, Connecticut reimbursement, which flows to the General Fund, is about 25%. In addition, the recent federal

- States must assure that every school-aged child in foster care, and every school-aged child receiving an adoption assistance or subsidized guardianship payment, is enrolled as a full-time elementary or secondary school student, or has completed secondary school, or is exempt from school attendance due to a medical condition. States must write these provisions into all subsidy agreements and expand efforts to monitor the educational status of the impacted children.

In December 2008, Department of Children and Families Commissioner Susan I. Hamilton and State Department of Education Commissioner Mark McQuillan formed a Joint Task Force to develop recommendations for the implementation of the Fostering Connections educational stability provisions. The Task Force has met three times and individual members have communicated in person and via email several times in order to draft recommendations that reflect the views of a majority of members of the Task Force.² This document represents that serious and careful work.

A. OVERALL RECOMMENDATIONS

1. Consistent with P.L. 110-351, every decision made by the Department of Children and Families to place a school-age child into foster care, and any subsequent placement decisions made during foster care, should "take into account the appropriateness of the school setting and the proximity to the school in which the child is enrolled at the time of placement."
2. Once a foster care placement decision is made for a school-aged child, DCF should next make a school placement decision with the presumption that it is in the child's best interests to remain in his or her school of origin, applying a "best interests of the child" standard.
3. For the purposes of the implementation of P.L. 110-351, "school of origin" should be defined as "the school that the child is attending at the time of placement, or at the time of a change of placement by the Commissioner of the Department of Children and Families."
4. For the purposes of the implementation of P.L. 110-351, "school placement decision" should be defined as "a decision regarding the school in which the child will be enrolled."
5. In addition to school-age children identified by P.L. 110-351 as those impacted by this Act, the implementation of this Act in Connecticut should also apply to children between the ages of three and five years who have been identified as children with disabilities

stimulus package contains provisions to increase Title IV-E reimbursement to states. Therefore, the actual reimbursement will be approximately 28% of allowable costs.

² This document represents the opinion of the majority of Task Force members. It does not necessarily represent the views of specific agencies or individual members. The full membership is listed on the final page.

under the Individuals with Disabilities Education Act (IDEA) and who have individual education plans (IEPs), as well as those children between the ages of three and five years who have been referred to a planning and placement team (PPT) for eligibility. For students with nexus, the responsibility for completing the evaluation should be the nexus school district; for students who have a no-nexus status, the school district who received the initial referral for a special education evaluation should maintain the responsibility for conducting the evaluation.³

6. The discussion of the school placement decision that is made in the “best interests of the child” (BIOC) at the time of initial and subsequent placements by DCF can be revisited at any time during the child’s placement should the needs of the child or the circumstances of the case change. Each DCF treatment plan and administrative case review (ACR) should address the appropriateness of the school placement using the BIOC standard.
7. An analysis by the State Department of Education of the impact of P.L. 110-351 on the current state agency school placement statute and the current state agency school placement grant is necessary in order to determine the extent of the fiscal impact this legislation may have on state agency placement payments to local education agencies. It is possible that the costs of the state agency placement grant could be substantially reduced due to the reduced movement of students among school districts

B. RECOMMENDATIONS REGARDING THE SCHOOL PLACEMENT DECISION USING BEST INTERESTS OF THE CHILD (BIOC) STANDARD

Recommendations for making the school placement decision using the BIOC standard:

1. There should be a presumption that it is in the “best interests of the child” to remain in his or her school of origin and the child shall remain in the school, of origin until a determination is made that placement in the school of origin is not in the child's best interests.
2. Multiple factors should be considered as part of the school placement decision-making process. These factors, which are known collectively as the "best interests of the child" standard, may include, but are not limited to, travel distance between the new foster placement and the school of origin; age of child; mental health of the child; medical health of the child; school climate; the child’s school performance; the child’s connections in the school; proximity to a natural school transition point, *e.g.*, end of semester; the child's wishes; the positions of the child’s guardian *ad litem*, the child's

³ These recommendations go beyond the requirements of the Fostering Connections Act, but are considered by the Task Force as consistent with the Act's underlying philosophy and will promote educational stability for pre-school children who may require special education.

parent(s); the surrogate parent, if applicable; any safety considerations; the likelihood of reunification; and other factors unique to the child's case.⁴

3. The school of origin should be consulted by DCF for information about the child and this information should be considered as part of the school placement decision. The school placement decision should be made only after consulting with all necessary parties and should be documented on appropriate forms and in accordance with established policy and procedures.
4. The BIOC standard and the school placement decision-making process should be incorporated into DCF policy, but it is not necessary to detail either in statute.

C. DISPUTE RESOLUTION⁵

1. DCF should develop policy language clarifying that the school placement decision is DCF's responsibility after gathering the necessary information, including that from the child's school of origin; consulting attorneys; parties, guardian(s) *ad litem* and surrogate parent, if any; and applying the BOIC criteria. DCF should be required to notify all parties; attorneys; guardian(s) *ad litem* and surrogate parents, if any; the school of origin, and the new school, if applicable, of its decision the same day it is made.
2. At any time that continued placement in the school of origin is deemed to jeopardize the child's immediate physical safety, DCF may immediately remove the child from the school, and notify the child's attorney and parents, and guardian *ad litem* and surrogate parent, if any. If any party objects to the removal from the school of origin, DCF should hold an expedited administrative hearing within three business days of notice to the parties, to address whether continued placement in the school of origin is in the child's best interests.
3. Parties disagreeing with the school placement decision in situations in which the child's physical safety is not immediately jeopardized should be entitled to an expedited administrative hearing within ten business days of notice to the parties, to address whether continued placement in the school of origin is in the child's best interests.
4. Pending the conclusion of a non-emergency administrative hearing, the child should remain in the school of origin, subject to removal only if remaining in the school of origin jeopardizes the child's immediate physical safety.
5. For the purposes of an expedited hearing, "notice" should be defined as a "telephone and/or fax transmission of the school placement decision sent by the DCF Area Office

⁴ The Act does not define "best interests," and the Task Force agreed it was not necessary to detail in statute the best interests factors to be considered. Nonetheless, the Task Force developed this list of factors for application in Connecticut which should be codified in DCF Policy.

⁵ The Act does not require any specific dispute resolution process.

on the day the decision is made to the DCF Administrative Hearings Unit, as well as to the parents, the attorneys for the parents and child and, where applicable, any guardian *ad litem* for a party or a surrogate parent for the child."

6. For school placement decisions not made as a result of a change in placement, the established treatment plan hearing process should be used to challenge such decisions.
7. Parties to expedited hearings (as with all administrative hearings) are DCF, both parents, and the child. The child should be represented by his or her attorney. The child's guardian *ad litem* and/or surrogate parent may also appear and advocate for the child. The Department should bear the burden of proof that the school placement decision is in the best interests of the child.
8. No legislation regarding dispute resolution is recommended. DCF should send notice and conduct the hearing in compliance with the Uniform Administrative Procedures Act. DCF policy and regulations should be modified as necessary to add the expedited hearings.

D. SCHOOL ACCOMMODATIONS

Recommendations when it is in the best interests of the child move to the school in which the new foster placement is located:

1. The DCF Form 603, "Notification to the Responsible School District," is recommended as the uniform vehicle for notifying the new school district of the need for immediate enrollment and notifying the school district of origin of the need to immediately provide records. Minor changes to this form are recommended. A telephone call from the DCF Area Office to both schools regarding the school placement change is recommended.
2. Upon notification by DCF of the placement of a child into foster care or of a change in a foster care placement, the new school should immediately make a telephone call to the school of origin. It is recommended that "immediate" be defined as "within one business day of receipt of the DCF Form 603." Essential records should be faxed immediately from the school of origin to the new school, and should include the IEP, if any, and all those documents that are necessary for the new school to determine appropriate class placement and educational services. Non-essential records should be immediately mailed to the new school.⁶
3. School districts should be made aware that no release is required for the school of origin to provide records to the new school. It is recommended that a circular letter from the Commissioner of Education or a joint memorandum from the Commissioners of DCF and SDE be issued regarding this.

⁶ The Task Force recommends an amendment to Conn. Gen. Stat. §10-220h to accomplish this. See Recommendation F.1.

4. The identification of who can enroll a foster child in a new school also should be clarified in DCF policy, and in a joint memorandum from the Commissioners of DCF and SDE. Those authorized to enroll a foster child in a new school should be the assigned social worker, the foster parent, or other caretaker authorized by the Commissioner of DCF.
4. Each school district should have a point person who is well-versed in the Fostering Connections Act and state statute requirements. This recommendation should be set forth in a joint memorandum from the Commissioners of DCF and SDE.⁷
5. Statewide training for school districts, attorneys, DCF, guardians *ad litem*, and surrogate parents on the Fostering Connections educational stability requirements and related state statutes and DCF policy is essential to the full implementation of this legislation.

E. TRANSPORTATION

Recommendations regarding development of school transportation options:

1. SDE and DCF should work together with each school district to arrange, through the district's existing transportation system, the transportation of any student to his or her school of origin from a location within the school district, but outside the particular school's catchment area. DCF should reimburse the school districts for all additional costs incurred in accommodating this transportation.
2. SDE and DCF should work together to assess a range of feasible options for the transportation of students who will be transported to their schools of origin from locations outside of their school districts of origin. In reviewing these options, consideration should be given to the option's flexibility, cost-effectiveness, reliability, adequacy and appropriateness. This effort may include the issuance of a formal Request for Information in order to receive professional input on designing, procuring, and purchasing such services, the costs for which should be borne by DCF.

F. ANCILLARY LEGAL ISSUES

1. It is recommended that the State Department of Education review the following statutes to determine whether new legislation or revisions are required:
 - Conn. Gen. Stat. §10-186 should be reviewed to ensure that it fully identifies the right of children in foster care to free school privileges and the need for immediate enrollment if children do not remain in their schools of origin.
 - Conn. Gen. Stat. §10-76d should be examined in terms of its language related to state agency placements and whether state grant funding will be negatively impacted.

⁷ A liaison system is currently in place to facilitate communication in educational placement cases which fall under the McKinney-Vento Act, and it is recommended that communications regarding Fostering Connections cases utilize the same system.

- Conn. Gen. Stat. §10-253, regarding the educational rights of children in certain out-of-home placements, should be examined to determine whether any changes are necessary in light of the Fostering Connections Act and these recommendations.
- Conn. Gen. Stat. §10-220h should be amended to require schools of origin to send the records of a student placed in foster care for whom changing schools has been found to be in his or her BIOC, immediately to the new school consistent with Recommendation D.2. above.

2. The two existing McKinney-Vento joint memoranda and the existing joint memoranda on education in Safe Homes should be reviewed and either a.) rescinded; b.) merged into one joint memorandum that also includes the school stability components of Fostering Connections; or c.) all components of the three memoranda plus the relevant Fostering Connections requirements should be incorporated into an amendment to Conn. Gen. Stat. §10-253.

CONCLUSION

The Fostering Connections to Success and Increasing Adoptions Act of 2008 contains mandatory educational stability provisions that are designed to have a dramatic impact on the overall stability and best interests of children placed in foster care by state child welfare agencies. At the same time, the Act's provisions create certain fiscal and operational challenges for state agencies and local school districts. The Task Force has thoroughly discussed and carefully considered the implications of the Fostering Connections Act on state law, procedure, and practice and we believe we have achieved a reasonable balance between the interests of all entities. If, when reviewing these recommendations, the Commissioners or other interested parties have questions, we are happy to participate in further discussions.

Respectfully submitted,

Joint Task Force for the Implementation of the Educational Stability Provisions of the Fostering Connections to Success and Increasing Adoptions Act Of 2008

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Tamara Kramer, Policy Fellow, Connecticut Voice for Children

Brian Mattiello, Director of Strategic Initiatives and Organizational Development, Department of Children and Families

Gregory Messner, Chief Fiscal Officer, Department of Children and Families

Sarah Newkirk, Acting Superintendent, Unified School District II, Department of Children and Families

Maria Pastorelli, Department of Children and Families

Nancy Prescott, Executive Director, Connecticut Parent Advocacy Center

Brett Rayford, Bureau Chief of Adolescent and Transitional Services, Department of Children and Families

Michael Regan, Director of Pupil Personnel Services, Newtown Public Schools

Carolyn Signorelli, Chief Child Protection Attorney, Commission on Child Protection

Christine Spak, Consultant, Bureau of Special Education, State Department of Education

Maria Synodi, Education Consultant, Bureau of Special Education, State Department of Education

Louis Tallerita, Education Consultant, State Department of Education



**STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE PROPOSAL
2010 SESSION**



Document Name DCF 2010-2

Agency Department of Children and Families	Agency Priority (see table of contents) 2
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Title of Proposal Access to Records Concerning Children and Families	Statutory Reference § 17a-28 Proposal Type <input type="checkbox"/> New <input checked="" type="checkbox"/> Resubmittal
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ATTACH COPY OF FULLY DRAFTED BILL (Required for review)

*If resubmittal: What happened? What was last action this past legislative session?
This proposal was submitted as part of DCF's legislative package during the 2009 session. It was raised by the Human Services Committee (HB 6403) and was favorably reported by Human Services, Judiciary and GAE, but died on the House Calendar.

APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)

Agency (None)	Agency Contact (Name and Title)
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Attach Summary of Agency Comments	Contact Date
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Summary of Proposal (Include background information)
To revise and update laws related to the confidentiality of and access to records concerning the Department of Children and Families.

Reason for Proposal (Include significant policy and programmatic impacts)
These statutes are being revised to provide greater clarity and consistency related to the confidentiality statutes of DCF and of juvenile matters. This proposal revises and updates laws related to the confidentiality of and access to records concerning the Department of Children and Families. The last significant modification of these statutes occurred in 1991.

The Department remains committed to respecting the privacy of our clients by keeping confidential records private. However, there can be instances when this unwillingness or inability to allow disclosure impedes the Department's ability to protect a child or provide appropriate treatment.

Significant Fiscal Impacts**Municipal:** None**Federal:** None**State:** None

Access to Records Concerning Children and Families

Section 1. Section 17a-28 of the general statutes, as amended by section 1 of public act 09-142, section 1 of public act 09-185 and sections 101 and 102 of public act 09-232, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) As used in this section:

- (1) "Person" means (A) any individual named in a record, maintained by the department, who (i) is presently or at any prior time was a ward of or committed to the commissioner for any reason; (ii) otherwise received services, voluntarily or involuntarily, from the department; or (iii) is presently or was at any prior time the subject of an investigation by the department; (B) [the] a parent whose parental rights have not been terminated or current guardian of [a person, as defined] an individual described in subparagraph (A) of this subdivision, if such [person] individual is a minor; or (C) the authorized representative of a person, as defined in subparagraph (A) of this subdivision, if such person is deceased;
- (2) "Attorney" means the licensed attorney authorized to assert the confidentiality of or right of access to records of a person;
- (3) "Authorized representative" means a parent, guardian, guardian ad litem, attorney, conservator or other individual authorized to assert the confidentiality of or right of access to records of a person;
- (4) "Consent" means permission given in writing by a person, [his] such person's attorney or [his] authorized representative to disclose specified information, within a limited time period, regarding the person to specifically identified individuals or entities;
- (5) "Records" means information created or obtained in connection with the department's child protection activities or other activities related to a child while in the care or custody of the department, including information in the registry of reports to be maintained by the commissioner pursuant to section 17a-101k, [provided records which are not created by the department are not subject to disclosure, except as provided pursuant to subsection (f), (l) or (n) of this section] as amended by this act;
- (6) "Disclose" means (A) to provide an oral summary of records maintained by the department to an individual, agency, corporation or organization or (B) to allow an individual, agency, corporation or organization to review or obtain copies of such records in whole, part or summary form;
- (7) "Near fatality" means an act, as certified by a physician, that places a child in serious or critical condition.

(b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213, records maintained by the department shall be confidential and shall not be disclosed, unless the department receives written consent from the person or as provided in this section. Any unauthorized disclosure shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. Any employee of the department who in the ordinary course of such person's employment has reasonable cause to suspect or believe that another employee has engaged in the unauthorized disclosure of records shall report in writing such unauthorized disclosure of records to the commissioner. The report shall include the name of the person disclosing the information and the nature of the information disclosed and to whom it was disclosed, if known.

~~[(c) When information concerning an incident of abuse or neglect has been made public or when the commissioner reasonably believes publication of such information is likely, the commissioner or the commissioner's designee may disclose, with respect to an investigation of such abuse or neglect: (1) Whether the department has received a report in accordance with~~

sections 17a-101a to 17a-101c, inclusive, or section 17a-103, and (2) in general terms, any action taken by the department, provided (A) the names or other individually identifiable information of the minor victim or other family member is not disclosed, and (B) the name or other individually identifiable information of the person suspected to be responsible for the abuse or neglect is not disclosed unless the person has been arrested for a crime due to such abuse or neglect.

~~(d) The commissioner shall make available to the public, without the consent of the person, information in general terms or findings concerning an incident of abuse or neglect which resulted in a child fatality or near fatality of a child, provided disclosure of such information or findings does not jeopardize a pending investigation.]~~

(c) Notwithstanding any provision of the general statutes, records that (1) contain privileged communications, or (2) are confidential pursuant to any federal law or regulation shall not be disclosed, except as authorized by law.

(d) Any information disclosed from a person's record shall not be disclosed further without the written consent of the person, except if disclosed (1) pursuant to an order of a court of competent jurisdiction or (2) pursuant to the provisions of section 19a-80f, as amended by public act 09-232.

(e) The commissioner shall, upon written request, disclose the following information concerning agencies licensed by the Department of Children and Families, except foster care parents, relatives of the child who are certified to provide foster care or prospective adoptive families: (1) The name of the licensee; (2) the date the original license was issued; (3) the current status of the license; (4) whether an agency investigation or review is pending or has been completed; and (5) any licensing action taken by the department at any time during the period such license was issued and the reason for such action, provided disclosure of such information will not jeopardize a pending investigation.

~~[(f) The commissioner or the commissioner's designee shall, upon request, promptly provide copies of records, without the consent of a person, to (1) a law enforcement agency, (2) the Chief State's Attorney, or the Chief State's Attorney's designee, or a state's attorney for the judicial district in which the child resides or in which the alleged abuse or neglect occurred, or the state's attorney's designee, for purposes of investigating or prosecuting an allegation of child abuse or neglect, (3) the attorney appointed to represent a child in any court in litigation affecting the best interests of the child, (4) a guardian ad litem appointed to represent a child in any court in litigation affecting the best interests of the child, (5) the Department of Public Health, in connection with: (A) Licensure of any person to care for children for the purposes of determining the suitability of such person for licensure, subject to the provisions of sections 17a-101g and 17a-101k, or (B) an investigation conducted pursuant to section 19a-80f, as amended by public act 09-232, (6) any state agency which licenses such person to educate or care for children pursuant to section 10-145b or 17a-101j, subject to the provisions of sections 17a-101g and 17a-101k concerning nondisclosure of findings of responsibility for abuse and neglect, (7) the Governor, when requested in writing, in the course of the Governor's official functions or the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary and the select committee of the General Assembly having cognizance of matters relating to children when requested in the course of said committees' official functions in writing, and upon a majority vote of said committee, provided no names or other identifying information shall be disclosed unless it is essential to the legislative or gubernatorial purpose, (8) a local or regional board of~~

education, provided the records are limited to educational records created or obtained by the state or Connecticut Unified School District #2, established pursuant to section 17a-37, (9) a party in a custody proceeding under section 17a-112 or 46b-129, in the Superior Court where such records concern a child who is the subject of the proceeding or the parent of such child, (10) the Chief Child Protection Attorney, or his or her designee, for purposes of ensuring competent representation by the attorneys whom the Chief Child Protection Attorney contracts with to provide legal and guardian ad litem services to the subjects of such records and to ensure accurate payments for services rendered by such contract attorneys, and (11) the Department of Motor Vehicles, for purposes of checking the state's child abuse and neglect registry pursuant to subsection (e) of section 14-44. A disclosure under this section shall be made of any part of a record, whether or not created by the department, provided no confidential record of the Superior Court shall be disclosed other than the petition and any affidavits filed therewith in the superior court for juvenile matters, except upon an order of a judge of the Superior Court for good cause shown. The commissioner shall also disclose the name of any individual who cooperates with an investigation of a report of child abuse or neglect to such law enforcement agency or state's attorney for purposes of investigating or prosecuting an allegation of child abuse or neglect. The commissioner or the commissioner's designee shall, upon request, subject to the provisions of sections 17a-101g and 17a-101k, promptly provide copies of records, without the consent of the person, to (A) the Department of Public Health for the purpose of determining the suitability of a person to care for children in a facility licensed under sections 19a-77 to 19a-80, inclusive, as amended by public act 09-232, 19a-82 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social Services for determining the suitability of a person for any payment from the department for providing child care.

(g) When the commissioner or his designee determines it to be in a person's best interest, the commissioner or his designee may disclose records, whether or not created by the department and not otherwise privileged or confidential communications under state or federal law, without the consent of a person to:

- (1) Multidisciplinary teams which are formed to assist the department in investigation, evaluation or treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services under contract with the department for a child referred to the provider;
- (2) Any agency in another state which is responsible for investigating or protecting against child abuse or neglect for the purpose of investigating a child abuse case;
- (3) An individual, including a physician, authorized pursuant to section 17a-101f to place a child in protective custody if such individual has before him a child whom he reasonably suspects may be a victim of abuse or neglect and such individual requires the information in a record in order to determine whether to place the child in protective custody;
- (4) An individual or public or private agency responsible for a person's care or custody and authorized by the department to diagnose, care for, treat or supervise a child who is the subject of a record of child abuse or neglect or a public or private agency responsible for a person's education for a purpose related to the individual's or agency's responsibilities;
- (5) The Attorney General or any assistant attorney general providing legal counsel for the department;
- (6) Individuals or public or private agencies engaged in medical, psychological or psychiatric diagnosis or treatment of a person perpetrating the abuse or who is unwilling or unable to protect the child from abuse or neglect when the commissioner or his designee determines that the disclosure is needed to accomplish the objectives of diagnosis or treatment;
- (7) A person who reports child abuse pursuant to sections 17a-101a to 17a-101e, inclusive, and section 17a-103, who made a report of abuse involving the subject child, provided the

~~information disclosed is limited to (A) the status of the investigation and (B) in general terms, any action taken by the department;~~

~~(8) An individual conducting bona fide research, provided no information identifying the subjects of records shall be disclosed unless (A) such information is essential to the purpose of the research; (B) each person identified in a record or his authorized representative has authorized such disclosure in writing; and (C) the department has given written approval;~~

~~(9) The Auditors of Public Accounts or their representative, provided no information identifying the subjects of the records shall be disclosed unless such information is essential to an audit conducted pursuant to section 2-90;~~

~~(10) The Department of Social Services, provided the information disclosed is necessary to promote the health, safety and welfare of the child;~~

~~(11) A judge of the Superior Court for purposes of determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs;~~

~~(12) The superintendents, or their designees, of state operated facilities within the department; and~~

~~(13) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child, who is a client of said department but who is not yet participating in said department's voluntary services program. Records provided pursuant to this subdivision shall be limited to a written summary of any investigation conducted by the Department of Children and Families pursuant to section 17a-101g. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services voluntary services program, said department shall notify such parent or guardian that records specified in this subdivision may be provided by the Department of Children and Families to the Department of Developmental Services without the consent of such parent or guardian.~~

~~(h) The commissioner or his designee may disclose the name, address and fees for services to a person, to individuals or agencies involved in the collection of fees for such services, except as provided in section 17b-225. In cases where a dispute arises over such fees or claims or where additional information is needed to substantiate the fee or claim, such disclosure of further information shall be limited to the following: (1) That the person was in fact committed to or otherwise served by the department; (2) dates and duration of service; and (3) a general description of the service, which shall include evidence that a service or treatment plan exists and has been carried out and evidence to substantiate the necessity for admission and length of stay in any institution or facility.~~

~~(i) Notwithstanding the provisions of subsections (f) and (l) of this section, the name of an individual reporting child abuse or neglect shall not be disclosed without his written consent except to (1) an employee of the department responsible for child protective services or the abuse registry; (2) a law enforcement officer; (3) an appropriate state's attorney; (4) an appropriate assistant attorney general; (5) a judge of the Superior Court and all necessary parties in a court proceeding pursuant to section 46b-129, or a criminal prosecution involving child abuse or neglect; or (6) a state child care licensing agency, executive director of any institution, school or facility or superintendent of schools pursuant to section 17a-101i.~~

~~(j) Notwithstanding the provisions of subsection (g) of this section, the name of any individual who cooperates with an investigation of a report of child abuse or neglect shall be kept confidential upon request or upon determination by the department that disclosure of such information may be detrimental to the safety or interests of the individual, except the name of any such individual shall be disclosed to the persons listed in subsection (i) of this section.~~

~~(k) Notwithstanding the confidentiality provisions of this section, the commissioner, upon request of an employee, shall disclose such records to such employee or his authorized representative which would be applicable and necessary for the purposes of an employee disciplinary hearing or appeal from a decision after such hearing.~~

~~(l) Information disclosed from a person's record shall not be disclosed further without the written consent of the person, except if disclosed (1) pursuant to the provisions of section 19a-80f, as amended by public act 09-232, or (2) to a party or his counsel pursuant to an order of a court in which a criminal prosecution or an abuse, neglect, commitment or termination proceeding against the party is pending. A state's attorney shall disclose to the defendant or his counsel in a criminal prosecution, without the necessity of a court order, exculpatory information and material contained in such record and may disclose, without a court order, information and material contained in such record which could be the subject of a disclosure order. All written records disclosed to another individual or agency shall bear a stamp requiring confidentiality in accordance with the provisions of this section. Such material shall not be disclosed to anyone without written consent of the person or as provided by this section. A copy of the consent form specifying to whom and for what specific use the record is disclosed or a statement setting forth any other statutory authorization for disclosure and the limitations imposed thereon shall accompany such record. In cases where the disclosure is made orally, the individual disclosing the information shall inform the recipient that such information is governed by the provisions of this section.~~

~~(m) In addition to the right of access provided in section 1-210, any person, regardless of age, his authorized representative or attorney shall have the right of access to any records made, maintained or kept on file by the department, whether or not such records are required by any law or by any rule or regulation, when those records pertain to or contain information or materials concerning the person seeking access thereto, including but not limited to records concerning investigations, reports, or medical, psychological or psychiatric examinations of the person seeking access thereto, provided that (1) information identifying an individual who reported abuse or neglect of a person, including any tape recording of an oral report pursuant to section 17a-103, shall not be released unless, upon application to the Superior Court by such person and served on the Commissioner of Children and Families, a judge determines, after in camera inspection of relevant records and a hearing, that there is reasonable cause to believe the reporter knowingly made a false report or that other interests of justice require such release; and (2) if the commissioner determines that it would be contrary to the best interests of the person or his authorized representative or attorney to review the records, he may refuse access by issuing to such person or representative or attorney a written statement setting forth the reasons for such refusal, and advise the person, his authorized representative or attorney of the right to seek judicial relief. When any person, attorney or authorized representative, having obtained access to any record, believes there are factually inaccurate entries or materials contained therein, he shall have the unqualified right to add a statement to the record setting forth what he believes to be an accurate statement of those facts, and said statement shall become a permanent part of said record.~~

~~(n) (1) Any person, attorney or authorized representative aggrieved by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or of subsection (m) of this section, except subdivision (2) of said subsection (m), may seek judicial relief in the same manner as provided in section 52-146j; (2) any person, attorney or authorized representative denied access to records by the commissioner under subdivision (2) of subsection (m) of this section may petition the~~

~~superior court for the venue district provided in section 46b-142 in which the person resides for an order requiring the commissioner to permit access to those records, and the court after hearing, and an in camera review of the records in question, shall issue such an order unless it determines that to permit such access would be contrary to the best interests of the person or authorized representative.~~

~~(e) The commissioner shall promulgate regulations pursuant to chapter 54, within one year of October 1, 1996, to establish procedures for access to and disclosure of records consistent with the provisions of this section.]~~

(f) The name of any individual who reports suspected abuse or neglect of a child or youth or cooperates with an investigation of child abuse or neglect shall be kept confidential upon request or upon determination by the department that disclosure of such information may be detrimental to the safety or interests of the individual, except the name of any such individual shall be disclosed (1) to (A) an employee of the department for reasons reasonably related to the business of the department; (B) a law enforcement officer for purposes of investigating abuse or neglect of a child or youth; (C) a state's attorney for purposes of investigating or prosecuting abuse or neglect of a child; (D) an assistant attorney general or other legal counsel representing the department; (E) a judge of the Superior Court and all necessary parties in a court proceeding pursuant to section 17a-112, as amended by this act, or section 46b-129, or a criminal prosecution involving child abuse or neglect; (F) a state child care licensing agency; or (G) the executive director of any institution, school or facility or superintendent of schools pursuant to section 17a101i; and (2) in accordance with the provisions of subparagraph (B) of subdivision (1) of subsection (g) of this section.

(g) The department, subject to subsection (c) of this section, shall disclose records without the consent of the person who is the subject of the record to:

(1) A person who is named in the record or such person's authorized representative, provided (A) such person only has access to information about such person or such person's biological or adoptive minor children and provided such person's parental rights to such children have not been terminated; and (B) information identifying an individual who reported abuse or neglect of a person, including any tape recording of an oral report pursuant to section 17a-103, is not disclosed unless, upon application to the Superior Court by such person and served on the Commissioner of Children and Families, a judge determines after an in camera inspection of relevant records and a hearing, that there is reasonable cause to believe the reporter knowingly made a false report or that other interests of justice require such disclosure;

(2) Any employee of the department for any purpose reasonably related to the business of the department;

(3) A guardian ad litem or attorney appointed to represent a child or youth in any court in litigation affecting the best interests of the child or youth;

(4) An employee or former employee of the department or such employee or former employee's authorized representative for purposes of participating in litigation in any court or in any administrative or disciplinary hearing or other proceeding or appeal from decision after such hearing, provided such disclosure shall be limited to those records that are applicable and necessary for the purpose of such hearing or appeal, as determined by the department;

(5) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an individual employee of the department;

(6) The Child Advocate or the Child Advocate's designee;

(7) The Chief Child Protection Attorney or the Chief Child Protection Attorney's designee;

(8) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting an allegation of child abuse or neglect, provided such prosecuting authority shall have access to such records of a delinquency defendant who is not being charged with an offense related to child abuse only while the case is being prosecuted and after obtaining a release;

(9) Any state or federal law enforcement officer for purposes of investigating an allegation of child abuse or neglect;

(10) Multidisciplinary teams pursuant to the provisions of section 17a-106a;

(11) Any provider of professional services for a child or youth or parent referred to the provider, provided disclosure is limited to such information necessary to provide services to the child or youth or parent;

(12) Any individual or agency under contract with the department for the purpose of identifying and assessing potential foster or prospective adoptive homes for a child or youth who is the subject of the record, provided no information that identifies a biological parent of a child or youth is further disclosed without the permission of such biological parent;

(13) Any foster parent or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent and the records relate to the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;

(14) The Governor, when requested in writing, in the course of the Governor's official functions, or the Legislative Program Review and Investigations Committee, the joint standing committees of the General Assembly having cognizance of matters relating to human services and the judiciary and the select committee of the General Assembly having cognizance of matters relating to children, when requested in writing, in the course of such committees' official functions, and upon a majority vote of said committees, provided no names or other identifying information is disclosed unless it is essential to the gubernatorial or legislative purpose;

(15) The Department of Public Health, subject to the provisions of sections 17a-101g and 17a-101k, as amended by this act, for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining the suitability of such person for licensure; or (C) an investigation conducted pursuant to section 19a-80f, as amended by public act 09-232;

(16) The Department of Social Services, subject to the provisions of sections 17a-101g and 17a-101k, as amended by this act, for the purpose of (A) determining the suitability of a person for any payment from the Department of Social Services for providing child care; or (B) promoting the health, safety and welfare of the child or youth;

(17) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child, who is a client of said department but who is not yet participating in said department's voluntary services program. Records provided pursuant to this subdivision shall be limited to a written summary of any investigation conducted by the Department of Children and Families pursuant to section 17a-101g. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services voluntary services program, said department shall notify such parent or guardian that records specified in this subdivision may be provided by the Department of Children and Families to the Department of Developmental Services without the consent of such parent or guardian;

(18) Any state agency which licenses or certifies a person to educate or care for children or youth, subject to the provisions of sections 17a-101g and 17a-101k, as amended by this act, concerning nondisclosure of findings of responsibility for abuse and neglect;

- (19) Any individual, including a physician, authorized pursuant to section 17a-101f, to place a child or youth in protective custody if such individual has before him or her a child or youth whom the individual reasonably suspects may be the victim of abuse or neglect and such individual requires the information in a record in order to determine whether to place the child or youth in protective custody;
- (20) An individual who reports child abuse pursuant to sections 17a-101a to 17a-101c, inclusive, and 17a-103, who made a report of abuse involving the subject child or youth, provided the information disclosed is limited to (A) the status of the investigation; and (B) in general terms, any action taken by the department;
- (21) Any employee of the Board of Pardons and Paroles, the Department of Correction or the Judicial Branch for the purpose of assessing treatment needs and determining terms or conditions of pretrial release, pretrial or postdisposition detention or incarceration, probation or parole;
- (22) A judge of the Superior Court or Probate Court and all necessary parties in a custody proceeding where such records concern the child or youth who is the subject of the proceeding or the parent of such child or youth;
- (23) A judge of the Superior Court for purposes of determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs, or a judge of the Superior Court in a criminal prosecution for purposes of in camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;
- (24) Individuals or public or private agencies engaged in medical, psychological or psychiatric diagnosis or treatment of a person who has perpetrated abuse or neglect or who is unwilling or unable to protect the child or youth from abuse or neglect when the commissioner, or the commissioner's designee, determines that the disclosure is needed to accomplish the objectives of diagnosis or treatment;
- (25) Any court or public agency in another state or a federally recognized Indian tribe, which is responsible for investigating or protecting children against child abuse or neglect or providing services to families at risk of abuse or neglect, for the purpose of investigating or protecting children against abuse or neglect or providing services to such family;
- (26) An individual conducting bona fide research, provided no information identifying the subjects of record is disclosed unless (A) such information is essential to the purpose of the research; and (B) the department has given written approval;
- (27) The Auditors of Public Accounts or their representative, provided no information identifying the subjects of the record is disclosed unless such information is essential to an audit conducted pursuant to section 2-90;
- (28) Individuals or agencies involved in the collection of fees for services, provided such information is limited to the name and address of the person who received the services and the fees for services, except as provided in section 17b-225. In cases where a dispute arises over such fees or claims or where additional information is needed to substantiate the fee or claim, such disclosure of further information shall be limited to the following: (A) That the person was, in fact, provided services by the department; (B) dates and duration of service; and (C) a general description of the service, which includes evidence that a service or treatment plan exists and has been carried out, and evidence to substantiate the necessity for admission and length of stay in any institution or facility;
- (29) A local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut-Unified School District #2, established pursuant to section 17a-37;
- (30) The Department of Motor Vehicles for the purpose of criminal history records checks pursuant to subsection (e) of section 14-44; and

(31) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families.

(h) The department, subject to subsection (c) of this section, may disclose records without the consent of the person who is the subject of the record to:

(1) A law enforcement officer or state's attorney if there is reasonable cause to believe that a child or youth is being abused or neglected or at risk of being abused or neglected as a result of any suspected criminal activity by any person;

(2) Any individual interviewed as part of an investigation conducted pursuant to section 17a-101g, who is not otherwise entitled to such information provided such information, is limited to:

(A) The general nature of the allegations contained in the reports; (B) the identity of the child or youth alleged to have been abused or neglected; (C) the identity of the alleged perpetrator; and (D) information necessary to further the course of the investigation;

(3) School employees who (A) are mental health professionals, as described in section 10-76t, or (B) have direct responsibility for implementing the educational program of the child or youth receiving services from the department, provided such disclosure is limited to information reasonably necessary to provide educational services to the child or youth;

(4) Any individual, when information concerning an incident of abuse or neglect has been made public or when the commissioner reasonably believes publication of such information is likely, the department may disclose, with respect to an investigation of such abuse or neglect: (A) whether the department has received a report in accordance with sections 17a-101a to 17a-101c, inclusive, or section 17a-103, and (B) in general terms, any action taken by the department, provided (i) the names or other individually identifiable information of the minor victim or other family member is not disclosed, and (ii) the name or other individually identifiable information of the person suspected to be responsible for the abuse or neglect is not disclosed unless the person has been arrested for a crime due to such abuse or neglect;

(5) Any individual for the purpose of locating a missing parent, child or youth, provided such disclosure is limited to information that assists in locating such missing parent, child or youth;

(6) Any individual, when the information or findings concern an incident of abuse or neglect that resulted in a child or youth fatality or near fatality of a child or youth, and provided disclosure of such information or findings is in general terms and does not jeopardize a pending investigation;

(7) A court of competent jurisdiction whenever an employee of the department is subpoenaed and ordered to testify about such records; and

(8) Individuals not employed by the department who arrange, perform or assist in performing functions or activities on behalf of the department, including, but not limited to, data analysis, processing or administration, utilization reviews, quality assurance, practice management, consultation, data aggregation and accreditation services.

(i) Notwithstanding the provisions of subsections (e) to (h), inclusive, of this section, the department may refuse to disclose records to any individual provided the department gives such individual notice (1) that records are being withheld, (2) of the general nature of the records being withheld, (3) of the department's reason for refusing to disclose the records, and (4) of the individual's right to judicial relief pursuant to subsection (j) of this section.

(j) Any person or the person's authorized representative, (1) aggrieved by a violation of subsection (b), (d), (f) to (h), inclusive, or (l) of this section may seek judicial relief in the manner prescribed in section 52-146j; or (2) denied access to records by the department under subsection (i) of this section, may petition the superior court for juvenile matters for the venue district, established pursuant to section 46b-142, in which the person resides for an order

requiring the commissioner to permit access to those records, and the court, after hearing and an in camera review of the records in question, shall issue such order unless it determines that permitting such disclosure of all or any portion of the record (A) would be contrary to the best interests of the person, the person's authorized representative or the person who is the subject of the record; (B) could reasonably result in the risk of harm to any person; or (C) would contravene the public policy of the state.

(k) A party to a civil proceeding may petition the superior court for juvenile matters for the venue district, established pursuant to section 46b-142, in which the party resides for an order authorizing disclosure of the record of another party to the civil proceeding, provided the court, after in camera inspection, finds the records are material and relevant to those proceedings and that good cause exists to disclose such records. For purposes of this subsection, good cause exists, but is not limited to, situations in which there are no other available means of obtaining the information sought in such record by the party seeking such record.

(l) All written records disclosed to another individual or agency shall bear a stamp requiring confidentiality in accordance with the provisions of this section. Such material shall not be disclosed to anyone without written consent of the person or as provided by this section. A copy of the consent form, specifying to whom and for what specific use the record is disclosed or a statement setting forth any other statutory authorization for disclosure and the limitations imposed on such disclosure, shall accompany such record. In cases where the disclosure is made orally, the individual disclosing the information shall inform the recipient that such information is governed by the provisions of this section.

(m) When any person, attorney or authorized representative, having obtained access to any record, believes there are factually inaccurate entries or materials contained in such record, such person may add a statement to the record setting forth what such person believes to be an accurate statement of those facts and said statement shall become a permanent part of such record.

Sec. 2. Subdivision (1) of subsection (c) of section 17a-101k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(c) (1) Following a request for appeal, the commissioner or the commissioner's designee shall conduct an internal review of the recommended finding to be completed no later than thirty days after the request for appeal is received by the department. The commissioner or the commissioner's designee shall review all relevant information relating to the recommended finding, to determine whether the recommended finding is factually or legally deficient and ought to be reversed. Prior to the review, the commissioner shall provide the individual access to all relevant documents in the possession of the commissioner regarding the finding of responsibility for abuse or neglect of a child, as provided in ~~subsection (m) of~~ section 17a-28, as amended by this act.

Statement of Purpose: To revise and update laws related to the confidentiality of and access to records concerning the Department of Children and Families.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE PROPOSAL
2010 SESSION



Document Name DCF 2010-3

Agency Department of Children and Families	Agency Priority (See instructions) 3
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Contact Person Josh Howroyd	Telephone (860) 550-6329
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Email Address josh.howroyd@ct.gov

Title of Proposal Differential Response	Statutory Reference § 17a-101g Proposal Type <input checked="" type="checkbox"/> New <input type="checkbox"/> Resubmittal
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ATTACH COPY OF FULLY DRAFTED BILL (Required for review)

*If resubmittal: What happened? What was last action this past legislative session?

APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)

Agency	Agency Contact (Name and Title)
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Attach Summary of Agency Comments	Contact Date
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Summary of Proposal (Include background information)
To enact permissive legislation allowing the establishment of a differential response system.

Reason for Proposal (Include significant policy and programmatic impacts)

This proposal would permit the creation of an innovative and improved way to deliver child welfare services. The rationale for creating a differential response to reports of child abuse or maltreatment stems from a number of factors, including a broad level of dissatisfaction with traditional CPS practice, the growing recognition of the value of engaging families to change parenting practices and better protect their children, and a greater desire to achieve clear outcomes in terms of changed behavior.

The differential response program in which allows DCF to adopt a non-investigative, non-adversarial, service-oriented approach to address certain family services matters presently addressed as allegations of child abuse or maltreatment. Integral to this approach is its focus on both child safety and family engagement. A thorough exploration of family strengths and need for services provides those services responsive to the family's needs more efficiently and effectively. At any time, the case can be returned to the CPS investigative track, if appropriate. The goal of the program is to identify those families where services and support are needed and, through the family-centered approach, strengthen families rather than assess blame, without jeopardizing the safety of children. With this program, children's safety in their own homes will be enhanced, by providing an avenue for their families to access services needed without fearing the effects or the perceived stigma of a CPS investigation.

Significant Fiscal Impacts

Municipal: None

Federal: None

State: Potential significant cost. Potential savings.

Differential Response

Section 1. Section 17a-101g the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) Upon receiving a report of child abuse or neglect, as provided in sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which the alleged perpetrator is (1) a person responsible for such child's health, welfare or care, (2) a person given access to such child by such responsible person, or (3) a person entrusted with the care of a child, the Commissioner of Children and Families, or the commissioner's designee, shall cause the report to be classified and evaluated immediately. If the report contains sufficient information to warrant an investigation, the commissioner shall make the commissioner's best efforts to commence an investigation of a report concerning an imminent risk of physical harm to a child or other emergency within two hours of receipt of the report and shall commence an investigation of all other reports within seventy-two hours of receipt of the report. Accepted reports classified as lower-risk may be referred to a family assessment and services track pursuant to subsection (g) of this section. Any such reports referred to a family assessment and services track may be referred at any time to the standard child protective services investigation if safety concerns become evidence and standard child protective services reports may be referred to the family assessment and services track at any time if low levels of risk are evident. The department shall complete any such investigation not later than forty-five calendar days after the date of receipt of the report. If the report is a report of child abuse or neglect in which the alleged perpetrator is not a person specified in subdivision (1), (2) or (3) of this subsection, the Commissioner of Children and Families shall refer the report to the appropriate local law enforcement authority for the town in which the child resides or in which the alleged abuse or neglect occurred.

(b) The investigation shall include a home visit at which the child and any siblings are observed, if appropriate, a determination of the nature, extent and cause or causes of the reported abuse or neglect, a determination of the person or persons suspected to be responsible for such abuse or neglect, the name, age and condition of other children residing in the same household and an evaluation of the parents and the home. The report of such investigation shall be in writing. The investigation shall also include, but not be limited to, a review of criminal conviction information concerning the person or persons alleged to be responsible for such abuse or neglect and previous allegations of abuse or neglect relating to the child or other children residing in the household or relating to family violence. After an investigation into a report of abuse or neglect has been completed, the commissioner shall determine, based upon a standard of reasonable cause, whether a child has been abused or neglected, as defined in section 46b-120. If the commissioner determines that abuse or neglect has occurred, the commissioner shall also determine whether: (1) There is an identifiable person responsible for such abuse or neglect; and (2) such identifiable person poses a risk to the health, safety or well-being of children and should be recommended by the commissioner for placement on the child abuse and neglect registry established pursuant to section 17a-101k. If the commissioner has made the determinations in subdivisions (1) and (2) of this subsection, the commissioner shall issue notice of a recommended finding to the person suspected to be responsible for such abuse or neglect in accordance with section 17a-101k.

(c) Except as provided in subsection (d) of this section, no entry of the recommended finding shall be made on the child abuse or neglect registry and no information concerning the finding shall be disclosed by the commissioner pursuant to a check of the child abuse or neglect registry or request for information by a public or private entity for employment, licensure, or reimbursement for child care purposes pursuant to programs administered by the Department of

Social Services or pursuant to any other general statute that requires a check of the child abuse or neglect registry until the exhaustion or waiver of all administrative appeals available to the person suspected to be responsible for the abuse or neglect, as provided in section 17a-101k.

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

(e) If the Commissioner of Children and Families, or the commissioner's designee, has probable cause to believe that the child or any other child in the household is in imminent risk of physical harm from the child's surroundings and that immediate removal from such surroundings is necessary to ensure the child's safety, the commissioner, or the commissioner's designee, shall authorize any employee of the department or any law enforcement officer to remove the child and any other child similarly situated from such surroundings without the consent of the child's parent or guardian. The commissioner shall record in writing the reasons for such removal and include such record with the report of the investigation conducted under subsection (b) of this section.

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

(g) Notwithstanding the provisions of subsections (a) through (f), inclusive, of this section, the commissioner may establish a program of differential response to reports of child abuse and neglect which, after an initial safety assessment of the family and child's circumstances and criminal background checks of all adults involved in the case, may be referred to appropriate community resources without an investigation or at any time during an investigation. Consistent with the provisions of section 17a-28, the department shall disclose all relevant information in its possession concerning the family, including prior child protection activity, with the provider or providers to whom the report has been referred for use in the assessment, diagnosis and treatment of unique family needs and the prevention of future reports. Said differential response may include a method by which the department may monitor the progress of the child and family referred to a community provider and by which the department may re-open an investigation pursuant to this subsection if warranted. A provider to which a report of child abuse or neglect has been referred pursuant to this subsection shall disclose to the department, consistent with the provisions of section 17a-28 of the general statutes, all relevant information gathered during its

involvement with the child and family so that the department may monitoring and ensure the continued safety and well being of the child or children. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this subsection.



**STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE PROPOSAL
2010 SESSION**



Document Name DCF 2010-4

Agency Department of Children and Families	Agency Priority (See Table of Contents)) 4
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Contact Person Josh Howroyd	Telephone (860) 550-6329
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Email Address josh.howroyd@ct.gov

Title of Proposal DCF Role and Responsibility in Safe Havens Cases	Statutory Reference §§ 17a-59, 17a-60 Proposal Type <input type="checkbox"/> New <input checked="" type="checkbox"/> Resubmittal
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ATTACH COPY OF FULLY DRAFTED BILL (Required for review)

*If resubmittal: What happened? What was last action this past legislative session?
This proposal was submitted as part of DCF's legislative package during the 2009 session. It was raised by the Human Services Committee (SB 818), and favorably reported by Human Services, GAE and Public Health. It passed the Senate and died on the House Calendar.

APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)

Agency (None)	Agency Contact (Name and Title)
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Attach Summary of Agency Comments	Contact Date
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Summary of Proposal (Include background information)
To clarify DCF's role and responsibility in Safe Havens cases.

Reason for Proposal (Include significant policy and programmatic impacts)
There is some ambiguity in the current law, especially in cases where the parent(s) are not anonymous, or in those cases when the parent did not surrender the child.

Significant Fiscal Impacts
Municipal: None
Federal: None
State: None

DCF Role and Responsibility in Safe Havens Cases

Section 1. Section 17a-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) Not more than twenty-four hours after taking physical custody of the infant the designated employee shall notify, in accordance with the provisions of sections 17a-101a to 17a-101d, inclusive, the Department of Children and Families of such custody.

(b) The Commissioner of Children and Families shall assume the care and control of the infant immediately upon receipt of notice under subsection (a) of this section. ~~and~~ Any infant in the care and control of the commissioner under the provisions of this section shall be considered to be in the custody of the department and the department shall take any action authorized under state law to achieve safety and permanency for the infant, including institution of legal proceedings for guardianship or termination of parental rights and notification of such legal proceedings to any parent of the child whose identity is known to the department.

~~[(c) Any infant in the care and control of the commissioner under the provisions of this section shall be considered to be in the custody of the department.]~~

Sec. 2. Section 17a-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) If a person claiming to be a parent or agent of an infant left with a designated employee under section 17a-58 submits a request to the Commissioner of Children and Families for reunification with the infant, the commissioner may identify, contact and investigate such person or agent to determine if such reunification is appropriate or if the parental rights of the parent should be terminated.

(b) Information concerning a parent or agent or infant left with a designated employee shall ~~[be confidential]~~ not be disclosed by the designated employee, if so requested by the parent or agent, except that notwithstanding any provision of the general statutes, such employee shall provide to the Commissioner of Children and Families all medical history information provided by the parent.

(c) Possession of a bracelet linking the parent or agent to an infant left with a designated employee if parental rights have not been terminated creates a presumption the parent or person has standing to participate in a custody hearing for the infant under chapter 319a and does not create a presumption of maternity, paternity or custody.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE PROPOSAL
2010 SESSION



Document Name DCF 2010-5

Agency Department of Children and Families	Agency Priority (See instructions) 5
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Contact Person Josh Howroyd	Telephone (860) 550-6329
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Email Address josh.howroyd@ct.gov

Title of Proposal Issuance of Emergency Certificates by Certain Staff of Emergency Mobile Psychiatric Service Programs	Statutory Reference § 17a-78 Proposal Type <input type="checkbox"/> New <input checked="" type="checkbox"/> Resubmittal
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*If resubmittal: What happened? What was last action this past legislative session?
This proposal was submitted as part of DCF's legislative package during the 2009 session. It was raised by the Select Committee on Children (SB 751), but was not voted out of committee.

ATTACH COPY OF FULLY DRAFTED BILL (Required for review)

APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)

Agency DMHAS	Agency Contact (Name and Title) Doreen DelBianco
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Attach Summary of Agency Comments	Contact Date 10/15/2009
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Summary of Proposal (Include background information) This proposal would extend the provisions of PA 08-21 to licensed clinic social workers, advanced practice registered nurses and licensed professional counselors who are members of emergency mobile psychiatric service teams under contract to the Department of Children and Families.

Reason for Proposal (Include significant policy and programmatic impacts) This proposal is similar to the authority for adult services under § 17a-503, as amended by Public Act 08-21. Experience has shown that some settings (e.g. schools) and individuals may be reluctant to utilize EMPS if there is a chance that a child may require transport to an emergency department. Because EMPS currently lacks the authority to direct a child or youth to a hospital emergency department for evaluation, some settings/individuals would rather call the police than take the chance that EMPS will respond, find that the child requires evaluation for inpatient admission at an emergency department, and then need to call the police to effect the transfer; losing valuable time in the process.
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Significant Fiscal Impacts**Municipal:** None**Federal:** None**State:** None

Issuance of Emergency Certificates by Certain Staff of Emergency Mobile Psychiatric Service Programs

Section 1. Section 17a-78 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) If a physician determines that a child is in need of immediate hospitalization for evaluation or treatment of a mental disorder, the child may be hospitalized under an emergency or diagnostic certificate as provided in this section for not more than fifteen days without order of any court, unless a written application for commitment of such child has been filed in the Court of Probate prior to the expiration of the fifteen days, in which event such hospitalization shall be continued under the emergency certificate for an additional fifteen days or twenty-five days if the matter has been transferred to the Superior Court, or until the completion of court proceedings, whichever occurs first. At the time of delivery of such child to such hospital, there shall be left, with the persons in charge of such hospital, a certificate, signed by a physician licensed to practice medicine or surgery in Connecticut and dated not more than three days prior to its delivery to the person in charge of the hospital. Such certificate shall state the findings of the physician and the date of personal examination of the child to be hospitalized, which shall be not more than three days prior to the date of the signature of the certificate.

(b) Any child hospitalized under this section shall be examined by a physician specializing in psychiatry within twenty-four hours of admission. If such physician is of the opinion that the child does not require hospitalization for emergency evaluation or treatment of a mental disorder, such child shall be immediately discharged. The physician shall record his or her findings in a permanent record.

(c) If any child is hospitalized under this section, the child and the guardian of such child shall be promptly informed by the hospital that such child has the right to consult an attorney and the right to a hearing under subsection (d) of this section, and that if such a hearing is requested or an application for commitment is filed, such child has the right to be represented by counsel, and that counsel will be provided at the state's expense if the child is unable to pay for such counsel. The reasonable compensation for counsel provided to persons unable to pay shall be established by, and paid from funds appropriated to, the Judicial Department, however, if funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund.

(d) At any time prior to the initiation of proceedings under section 17a-76, any child hospitalized under this section or his or her representative, may, in writing, request a hearing. Such hearing shall be held within seventy-two hours of receipt of such request, excluding Saturdays, Sundays and holidays. At such hearing, the child shall have the right to be present, to cross-examine all witnesses testifying, and to be represented by counsel as provided in section 17a-76. The hearing shall be held by the court of probate having jurisdiction for commitment as provided in section 17a-76, and the hospital shall immediately notify such court of any request for a hearing by a child hospitalized under this section. At the conclusion of the hearing, if the court finds that there is probable cause to conclude that the child is subject to involuntary hospitalization under this section, considering the condition of the child at the time of the admission and at the time

of the hearing, the effects of medication, if any, and the advisability of continued treatment based on testimony from the hospital staff, the court shall order that such child's hospitalization continue for the remaining time provided for in the emergency certificate or until the completion of probate proceedings under section 17a-76. If the court does not find there is probable cause to conclude that the child is subject to involuntary hospitalization under this section, the child shall be immediately discharged.

(e) The superintendent or director of any hospital for mental illness of children shall immediately discharge any child admitted under this section who is later found not to meet the standards for emergency treatment.

(f) Any clinical social worker licensed under chapter 383b, advanced practice registered nurse licensed under chapter 378 or professional counselor licensed under chapter 383c who (1) has received a minimum of eight hours of specialized training in the conduct of direct evaluations as a member of any emergency mobile psychiatric service teams under contract to the Department of Children and Families, and (2) based upon the direct evaluation of a child, has reasonable cause to believe that such child has psychiatric disabilities and is dangerous to himself or herself or others or gravely disabled, and in need of immediate care and treatment, may issue an emergency certificate in writing that authorizes and directs that such child be taken to a general hospital for purposes of a medical examination. The child shall be examined within twenty-four hours and shall not be held for more than seventy-two hours unless committed under section 17a-77. The Commissioner of Children and Families shall collect and maintain statistical and demographic information pertaining to emergency certificates issued under this subsection.



**STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE PROPOSAL
2010 SESSION**



Document Name DCF 2010-6

Agency Department of Children and Families	Agency Priority (See instructions) 6
Contact Person Josh Howroyd	Telephone (860) 550-6329
Email Address josh.howroyd@ct.gov	
Title of Proposal Revision of Statutes Concerning the Department of Children and Families	Statutory Reference §§ 17a-22m, 17a-27f, 17a-91, 17a-98a, 17a-101h Proposal Type <input checked="" type="checkbox"/> New <input type="checkbox"/> Resubmittal
ATTACH COPY OF FULLY DRAFTED BILL (Required for review)	

APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)	
Agency	Agency Contact (Name and Title)
Attach Summary of Agency Comments	Contact Date
*If resubmittal: What happened? What was last action this past legislative session?	

Summary of Proposal (Include background information) To repeal several obsolete reporting requirements and advisory boards and commissions and make various technical modifications to DCF statutes.
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Reason for Proposal (Include significant policy and programmatic impacts) Section 1 repeals a reporting requirement in § 17a-98a regarding the Kinship navigator program. Section 2 amends § 17a-6b to add "a review safety and security issues which affect" Middletown to the responsibility of the Connecticut Juvenile Training School Advisory Board. Section 4 deletes a requirement of a separate CJTS Public Safety Committee contained in § 17a-27f. Section 3 amends § 17a-101h to clarify that DCF has the authority 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. Section 4 amends § 17a-126 to make technical modifications to DCF's subsidized guardianship program.

Section 5 includes the elimination of the following obsolete mandated reports or advisory bodies:

- § 17a-22m - annual evaluation of Behavioral Health Partnership
- § 17a-27f - a committee that is currently required to make quarterly reviews of safety and security issues at CJTS that affect Middletown.
- § 17a-91 - report on the status, (1) as of the January first preceding, of all children committed to the commissioner's custody, including in such report the date of commitment with respect to each child, and (2) of the central registry and monitoring system.

Significant Fiscal Impacts

Municipal: None

Federal: None

State: None

Revision of Statutes Concerning the Department of Children and Families

Section 1. Section 17a-98a the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

~~[(a)]~~ The Department of Children and Families, in consultation with the Departments of Social Services, Mental Health and Addiction Services and Developmental Services, shall establish, within available appropriations, a kinship navigator program. Such program shall ensure that: (1) When the Department of Children and Families determines that it is in the best interest of the child to be placed with a relative for foster care, the department informs the relative regarding procedures to become licensed as a foster parent, and (2) grandparents and other relatives caring for a minor child are provided with information on the array of state services and benefits for which they may be eligible, including the subsidy program established pursuant to section 17a-126. The Commissioner of Children and Families shall, within available appropriations, ensure that information on the array of services available under the kinship navigator program is accessible through the 2-1-1 Infoline program.

~~[(b) Not later than January 1, 2008, and annually thereafter, the Commissioner of Children and Families shall report, in accordance with section 11-4a, on the implementation of the kinship navigator program to the joint standing committee of the General Assembly having cognizance of matters relating to human services.]~~

Sec. 2. Section 17a-6b the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) The advisory group for the Connecticut Juvenile Training School, established pursuant to subsection (b) of section 17a-6, ~~[and the Connecticut Juvenile Training School public safety committee, established pursuant to section 17a-27f,]~~ shall provide an on-going review of the Connecticut Juvenile Training School with recommendations for improvement or enhancement. The review shall include, but not be limited to:

- (1) The number, age, ethnicity and race of the residents placed at the training school, including the court locations that sentenced them, the number sentenced from each court location and the offenses for which they were sentenced;
- (2) The percentage of residents in need of substance abuse treatment and the programming interventions provided to assist residents;
- (3) A review of the program and policies of the facility;
- (4) The educational and literacy programs available to the residents, including the educational level of residents, the number of residents requiring special education and related services, including school attendance requirements, the number of residents who are educated in the alternative school and the reasons for such education;
- (5) The vocational training programs available to the residents and the actual number of residents enrolled in each training program, including all vocational attendance requirements;
- (6) The delinquency recidivism rates of such residents, which shall include the number of children discharged to residential placement, the number of children discharged due to expiration

of the period of commitment and the number of children returned to the Connecticut Juvenile Training School;

(7) The diagnosis of each resident after intake assessment;

(8) The costs associated with the operation of the training school, including staffing costs and average cost per resident; ~~and~~

(9) Reintegration strategies and plans to transition the residents to their home communities; and

(10) a review safety and security issues which affect the host municipality.

Sec. 3. Section 17a-101h the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

Notwithstanding any provision of the general statutes to the contrary, any person authorized to conduct an investigation of abuse or neglect shall coordinate investigatory activities in order to minimize the number of interviews of any child and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate. The commissioner shall obtain the consent of parents or guardians or other persons responsible for the care of the child to any interview with a child, except that such consent shall not be required when the department has reason to believe such parent or guardian or other person responsible for the care of the child or member of the child's household is the perpetrator of the alleged abuse or neglect. If consent is not required to conduct the interview, such interview shall be conducted in the presence of a disinterested adult unless immediate access to the child is necessary to protect the child from imminent risk of physical harm and a disinterested adult is not available after reasonable search.

Sec. 4. Section 17a-126 the general statutes as amended by as amended by section 7 of public act 09-185 and section 69 of September Special Session public act 09-5 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) As used in this section, (1) "relative caregiver" means a person who is caring for a child related to such person because the parent of the child has died or become otherwise unable to care for the child for reasons that make reunification with the parent and adoption not viable options within the foreseeable future, and (2) "commissioner" means the Commissioner of Children and Families.

(b) The commissioner, shall establish a program of subsidized guardianship for the benefit of children in foster care who have been living with relative caregivers, who are licensed foster care providers pursuant to section 17a-114, and who have been in foster care ~~[or certified relative care]~~ for not less than six consecutive months. A relative caregiver may request a guardianship subsidy from the commissioner.

(c) If a relative caregiver who is receiving a guardianship subsidy for a related child is also caring for the child's sibling who is not related to the caregiver, the commissioner shall provide a guardianship subsidy to such relative caregiver ~~[if the sibling has been in foster care for not less than eighteen months, and (2) the commissioner shall, within available appropriations, provide a guardianship subsidy to such relative caregiver]~~ in accordance with regulations adopted by the

commissioner pursuant to subsection (e) of this section. For purposes of this subsection, "child's sibling" includes a stepbrother, stepsister, a half-brother or a half-sister.

(d) The commissioner shall provide the following subsidies under the subsidized guardianship program in accordance with this section and the regulations adopted pursuant to subsection (e) of this section: (1) A special-need subsidy, which shall be a lump sum payment for one-time expenses resulting from the assumption of care of the child and shall not exceed two thousand dollars; (2) a medical subsidy comparable to the medical subsidy to children in the subsidized adoption program if the child lacks private health insurance. The subsidized guardianship program shall also provide a monthly subsidy on behalf of the child payable to the relative caregiver that is based on the circumstances of the relative caregiver and the needs of the child and shall not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in licensed foster care.

(e) The commissioner shall adopt regulations, in accordance with chapter 54, implementing the subsidized guardianship program established under this section. Such regulations shall include all federal requirements necessary to maximize federal reimbursement available to the state, including, but not limited to, (1) eligibility for the program, (2) the maximum age at which a child is no longer eligible for a guardianship subsidy, including the maximum age, for purposes of claiming federal reimbursement under Title IV-E of the Social Security Act, at which a child is no longer eligible for a guardianship subsidy, and (3) a procedure for determining the types and amounts of the subsidies.

(f) At a minimum, the guardianship subsidy provided under this section shall continue until the child reaches the age of eighteen or the age of twenty-one if such child is in full time attendance at a secondary school, technical school or college or is in a state accredited job training program. Annually, the subsidized guardian shall submit to the commissioner a sworn statement that the child is still living with and receiving support from the guardian. The parent of any child receiving assistance through the subsidized guardianship program shall remain liable for the support of the child as required by the general statutes.

(g) A guardianship subsidy shall not be included in the calculation of household income in determining eligibility for benefits of the relative caregiver of the subsidized child or other persons living within the household of the relative caregiver.

(h) Payments for guardianship subsidies shall be made from moneys available from any source to the commissioner for child welfare purposes. The commissioner shall develop and implement a plan that: (1) maximizes use of the subsidized guardianship program to decrease the number of children in the legal custody of the commissioner and to reduce the number of children who would otherwise be placed into nonrelative foster care when there is a family member willing to provide care; (2) maximizes federal reimbursement for the costs of the subsidized guardianship program, provided whatever federal maximization method is employed shall not result in the relative caregiver of a child being subject to work requirements as a condition of receipt of benefits for the child or the benefits restricted in time or scope other than as specified in subsection (c) of this section; and (3) ensures necessary transfers of funds between agencies and

interagency coordination in program implementation. The commissioner shall seek all federal waivers and reimbursement as are necessary and appropriate to implement this plan.

(i) In the case of the death, severe disability or serious illness of a relative caregiver who is receiving a guardianship subsidy, the commissioner may transfer the guardianship subsidy to a new relative caregiver who meets the Department of Children and Families foster care safety requirements and is appointed as legal guardian by a court of competent jurisdiction.

(j) Nothing in this section shall prohibit the commissioner from continuing to pay guardianship subsidies to those relative caregivers who entered into written subsidy agreements with the Department of Children and Families prior to the effective date of this section.

Sec. 5. (*Effective July 1, 2010*) Sections 17a-22m, 17a-27f and 17a-91 of the general statutes are repealed.



STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE PROPOSAL
2010 SESSION



Document Name DCF 2010-7

Agency Department of Children and Families	Agency Priority (See instructions) 7
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Contact Person Josh Howroyd	Telephone (860) 550-6329
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Email Address josh.howroyd@ct.gov

Title of Proposal Transfer of Education Credit	Statutory Reference § 10-220h Proposal Type <input type="checkbox"/> New <input checked="" type="checkbox"/> Resubmittal
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ATTACH COPY OF FULLY DRAFTED BILL (Required for review)

*If resubmittal: What happened? What was last action this past legislative session?
This concept was included in a proposal was submitted as part of DCF's legislative package during the 2009 session regarding school re-entry, readmission of students and transfer of education credit. . While the Department withdrew our proposal during the OPM review process, some provisions similar to our original proposal where enacted by the General Assembly during the 2009 regular session and the October special session. This proposal deals only with the transfer of education credit issue in § 10-220h of the General Statutes.

APPROVAL OF OTHER AFFECTED AGENCY (Attach additional approvals if necessary)

Agency State Department of Education	Agency Contact (Name and Title) Jennifer Widness
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Attach Summary of Agency Comments	Contact Date 10/15/2009
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Summary of Proposal (Include background information)
To ensure that school districts recognize that a student who is either in treatment or otherwise out of district for a significant period of time due to the event that would have led to expulsion has met the intent of what would have been accomplished by expelling the student.

Reason for Proposal (Include significant policy and programmatic impacts)
This proposal addresses the intermittent but persistent problem that occurs when a behaviorally challenging student commits an expellable offense but is also arrested (or otherwise removed from school) and subsequently put in a residential placement (depending on the age and the outcome in court this could be Manson Youth Institution, the Connecticut Juvenile Training School, or a treatment facility) When the student returns home (after a year or more), some districts seek to expel the student for the offense that was committed in the past. This extends the same provisions regarding the transfer of education credit that currently exists for Unified School District # 1 (Department of Correction) to Unified School District # 2 (Department of Children and Families).

Significant Fiscal Impacts

Municipal: None

Federal: None

State: None

Transfer of Education Credit

Section 1. Section 10-220h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

When a student enrolls in a school in a new school district or in a new state charter school, the new school district or new state charter school shall provide written notification of such enrollment to the school district in which the student previously attended school or the state charter school no later than 48 hours after the student registers. The school district in which the student previously attended school or the state charter school that the student previously attended (1) shall transfer the student's education records to the new school district or new state charter school no later than ten days after receipt of such notification, and (2) if the student's parent or guardian did not give written authorization for the transfer of such records, shall send notification of the transfer to the parent or guardian at the same time that it transfers the records. In the case of a student who transfers from Unified School District #1 or Unified School District #2, the new school district or new state charter school shall provide written notification of such enrollment to Unified School District #1 or Unified School District #2 not later than ten days after the date of enrollment, the unified school district shall, not later than ten days after receipt of notification of enrollment from the new school district or new state charter school, transfer the records of the student to the new school district or new state charter school and the new school district or new state charter school shall, not later than thirty days after receiving the student's education records, credit the student for all instruction received in Unified School District #1 or Unified School District #2.