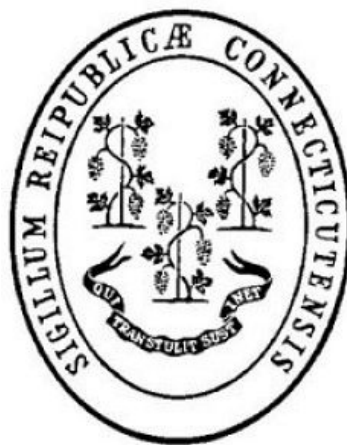


# **Department of Children and Families**



## ***Legislative Summary*** **2007**

**DEPARTMENT OF CHILDREN AND FAMILIES**  
**LEGISLATIVE SUMMARY**

**INTRODUCTION**

The following is a compilation of summaries of acts of interest to the Department of Children and Families, passed during the 2007 Regular Session and the June Special Session of the General Assembly, prepared by the DCF Office of Government Affairs. These summaries are based largely from the analysis prepared by the General Assembly's Office of Legislative Research.

The intent of this summary is to provide a general understanding of the actions taken by the legislature. Please refer to the specific text of each public or special act for a complete understanding of the action taken by the General Assembly. For additional information, please visit the General Assembly's website at <http://www.cga.ct.gov/>.

If you have any additional questions regarding the outcome of the 2007 session, please contact Josh Howroyd, Legislative Program Manager at (860) 550-6329 or Gordon Frassinelli, Jr., Legislative and Regulations Specialist at (860) 550-6317.

## **EXECUTIVE SUMMARY**

This year, the Department of Children and Families submitted three proposals to the legislature for consideration. Two of these initiatives have passed and been signed into law. The first provides additional short-term, unlicensed placement options for foster children and allows the Department to place half- and step-siblings together with an unlicensed caregiver who is related to at least one of the children. The other proposal makes changes concerning the rights of certain prospective adoptive parents, relative caregivers and foster parents to be heard in proceedings involving a foster child.

Legislation that passed which is of direct interest to the department includes provisions which:

- increase short-term, unlicensed placement options for foster children. It allows the Department of Children and Families to place half- and step-siblings together with an unlicensed caregiver who is related to at least one of the children. Currently, these caregivers must be related to all children placed with them. (Public Act 07-8)
- lower, from 14 to 10, the minimum age for placing children temporarily with unlicensed family friends or other responsible adults who already know the child. As under existing law, DCF must first conduct a home study and basic family assessment. (Public Act 07-8)
- impose additional background check requirements on applicants for licenses and endorsements to drive school buses and school transportation vehicles, including a check of the state child abuse registry. (Public Act 07-224)
- makes changes concerning the rights of certain prospective adoptive parents, relative caregivers and foster parents to be heard in proceedings involving a foster child. (Public Act 07-174)
- makes more guardians (when they assume guardianship of the child's half- or step-siblings to whom they are not related) eligible for cash and medical assistance through the Department of Children and Families Subsidized Guardianship Program. (Public Act 07-174)
- expands diversion services and court options for families with service needs (FWSN). Generally, these are families with children under age 16 who have engaged in behavior such as running away or truancy (i. e. , have committed status offenses). (Section 79 of the act makes 16- and 17-year olds eligible for the FWSN program beginning January 1, 2010. ) (Public Act 07-4 June Special Session, §§ 30-32, 37)
- directs the CSSD to contract with at least one private provider or youth service bureau or both, to develop the network. It defines a family support center as a community-based service center for children and families against whom a FWSN complaint has been filed. Its purpose is to prevent the child and family from further involvement in FWSN proceedings. (Public Act 07-4, June Special Session, § 31)
- beginning January 1, 2010, changes the juvenile age of jurisdiction by permitting most offenses involving 16- and 17-year olds to be adjudicated in juvenile court. (Public Act 07-4, June Special Session, §§ 73 - 78, 81, 82, 84, 87, 88, 123)

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# SUMMARY OF LEGISLATION ENACTED DEPARTMENT OF CHILDREN AND FAMILIES

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Below are summaries of legislation of interest to DCF, passed during the 2007 Regular Session of the General Assembly. The information was prepared by the DCF Office of Government Affairs largely from summaries prepared by the General Assembly's Office of Legislative Research.

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## CHILD WELFARE

### **Public Act 07-8 - SB 1152 - AN ACT CONCERNING PLACEMENT OF SIBLINGS OF CHILDREN BY DCF**

***NOTE: THIS LEGISLATION INITIATED BY DCF***

This act increases short-term, unlicensed placement options for foster children. It allows DCF to place half- and step-siblings together with an unlicensed caregiver who is related to at least one of the children. Currently, these caregivers must be related to all children placed with them.

It also lowers, from 14 to 10, the minimum age for placing children temporarily with unlicensed family friends or other responsible adults who already know the child.

EFFECTIVE DATE: October 1, 2007

### **PA 07-224 - HB 6955 - AN ACT CONCERNING OPERATOR'S LICENSES BEARING A SCHOOL BUS ENDORSEMENT**

This act imposes additional background check requirements on applicants for licenses and endorsements to drive school buses and school transportation vehicles, (hereinafter, "school transport license") including a check of the state child abuse registry. It requires the DMV to deny or suspend a school transport license for a serious criminal offense conviction, if the person has not completed his or her sentence, or completed it only within the past five years.

The act: (1) requires DMV to periodically notify public transportation providers, including school districts, of anyone whose commercial license or passenger endorsement DMV has suspended, withdrawn, or revoked, and (2) requires each carrier, including school districts that employ their own drivers, to check these reports at least twice per month and remove school transport drivers who are not properly licensed.

The act extends required random drug testing to those employed as school transport drivers for vehicles that carry 10 or fewer students, and bars carriers from continuing to employ a driver who tests positive for drugs. The ban extends two years after the first positive test, and is permanent after the second. The act also imposes penalties for violations of new provisions, and increases penalties for violations of related existing state law.

EFFECTIVE DATE: July 1, 2007

**PA 07-147 - SB 977 - AN ACT CONCERNING RESTRAINTS AND SECLUSION IN PUBLIC SCHOOLS**

This act regulates the use of physical restraints and seclusion on special education students in public schools. It requires local and regional boards of education to inform parents, guardians, and other parental actors about the laws and regulations governing the use of physical restraints and seclusion, and related student and parental rights at the first planning and placement team meeting (PPT) involving the student's individual educational program (IEP), and the act creates reporting procedures.

EFFECTIVE DATE: October 1, 2007

**PA 07-123 - HB 7313 - AN ACT CONCERNING DOMESTIC VIOLENCE**

This act establishes three new crimes related to strangulation, and it expands the circumstances under which a court may issue a standing criminal restraining order. It also establishes release procedures for police officers to follow when someone is arrested for committing a family violence crime, and absolves police officers of liability in any civil action for losses or injuries resulting from the release conditions.

It increases or establishes penalties for family violence arrestees guilty of a crime if they intentionally violate a nonfinancial condition of release. The act allows law enforcement officers to seize any electronic defense weapon (i.e. stun gun) that is in plain view or possessed by the arrestee at a family violence crime site.

EFFECTIVE DATE: October 1, 2007

**PA 07-4 (June Special Session) - SB 1500 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT.**

**Statute of Limitations in Sexual Assault Cases** - Section 89 of this act eliminates the 20 year statute of limitations for the 6 most serious sexual assault crimes, if the perpetrator is identified by DNA, and the victim notified the police or prosecutor of the offense within 5 years of commission. The provision applies to first-degree sexual assault, aggravated first-degree sexual assault, sexual assault in a spousal or cohabiting relationship, second-degree sexual assault, and third-degree sexual assault, with or without a firearm.

**Sex Offenders; Registration Requirements** - Sections 90 through 96, and 98 of this act requires sex offenders, in addition to being required to register their personal information with the Department of Public Safety (DPS), to also register their e-mail and instant message (IM) addresses and any other similar Internet communication identifiers as well.

The act requires courts, the Department of Correction (DOC), and the Psychiatric Security Review Board to submit to DPS, the e-mail and any similar Internet communication identifier of sex offenders who are released without conditions, and who refuse to register. The court and these agencies must also inform offenders of their duties to keep all personal information up to date, including email addresses and other internet identifiers.

The act specifies that sex offender registrants' e-mail and instant message addresses and any other similar Internet communication identifiers are not public records, but DPS may release them for law enforcement or security purposes in accordance with regulations. The act requires DPS to adopt regulations that specify when the information may be disclosed, to whom, and the procedure for doing so. Electronic communication and remote computing service providers and Internet web site operators must be included.

The act requires the DPS commissioner to designate a police officer to serve as liaison between the department and electronic communication and related service providers, to facilitate the exchange of registrants' nonpersonally identifiable information. Whenever the liaison learns from this exchanged information that sex offenders are subscribers, customers, or users of the providers, he must initiate a criminal investigation to determine if their status as such violates a registration requirement or the terms and conditions of their parole or probation. The liaison may request a judge to issue an order compelling a provider to disclose a sex offender's personal information, including email address. The judge must grant the order if the liaison offers specific facts that constitute reasonable grounds for believing the basic subscriber information is relevant and material to the ongoing criminal investigation. The judge must sign the order within 48 hours of its issuance or the next business day, whichever is earlier. Providers who disclose information pursuant to the order in good faith have the same protection from liability as they have under federal law.

**New Crime Involving Enticement of a Minor** - Section 97 of this act establishes a new crime of misrepresentation of age to entice a minor, a class C felony, punishable by up to 10 years in prison, a \$ 10,000 fine, or both.

**Risk Assessment Board** – Section 99 of this act requires the board to use the risk assessment scale to determine the sex offenders who should be prohibited from residing within 1,000 feet of a school or child day care facility; requires the board to report on whether a person found guilty of an offense in another state must register in Connecticut, if final judgment was never entered in the other state; and extends to October 1, 2007, the deadline for the board to submit its report.

EFFECTIVE DATE: Varies, most section effective July 1, 2007

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## **ADOPTION, FOSTER CARE & GUARDIANSHIP**

### **PA 07-174 - HB 7037 - AN ACT EXPANDING THE SUBSIDIZED GUARDIANSHIP PROGRAM TO SIBLINGS OF CHILDREN LIVING WITH RELATIVE CAREGIVERS**

This act makes more guardians eligible for cash and medical assistance through DCF's Subsidized Guardianship Program. The program is currently restricted to relatives taking care of foster children whose parents are either dead or unlikely to be able to care for them within the foreseeable future. Under the act, caregivers qualify for additional subsidies when they assume guardianship of the child's half- or step-siblings to whom they are not related.

The act also makes changes concerning the rights of certain prospective adoptive parents, relative caregivers and foster parents to be heard in proceedings involving a foster child. These changes are consistent with the requirements of federal law (Public Law 109-239) and conform with current practice. Note: this legislative proposal was initiated by DCF.

EFFECTIVE DATE: October 1, 2007

**PA 07-115 - SB 1437 - AN ACT CONCERNING THE DATE OF BIRTH OF ADOPTED PERSONS BORN OUTSIDE OF THE COUNTRY AND NOTICE PROVIDED BY THE COUNCIL ON PROBATE JUDICIAL CONDUCT**

This act permits people (1) born outside the United States and (2) adopted by Connecticut residents to obtain a probate court ruling to establish their biological age and date of birth. It requires the Department of Public Health (DPH) to conform its records to the court decree.

EFFECTIVE DATE: October 1, 2007

**PA 07-4 (June Special Session) - SB 1500 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT.**

**Extended Family Guardianship** – Section 6 of this act directs the probate court administrator to establish an Extended Family Guardianship and Assisted Care Pilot Program in the New Haven regional children's probate court, within available appropriations. The program's purpose is to reduce the number of abused or neglected children placed out of their communities and in foster care by reaching out to local family members and appoint them as guardians. Under the act, each relative appointed guardian is eligible for a grant of up to \$500 per child, and the program must also have a component for recruiting volunteers to act as assisted care providers.

EFFECTIVE DATE: October 1, 2007

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## **JUVENILE JUSTICE**

**PA 07-4 (June Special Session) - SB 1500 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT.**

**Urban Violence Reduction Grants** - Section 9 of this act establishes a program, within available appropriations, to reduce urban violence by providing competitive grants to municipalities and agencies acting on their behalf. The Office of Policy and Management (OPM) must establish application procedures and selection criteria, administer the program, and may adopt implementing regulations.

The grants are for anti-violence programs and services targeting urban youth between ages 12 and 18.

**Families With Service Needs (FWSN)** - Sections 30 through 32, and 37 of this act expands diversion services and court options for FWSN's. Generally, these are families with children under age 16 who have engaged in behavior such as running away or truancy (i.e., status offenses). Note: Section 79 of the act makes 16- and 17-year olds eligible for the FWSN program beginning January 1, 2010.

**FWSN Complaint Process** - The law authorizes various relatives and state and local officials to file court complaints when they believe a child's behavior meets FWSN criteria. The court, in turn, refers these complaints to juvenile probation officers who must promptly investigate and decide what, if any, action is

appropriate. Currently, probation officers who determine that the complaint raises legitimate FWSN issues may either refer the child and family for services or file a petition asking a judge to declare the child a FWSN.

The act prohibits probation officers from filing FWSN petitions without: (1) first conducting an initial assessment and referring the child for voluntary services, and (2) being notified by the provider that the family can no longer benefit from the services.

In addition to the existing referral option of community-based programs and other providers, the act directs the Judicial Department's Court Support Services Division (CSSD) to establish a network of family support centers (FSC's) providing multiple services intended to prevent further court involvement.

Family Support Centers (FSC) - The act directs the CSSD to contract with one or more private providers or youth service bureaus or both, to develop the network. It defines an FSC as a community-based service center for children and families against whom a FWSN complaint has been filed and its purpose is to prevent the child and family from further involvement in FWSN proceedings.

Repeat Probation Officer Assessments - The act requires a probation officer, each time a service provider or family resource center (FRC) head informs him or her that a referred family can no longer benefit from its services, to conduct an appropriate assessment and decide whether filing a FWSN petition is appropriate. A notice from a community based provider can trigger a referral to a FRC.

Actions While FWSN Petitions Are Pending In Court - Currently, judges may suspend formal court proceedings involving FWSN petitions (i.e. grant continuances) for up to 3 months when they determine that a service referral is in the child and family's best interests. The act allows the court to grant continuances of up to six months and authorizes an additional three-month extension for cause. Judges can dismiss the FWSN petition at the end of the continuance when it appears that the matter has been satisfactorily resolved.

Case Dispositions: DCF Commitments - The law authorizes courts to issue orders directing the future conduct of children and families it has found to be FWSNs, and entitles children to legal representation and an evidentiary hearing. Currently, one court option is to order the child committed to DCF custody for an indefinite period of up to 18 months. The act allows these orders only when the court finds that there is no less restrictive alternative. Existing law permits courts to grant a DCF petition to extend a FWSN child's DCF commitment for another 18 months when it finds this is in the child's best interest. The act prohibits the court from granting an extension unless it finds that there is no less restrictive alternative.

Sanctioning FWSN Order Violators - The act authorizes probation officers to file court petitions alleging that the child has violated the terms of a FWSN order. It specifies that the child is entitled to legal representation and an evidentiary hearing on the petition's allegations. If the court grants the petition, the act authorizes it to order the child to: (1) remain at home or in the custody of a suitable person, subject to a probation officer's supervision or (2) be committed to DCF's care and custody, and to cooperate with DCF, for up to 18 months.

Placement in Staff-Secure Facilities - The act also permits courts to enter orders directing or authorizing peace officers or other appropriate people to place the child in a staff-secure facility under the auspices of CSSD for up to 45 days. It specifies that children cannot be detained for more than 24 hours, excluding weekends and holidays, while waiting for a court hearing on this issue.

Emergency Staff-Secure Placements - The act also allows probation officers to file a court petition alleging that a FWSN child is at risk of immediate physical harm from the child's surroundings or other circumstances. If it appears from the specific allegations of the petition and other sworn statements accompanying it, or introduced later, that there is probable cause to believe that the child (1) is in imminent risk of physical harm from his or her surroundings, (2) as a result of such condition, the child's safety is endangered and immediate removal from the surroundings is necessary to ensure that safety, and (3) there is no less restrictive alternative available, the court must enter an order for the child's placement in a staff-secure CSSD facility.

No child may be detained for more than 24 hours, excluding weekends and holidays, without a court hearing. Placement can last for up to 45 days; the court must reconsider its appropriateness every 15 days. When the placement period ends, the court must either return the child to the community for appropriate services or commit the child to DCF for up to 18 months.

**Program Development for Juveniles** – Section 84 of this act specifies that the system must include programs for juveniles classified as being eligible for release with and without structured supervision. It directs CSSD to coordinate these programs with DCF and the Department of Mental Health and Addiction Services (DMHAS) departments if appropriate. Prior law provided that the Judicial Department's Court Support Services Division (CSSD) provide a continuum of services for juvenile offenders living in the community.

**Juvenile Jurisdiction Policy and Operations Coordinating Council** - Section 88 of this act creates the Juvenile Jurisdiction Policy and Operations Coordinating Council to monitor the implementation of new and modified programs, procedures, and court operations associated with raising the delinquency age. It must study specified issues and make recommendations to the legislature. The council is made up of 24 (unpaid) members, including the DCF Commissioner or designee, who are entitled to reimbursement for their necessary expenses.

**Raising the Age for Juvenile Court Jurisdiction** – Under sections 73 through 78, and 81, 82, 84, 87, 88, 123 of this act, beginning January 1, 2010, most offenses involving 16- and 17-year olds to will be heard in juvenile court instead of criminal court. No change in existing law that: (1) requires juvenile cases involving serious felonies to automatically be transferred to adult court, and (2) allows prosecutors to ask juvenile court judges to transfer other cases to adult court.

The act also eliminates the Youth In Crisis (YIC) program which currently provides limited intervention and services for 16- and 17-year olds who are truant, run away from home, or are beyond their parents' control (i.e., are status offenders). It instead makes these youngsters eligible for the FWSN program. This program currently serves status offenders under age 16 and generally offers a wider range of services. (See Sec. 30-32 for changes the act makes to the current FWSN program, effective July 1, 2007.)

Excluded Offenses - The act specifies that juvenile courts cannot handle charges filed against 16- and 17-year olds involving: (1) infractions and violations that are subject to the statutory mail-in fine procedure, and (2) motor vehicle violations for which a prison term may be imposed. And they may not handle misconduct or manslaughter with a motor vehicle charges if the perpetrator was under age 16 when the offense occurred.

Serious Juvenile Offenses - By law, children convicted of designated “serious juvenile offenses” are subject to longer dispositional sentences and court supervision. Current law includes misconduct with a motor vehicle and manslaughter with a motor vehicle in the definition of serious juvenile offense. The act restricts this definition to charges involving children who were under age 16 when the offense was committed.

**Changes in Delinquency Statutes Concerning Mandatory Fines for Possessing Alcohol** - Section 79 of this act requires juvenile court judges to impose statutory fines on all children convicted as delinquent for possessing alcohol. Under existing law, the fine for a first offense is \$ 136; repeat offenses carry fines of between \$ 200 and \$ 500.

**Erasing Juvenile Arrest and Court Records** – Section 80 of the act allows courts to grant petitions erasing a delinquent or FWSN child's arrest and court records when the child has not been charged with another crime or status offense within a specified period.

**Use of Pretrial Detention** – Section 81 of the act prohibits judges from placing juveniles in pretrial detention unless this is necessary and is the least restrictive environment possible consistent with public safety.

EFFECTIVE DATE: Most sections effective January 1, 2010, FWSN changes effective October 1, 2007

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## **BEHAVIORAL HEALTH AND HEALTH SERVICES**

### **PA 07-58 - SB 260 - AN ACT CONCERNING HEALTH ASSESSMENTS FOR ADOLESCENTS**

This act requires public school students to have health assessments in either grade nine or 10, instead of grade 10 or 11, in addition to grade 6 or 7 under existing law.

EFFECTIVE DATE: July 1, 2008

### **PA 07-2 (June Special Session) - SB 8002 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES AND PUBLIC HEALTH.**

**Local Health Department Lead Investigations** – Section 50 of this act requires the local health director to inform parents about the child's potential eligibility for the state's Birth to Three program, which provides services to families with children with disabilities.

**Insurance Coverage for Lead Screening, Nuisance Abatement** – Sections 51 and 52 of this act requires individual and group health insurance policies to cover the act's lead screening and risk assessments mandates on or after January 1, 2009. The act also permits local health directors to order a property owner to remediate any nuisance (e.g., plumbing, sewerage, ventilation, lead paint) they find on the owner's property. Under current law, they can only order abatement.

**Connecticut Health Information Network Plan** - Section 66 of this act authorizes DPH and the UConn Health Center, within available appropriations, to develop a Connecticut Health Information Network (CHIN) plan. The CHIN plan is to integrate state health and social services data within and across the

UConn Health Center, the Office of Health Care Access (OHCA), DPH, and the Mental Retardation (DMR) and Children and families (DCF) departments. Data from other state agencies may be integrated into the network as funding permits and as permissible by federal law. The CHIN must securely integrate this data consistent with state and federal laws.

EFFECTIVE DATE: Varies, most sections effective July 1, 2007

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## LEGAL

### **PUBLIC ACT 07-116 - SB 1439 - AN ACT CONCERNING CONSERVATORS AND APPEALS OF CONSERVATORSHIPS AND GUARDIANSHIPS**

The law allows the probate court to appoint a conservator of the estate for someone who cannot manage his or her affairs and a conservator of the person for someone incapable of caring for himself or herself. This act changes procedures for appointing conservators and designating their powers and sets procedures for appealing probate court decisions and filing habeas corpus petitions.

Among the act's most important changes, it:

- (1) requires the probate court to record proceedings on appointing conservators, setting their powers and duties, and terminating conservatorships;
- (2) requires appeals of hearings appointing a conservator to be on record and sets the standard for court review;
- (3) changes the definitions of incapacity, which is required for the court to find appointment of a conservator necessary;
- (4) includes specific language for a notice to the person who is the subject of a petition for appointment of a conservator;
- (5) adds specific provisions about the right to an attorney and to choose an attorney, for a person who has a conservator appointed for him or her or is the subject of a petition for the appointment of one;
- (6) requires the probate court to consider certain factors and changes the standard the court must apply before deciding to appoint a conservator, including requiring a finding that appointing the conservator is the least restrictive intervention available to assist the person;
- (7) requires the probate court to give a conservator only the least restrictive duties and authority necessary to meet the person's needs, and the court must make specific findings on the need for each duty or authority;
- (8) requires a conservator to carry out the duties and authority assigned by the court in a manner that is the "least restrictive means of intervention" (§§ 19-20);
- (9) makes a number of similar changes to provisions on appointing a temporary conservator;
- (10) imposes specific requirements on the conservator of the person, including assisting in removing obstacles to the conserved person's independence, ascertaining the person's views, and making decisions that conform with the person's reasonable and informed preferences;
- (11) creates a procedure for the probate court to hold a hearing on changing a conserved person's residence similar to the provisions in current law for a conservator placing a person in a long-term care institution; and
- (12) allows a conserved person to petition the probate court to terminate the conservatorship at any time.

The act defines "least restrictive means of intervention" as intervention for a conserved person that is sufficient to provide, within the available resources of the person's estate or public or private assistance, for

the person's personal needs or property management while allowing the greatest amount of independence and self-determination (§ 10).

The act also changes the term of someone who is subject to involuntary representation by a conservator from ward to a conserved person (§ 10). It makes numerous technical and conforming changes (§§ 7-9, 12, 26-32).

**EFFECTIVE DATE:** October 1, 2007

**PUBLIC ACT 07-159 - HB 7238 - AN ACT CONCERNING THE COMMISSION ON CHILD PROTECTION AND THE CHIEF CHILD PROTECTION ATTORNEY**

This act modifies a number of the laws governing the Commission on Child Protection and its executive director, the Chief Child Protection Attorney. By law, the commission hires and supervises contract attorneys who provide legal representation for children and indigent families, primarily in abuse and neglect cases.

The changes generally (1) affect the commission and Chief Child Protection Attorney's responsibilities and (2) limit types of court proceedings in which counsel for indigent parents must be provided. The latter changes are generally consistent with current practice.

**EFFECTIVE DATE:** July 1, 2007

**SPECIAL ACT 07-4 – HB 7394 - AN ACT CONCERNING THE CLAIMS AGAINST THE STATE OF KENNARA POTEAT, KENNYA POTEAT, LATOYA POTEAT AND LATANYA POTEAT**

The act allows the claimants, Kennara Poteat, Kenya Poteat, Latoya Poteat and Latanya Poteat to present their claims before the Claims Commissioner.

**EFFECTIVE DATE:** Upon Passage

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## **BUDGET AND BONDING**

**PA 07-1 (Special Session) - HB-8001 - AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2009, AND MAKING APPROPRIATIONS THEREFOR**

This act provides appropriations to state agencies to meet their operating costs and make grant and other payments in Fiscal Year 08 and Fiscal Year 09. The total appropriation for DCF is \$867,918,409 in FY 08, and is \$900,165,863 in FY 09.

Other provisions of interest to DCF include:

- Sec 65 Carries forward funds to cover leap year costs, including \$673,447 for DCF as follows: Family Support Services - \$4,989; Board and Care for Children – Adoption- \$175,735; Board and Care for Children - Foster -\$203,732; Board and Care for Children - Residential - \$288,991.
- Sec 101 Directs OPM to transfer funds as necessary to make payments to various private providers
- Sec 110 Carries forward up to \$395,000 in the DSS budget for the CT Children's Medical Center into FY 08 for a pilot child and adolescent rapid emergency stabilization service

- Sec 113(a) Carries forward up to \$1 million for OE to FY 08 for Title IV-E eligibility;
- Sec 113(b) Carries forward up to \$300,000 million for OE to FY 08 for Title IV-E eligibility system. (TITLE IV-E of the Social Security Act prescribes payment to states regarding foster, care independent living and adoption.
- Sec 114 Carries forward up to \$1,065,000 for OE to FY 08 for moving expenses
- Sec 115 Carries forward up to \$500,000 for Board and Care for Children – Foster Care into FY 08 for electronic medical records

EFFECTIVE DATE: July 1, 2007

## **OTHER ACTS OF INTEREST**

### **PA 07-203 - SB 761 - AN ACT CONCERNING REIMBURSEMENT FOR PAYMENTS MADE BY DCF FOR THE CARE OF A CHILD**

Current law authorizes DCF or the Department of Administrative Services (DAS), acting on DCF's behalf, to bill and collect up to the full cost of care for children in the state's child welfare program, by billing a child's legally liable relatives (e.g., parents), the child, or both.

The act prohibits them from billing a deceased recipient's estate or his or her descendants. It also prohibits collections from a recipient's (1) lawsuit and lottery proceeds, (2) inheritance, or (3) trust distributions, including those exempt from Medicaid spend down rules.

EFFECTIVE DATE: Upon Passage

### **PA 07-143 - SB 1458 - AN ACT CONCERNING JESSICA'S LAW AND CONSENSUAL SEXUAL ACTIVITY BETWEEN ADOLESCENTS CLOSE IN AGE TO EACH OTHER**

The act:

- (1) establishes a new crime of aggravated sexual assault of a minor;
- (2) increases the penalty for enticing children under age 13;
- (3) imposes mandatory minimum terms of imprisonment for enticing a child under age 13, having sexual or indecent contact with a child under age 13, employing a minor in an obscene performance, and importing or possessing child pornography;
- (4) creates an exception to the hearsay rule for statements of victims of sexual or physical assault who are under age 13; and
- (5) permits courts to set the same conditions for special parole that they may currently set for probation or conditional discharge and allows the Board of Pardons and Paroles to set conditions that are not inconsistent with those set by courts.

EFFECTIVE DATE: July 1, 2007, except that the provision on special parole is effective on October 1, 2007.

### **PA 07-107 - SB 398 - AN ACT ESTABLISHING A TRAFFICKING IN PERSONS COUNCIL**

This act creates a 26-member Trafficking in Persons Council, including the Commissioner of DCF or her designee. The Council is directed to consult with government and non-governmental organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims, and prosecute traffickers.

EFFECTIVE DATE: Upon passage

**PA 07-213 - SB 1182 - AN ACT CONCERNING ADMINISTRATIVE PROCEDURES OF THE DEPARTMENT OF PUBLIC WORKS (DPW), AUDITING OF LARGE CONSTRUCTION CONTRACTS, ENVIRONMENTAL REVIEW OF CERTAIN LAND TRANSFERS, GRANT PAYMENTS TO MUNICIPALITIES, ADVERTISING ON STATE BUILDINGS AND CERTAIN EXEMPTIONS TO THE FREEDOM OF INFORMATION ACT**

Regarding state construction, the act exempts from disclosure under FOIA certain documents concerning minors and contract negotiations, establishes rotating construction services selection panels for contractors and consultants, and alters the process for selecting consultants. It increases, from 60 to 90, the number of days the public works commissioner, constituent units of higher education, and Legislative Management have to award contracts after they open bids.

EFFECTIVE DATE: Upon passage, except the DPW commissioner's authority to contract with consultants is effective July 1, 2007 and the provisions addressing (1) labor and material bonds, (2) the review of state property and the related account, and (3) FOIA, which are effective October 1, 2007.

**PA 07-44 – SB 1337 - AN ACT CONCERNING DISCRIMINATION AWARDS RECEIVED BY PERSONS WHO HAVE BEEN SUPPORTED BY STATE HUMANE INSTITUTIONS**

This act prohibits the state from claiming or applying a lien against certain lump-sum payments received by people who have been supported by the state in a humane institution, including any administered by DCF.

EFFECTIVE DATE: July 1, 2007

**PA 07-195 - SB 1396 - AN ACT CONCERNING THE STATE PURCHASE OF SERVICE CONTRACTS FOR HEALTH AND HUMAN SERVICES**

This act codifies existing practice by expanding the Office of Policy and Management (OPM) secretary's authority to waive the competitive procurement requirements set out in the personal service agreement (PSA) statute for any purchase of service (POS) contract between a state agency and a human services private provider.

The act requires the secretary, to ensure continuity of care in health and human services delivery, to develop a plan for the competitive procurement of health and human services by January 1, 2008, in consultation with the Connecticut Nonprofit Human Services Cabinet and representatives of state agencies that provide health and human services.

It requires the secretary to submit the plan by February 1, 2008 to the Human Services and Public Health committees. In developing the plan, the secretary must consider a number of factors specified in the act. The act allows the secretary to implement the plan on or after July 1, 2008.

The act also adds health services to the OPM secretary's responsibility to establish uniform policies and procedures for obtaining, managing, and evaluating the quality and cost effectiveness of human services purchased from private providers and specifies that this responsibility applies to direct health and human services. It requires the secretary to report to the General Assembly on the system for purchasing such services in the state by January 1, 2008 and then every two years.

EFFECTIVE DATE: July 1, 2007

**PA 07-184 - SB 1438 - AN ACT CONCERNING NOTICE OF CERTAIN PROBATE COURT HEARINGS AND THE FILING OF CERTAIN REPORTS**

The act changes the method for notifying parties in connection with various probate court proceedings, as follows: (1) allows service at an individual's usual place of abode ("abode service") in those instances where current law requires personal service and (2) requires first class mail, instead of regular mail or certified mail, return receipt requested, for those instances that currently require notice by certified mail or regular mail:

- (1) temporary custody of a minor pending an application to probate court for the removing a guardian or terminating parental rights;
- (2) application for removal of parent as guardian;
- (3) appointment of guardian or co-guardians for a minor;
- (4) application for guardianship of a mentally retarded person;
- (5) petition to terminate parental rights;
- (6) Department of Family and Children petition to determinate if continuing to care for a child or youth voluntarily admitted to DCF is in the child's or youth's best interest and, if so, whether there is an appropriate case service or permanency plan; and
- (7) emancipation of a minor.

The act requires personal or abode service instead of notice by certified mail in one instance and notice by first class mail instead of certified mail in another instance regarding filing a claim for paternity by a putative father.

EFFECTIVE DATE: October 1, 2007, except for the provisions relating to probate court administration, which became effective July 1, 2007.

**PA 07-47 - HB 5108 - AN ACT CONCERNING REPORTING REQUIREMENTS RELATED TO THE CHILD POVERTY AND PREVENTION COUNCIL**

This act extends state agency and gubernatorial reporting responsibilities of the council, and extends, from FY 08 through FY 21, the requirement that the governor's biennial budget document include a prevention report that includes appropriations recommendations for prevention services from the CT social services agencies that serve youths and families.

EFFECTIVE DATE: October 1, 2007

**PA 07-73 - HB 7007 - AN ACT RENAMING THE DEPARTMENT OF MENTAL RETARDATION**

This act renames the Department of Mental Retardation as the Department of Developmental Services (DDS).

EFFECTIVE DATE: October 1, 2007

**PA 07-122 - HB 7273 - AN ACT CONCERNING SUSPENSIONS AND EXPULSIONS BY LOCAL AND REGIONAL BOARDS OF EDUCATION**

This act allows a school administration to shorten or waive suspension periods for a first-time suspension or expulsion if the student completes an administration-specified program or conditions. The act allows a board of education to take the same action with regard to an expulsion for such students if they complete a board-specified program, agree to any other requirements. Students or their parents or guardians can't be charged a fee to participate.

Finally, it requires local boards to expunge the required notice of the disciplinary action from the student's cumulative record when it has been waived or shortened pursuant to the act and the student graduates if the student completes the specified program and requirements, whichever is earlier.

EFFECTIVE DATE: July 1, 2007

**PA 07-4 (June Special Session) - SB 1500 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT.**

**Trafficking In Persons** – Section 29 of this act requires the Office of Victim Services, within appropriations, to contract with nongovernmental organizations to develop a coordinated response system to help victims of trafficking.

**State Set-Aside Program** – Section 65 and 66 of this act require state agencies and political subdivisions, other than municipalities, to set aside 25% of the contracts they let for construction, goods, and services each year to small contractors, including minority business enterprises. It excludes (1) any contract for which the set-aside conflicts with federal law or regulations and (2) goods and services not customarily available from or supplied by small contractors.

**PA 07-3 (June Special Session) - SB 8003 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING EDUCATION.**

**Early Childhood Education Cabinet** – Sections 19 through 21 of this act requires SDE to provide administrative services to the statutory Early Childhood Education Cabinet and the Governor's Early Childhood Research and Policy Council established by executive order. It requires the Cabinet to begin, by July 1, 2008, the statewide longitudinal evaluation of the school readiness program that is required to conduct. It requires the study to examine the educational progress of children from pre-kindergarten to grade three. It extends from January 1, 2000 to January 1, 2008, the date by which the commissioner must adopt assessment measures of school readiness programs for their use in conducting annual evaluations.

**Kindergarten Assessment** – Section 18 of this act moves up, from October 1, 2009 to October 1, 2007, the date by which the education commissioner must, within available appropriations, develop and implement a state-wide developmentally appropriate kindergarten assessment tool. It specifies that it must not be used as a measurement tool for school readiness program accountability.

**Early Reading Success Programs** - Sections 43 and 44 of this act requires SDE to develop efficacy measures for early reading intervention programs used by Early Reading Success grant recipients.

**Facilities** – Section 45 of this act requires the Connecticut Health and Educational Facilities Authority and SDE to develop a plan to increase capacity in school readiness programs. The plan must include recommendations on facilities needs, professional development, and grant formula changes. The education commissioner and the authority must report the plan to the Governor and the General Assembly by January 1, 2008.

**Model Programs** – Section 46 and 47 of this act requires the education commissioner to establish two model early childhood learning programs associated with higher education institutions.

EFFECTIVE DATE: July 1, 2007, except for provisions on quality rating and quality workforce development, which are effective upon passage.