

Department of Children and Families



Legislative Summary 2008

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Department of Children and Families 2008 Legislative Summary

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JUVENILE SERVICES

PUBLIC ACT 08-41 - H.B. No. 5529 - AN ACT CONCERNING YOUTH WHO RUN AWAY

Until January 1, 2010, this act permits judges to order 16- and 17-year old runaways who they adjudicate as being "youth in crisis" to submit to the control of their parents, guardians, foster parents, or other custodians for a period of time the court specifies. The court must find that the youth meets the legal criteria under the existing youth in crisis law (e.g., that the reason for running away was not justified).

The order cannot override any other law or extend beyond the youth's 18th birthday. As with other court orders directed at youth in crisis, violations are not delinquent acts and cannot subject the youth to detention or imprisonment.

Current law allows parents and foster parents to initiate youth in crisis proceedings. The act expands the list of caregivers who may take this action to include guardians and other custodians. It makes conforming changes by (1) requiring the petition filed to start the proceedings to include the name and address of the foster parents or other custodians, as appropriate, and (2) requiring courts to review emancipation as a possible option with these additional types of caregivers.

EFFECTIVE DATE: October 1, 2008 (*Signed by Governor May 7, 2008*)

PUBLIC ACT 08-86 - H.B. No. 5926 - AN ACT CONCERNING FAMILIES WITH SERVICE NEEDS

This act makes a number of changes in the laws governing families with service needs (FWSN) children. These are children under age 16 (or, beginning January 1, 2010, under age 18) who

have run away without good cause, are truant or beyond control of their parents or school authorities, or are engaged in certain forms of sexual or immoral conduct.

The law authorizes juvenile court judges to place FWSN children under the supervision of a juvenile probation officer or commit them to the Department of Children and Families (DCF) and to issue orders setting conditions they must meet. The act:

- (1) makes information obtained about potential FWSN children receiving diversionary services confidential and limits how it can be used;
- (2) specifies that judges can modify or enlarge a FWSN child's conditions of supervision, conforming law to existing practice;
- (3) requires motions alleging that a FWSN child (a) has violated a court order or (b) is in imminent risk and needs to be placed in a staff-secure facility to be served on parties in the same manner as authorized for serving FWSN petitions;
- (4) sets clear and convincing evidence as the standard judges must use to determine whether a FWSN child has (a) violated a court order or (b) should be committed to DCF after release from a staff-secure facility; and
- (5) consistent with federal law, requires DCF to develop permanency plans for FWSN children committed to its care, with yearly court reviews.

The act also extends the sunset law applicable to the FWSN Advisory Board from July 1, 2008 to July 1, 2010 and makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2008, except the sunset date for the FWSN Advisory Committee is effective upon passage. *(Signed by Governor May 27, 2008)*

SPECIAL ACT 08-3 - H.B. No. 5133 - AN ACT CONCERNING YOUTH POLICY AND CONTINUATION OF THE YOUTH FUTURES COMMITTEE FUNCTION

The act establishes a Youth Policy Council to review and promote the recommendations of the former Youth Futures Committee. The overall mission of the Youth Policy Council shall be to support positive youth development for all Connecticut youth between the ages of twelve and twenty-one, and to assist such youth in entering the state's workforce. The act directs the Office of Workforce Competitiveness, within available appropriations, and in consultation with the Connecticut Employment and Training Commission, to convene the Council. The Youth Policy

Council will terminate on the date that the Office of Workforce Competitiveness submits its report or January 1, 2010, whichever is later.

The Youth Policy Council shall consist of the following members: (1) Six members of the General Assembly, one each appointed by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the majority leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate; (2) the Governor or the Governor's designee; (3) the Commissioners of Education, Higher Education, Children and Families, Public Health, Social Services, and Mental Health and Addiction Services and the Labor Commissioner or said Commissioners' designees; (4) the Secretary of the Office of Policy and Management or the Secretary's designee; (5) the Director of the Office of Workforce Competitiveness or the Director's designee; (6) the Executive Director of the Commission on Children or the Executive Director's designee; (7) the Executive Director of the Court Support Services Division of the Judicial Branch or the Executive Director's designee; and (8) a representative from the Connecticut Youth Services Association designated by the President of the association. The Director of the Office of Workforce Competitiveness or the Director's designee shall be the chairperson of the council.

EFFECTIVE DATE: Section 1 - upon passage, section 2 - July 1, 2008 *(Signed by Governor May 27, 2008)*

BEHAVIORAL HEALTH AND HEALTH SERVICES

PUBLIC ACT 08-8 - S.B. No. 282 - AN ACT CONCERNING THE STATE METHADONE AUTHORITY

This act designates the Department of Mental Health and Addiction Services as the lead state agency for substance abuse prevention and treatment and, consequently, as the state methadone authority for purposes of federal laws governing the use of opioids to treat opiate addictions. It authorizes DMHAS, as the state methadone authority, to (1) approve exceptions to federal opioid treatment protocols, (2) approve federal certification of all opioid treatment programs in the state, and (3) monitor those programs. It requires DMHAS to adopt implementing regulations.

EFFECTIVE DATE: Upon passage *(Signed by Governor April 29, 2008)*

PUBLIC ACT 08-21 - H.B. No. 5449 - AN ACT CONCERNING ISSUANCE OF EMERGENCY CERTIFICATES BY LICENSED CLINICAL SOCIAL WORKERS AND ADVANCED PRACTICE REGISTERED NURSES

This act permits social workers and advanced practice registered nurses who are members of crisis intervention or advanced supervision and intervention support teams operated by or under contract with the Department of Mental Health and Addiction Services to issue emergency certificates directing a person with psychiatric disabilities to be taken to a hospital for evaluation. Under current law, social workers and advanced practice registered nurses may issue emergency certificates only if they are members of a DMHAS-operated or –funded mobile crisis team, jail diversion program, or assertive case management program.

As with social workers and advanced practice registered nurses currently authorized to issue emergency certificates, those working in the newly covered programs must (1) have received at least eight hours of specialized training in conducting direct evaluations and (2) as a result of direct evaluation, believe the person has psychiatric disabilities; is a danger to himself, herself, or others or gravely disabled; and needs immediate care or treatment.

EFFECTIVE DATE: Upon passage (*Signed by Governor April 29, 2008*)

PUBLIC ACT 08-63 - H.B. No. 5666 - AN ACT CONCERNING EXPANSION OF THE PILOT PROGRAM FOR PERSONS WITH AUTISM SPECTRUM DISORDERS

This act expands, from 50 to 75, the number of people who can participate in the Department of Developmental Services' (DDS) pilot program for adults with autism spectrum disorders but not mental retardation. The program provides coordinated services and support, including case management, for people not otherwise eligible for DDS services and their families.

The act requires the DDS Commissioner to ensure that eligible adults living outside the pilot's existing service area (parts of New Haven and Middlesex counties) have access to the expanded slots.

The act extends the pilot's end date by nine months, from October 1, 2008 to June 30, 2009. The law requires DSS to report on the pilot's results by January 1, 2009.

EFFECTIVE DATE: Upon passage (*Signed by Governor May 12, 2008*)

PUBLIC ACT 08-95 - H.B. 5447 - AN ACT CONCERNING APPOINTMENTS TO THE BEHAVIORAL HEALTH PARTNERSHIP OVERSIGHT COUNCIL

This act transfers authority to appoint the Behavioral Health Partnership Oversight Council's voting members from the Medicaid Managed Care Council's chairpersons to legislative leaders and the governor. It adds four members to the council, raising its voting membership to 20. The following table shows the appointment distribution.

<i>Appointing Authority</i>	<i>Appointments</i>
House Speaker	2 representatives of general or psychiatric hospitals 1 adult with psychiatric disabilities 1 advocate for adults with psychiatric disabilities
Senate President Pro Tempore	2 parents of children with behavioral health disorders or who have received child protection or juvenile services from the Department of Children and Families (DCF) 1 expert in health policy and evaluation 1 advocate for children with behavioral health disorders
Senate Majority Leader	1 adult with a substance abuse disorder or an advocate for adults with such disorders 1 representative of school-based health centers
Senate Minority Leader	1 provider of community-based behavioral health services for children 1 Medicaid Managed Care Advisory Council member
House Majority Leader	1 primary care provider serving children in the HUSKY program 1 child psychiatrist serving children in the HUSKY program
House Minority Leader	1 provider of community-based behavioral health services for adults 1 provider of residential treatment for children
Governor	2 representatives of general or psychiatric hospitals 2 parents of children with behavioral health disorders or who have received child protection or juvenile services from DCF

EFFECTIVE DATE: October 1, 2008 (*Signed by Governor June 2, 2008*)

PUBLIC ACT 08-132 - H.B. No. 5696 - AN ACT REQUIRING INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER THERAPIES

This act requires health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on or after January 1, 2009 to cover physical, speech, and occupational therapy services provided to treat autism spectrum disorders if the policies cover these services for other diseases and conditions. It defines "autism spectrum disorder" as the American Psychiatric Association's most recent *Diagnostic and Statistical Manual of Mental Disorders* uses the phrase.

It applies this requirement to group and individual (1) health insurance policies that cover basic hospital, medical-surgical, or major medical expenses; (2) HMO contracts covering hospital and medical expenses; and (3) hospital or medical service contracts. Due to federal law, this requirement does not apply to self-insured plans.

EFFECTIVE DATE: January 1, 2009 (*Signed by Governor June 5, 2008*)

PUBLIC ACT 08-169 - S.B. No. 402 - AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS, CHANGES TO THE STATUTES RELATING TO SCHOOL CONSTRUCTION, REGIONAL SCHOOL DISTRICTS AND MAGNET SCHOOLS, PROVIDING FUNDING FOR START-UP COSTS FOR MAGNET SCHOOLS AND THE DEVELOPMENT OF A PLAN FOR THE TEACHING OF CHILDREN WITH AUTISM

Section 31 of this act requires the Education, Higher Education, and Developmental Services Commissioners, and Southern Connecticut State University's (SCSU) president, or their designees, to develop recommendations for incorporating ways of teaching children with autism or other developmental disabilities in (1) teacher preparation programs; (2) requirements for beginning teacher certification; (3) in-service training for active teachers; and (4) training programs for school paraprofessionals, related service professionals, early childhood certificate holders, school administrators, and parents. The Commissioners and the President must define autism and developmental disabilities for purposes of the recommendations.

The Commissioners and the Connecticut State University (CSU) Chancellor must consult with appropriate parties, including constituent units, independent colleges, the State Education Resource Center, and the RESCs in developing the definition and the recommendations.

The act requires the Commissioners and the CSU Chancellor to address:

- (1) competencies for beginning teacher candidates, school paraprofessionals, related service professionals, early childhood certificate holders, school administrators, and parents;
- (2) existing and new capacity required to implement the recommendations;
- (3) the extent that new methods are needed for school readiness and K-12 programs;
- (4) the availability of experts in teaching methods for children with autism and other developmental disabilities;
- (5) collaborators who should be involved in developing the proposed training;
- (6) best pedagogical practices, including research-based strategies that address (a) characteristics of children with these disabilities, (b) curriculum planning, modifications in curriculum and instruction, adaptations, and specialized methods, (c) assistive technology, and (d) inclusive practices including collaborative partnerships;
- (7) incorporating the recommended methods into special education programs, requirements, and training in compliance with the federal special education law;
- (8) a budget and timeline for implementing the plan; and
- (9) steps to address the plan's effect on school readiness programs, elementary and secondary schools, and higher education institutions.

The act requires the Education Commissioner and the CSU Chancellor or their designees to report the recommendations to the Education, Public Health, and Higher Education Committees by February 1, 2009.

EFFECTIVE DATE: Upon passage (*Signed by Governor June 12, 2008*)

SPECIAL ACT 08-5 - H.B. No. 5590 - AN ACT CONCERNING THE TEACHING OF CHILDREN WITH AUTISM AND OTHER DEVELOPMENTAL DISABILITIES

The act requires the Commissioners of Education and Developmental Services, and the Chancellor of the Connecticut State University System to define autism and developmental disabilities, and to define a state-wide plan to incorporate methods of teaching children with autism and developmental disabilities into programs, requirements, and training. The act also

requires that while developing recommendations related to programs, requirements, and training, the Commissioners of Education and Developmental Services, and the Chancellor of the Connecticut State University System must take into consideration a set of issues that are defined by the act related to children with autism and developmental disabilities.

EFFECTIVE DATE: Effective from passage (*Signed by Governor June 5, 2008*)

CHILD ABUSE AND NEGLECT

PUBLIC ACT 08-46 - S.B. No. 284 - AN ACT CONCERNING CRIMINAL HISTORY BACKGROUND CHECKS FOR PERSONS PROVIDING SERVICES TO CLIENTS OF THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

This act requires all applicants for jobs or volunteer positions in the Department of Mental Health and Addiction Services to submit to (1) a state criminal background check and (2) checks of the Children and Families and Developmental Services departments' abuse and neglect registries. It permits DMAHS to require any applicant who previously lived in another state to submit to a national criminal background check. It bars DMHAS from hiring an employee or placing a volunteer until the results of all checks are available. The act conforms statute to the department's current practice.

EFFECTIVE DATE: Upon passage (*Signed by Governor May 7, 2008*)

PUBLIC ACT 08-84 - H.B. 5722 - AN ACT CONCERNING PROTECTIVE ORDERS

This act expands courts' authority to issue protective orders. Under the act, they may do so when a person is arrested for committing or attempting to commit:

- (1) risk of injury by contacting the intimate parts of a child under age 16 or subjecting the child to contact with the offender's intimate parts in a sexual and indecent manner likely to impair the child's health or morals;
- (2) risk of injury by willfully or unlawfully causing or permitting a child under age 16 to be placed in a situation that (a) endangers the child's life or limb, (b) will likely injure his or her health, or (c) will likely impair his or her morals;
- (3) risk of injury by doing anything likely to impair the health or morals of a child under age 16;
- (4) first-, second-, third-, or fourth-degree sexual assault;

- (5) first-degree aggravated sexual assault;
- (6) aggravated assault of a minor; or
- (7) third-degree sexual assault with a firearm.

Courts may currently issue protective orders when someone is arrested for stalking, disorderly conduct, or second-degree harassment. By law, violation of a protective order constitutes criminal violation of a protective order, punishable by up to five years in prison, a \$5,000 fine, or both.

EFFECTIVE DATE: October 1, 2008 *(Signed by Governor May 21, 2008)*

ADOPTION, FOSTER CARE AND GUARDIANSHIP

PUBLIC ACT 08-97 - S.B. No. 66 - AN ACT CONCERNING SUPPORT FOR GRANDPARENTS AND OTHER RELATIVE CAREGIVERS

This act allows grandparents or other relative caregivers appointed guardian of a child through Superior Court and who are not receiving subsidized guardianship or foster care payments from the Department of Children and Families, to apply for grants under the probate-court administered Kinship Fund and Grandparents and Relatives Respite Fund. Currently, eligibility for these grants is restricted to grandparents or relative caregivers appointed guardian of a child through probate court. Grants are subject to available appropriations.

EFFECTIVE DATE: July 1, 2008 *(Signed by Governor May 27, 2008)*

FISCAL SERVICES

PUBLIC ACT 08-19 - H.B. No. 5323 - AN ACT CONCERNING THE DEPARTMENT OF INFORMATION TECHNOLOGY

This act makes various unrelated changes affecting the Department of Information Technology (DOIT) and information technology services. Specifically, it authorizes the Department of Administrative (DAS) Commissioner to purchase information technology services, as well as other services, through preexisting federal contracts. The law already authorizes the Commissioner to purchase products, including information technology products, from such contractors. The act transfers, from the DAS Commissioner to DOIT's Chief Information Officer, the responsibility for billing state agency telecommunications services, thus codifying current practice. It requires the chief information officer to include as a goal in the state's annual

information and telecommunication systems strategic plan the provision of “critical application recovery capabilities” in the event of an emergency. Finally, the act requires the Geospatial Information Systems Council to meet quarterly instead of monthly. The council is responsible for coordinating a geospatial information systems capacity for the state, regional planning agencies, municipalities, and others as needed.

EFFECTIVE DATE: Upon passage *(Signed by Governor April 29, 2008)*

PUBLIC ACT 08-45 - H.B. No. 5904 - AN ACT CONCERNING RECOVERY EXCEPTIONS FOR PUBLIC ACCOMMODATION DISCRIMINATION SETTLEMENTS AND AWARDS
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This act prohibits the state from claiming or applying a lien against any money received as a settlement or award in a public accommodation discrimination case by people who have been supported wholly or in part by the state in a humane institution. The law defines these institutions as a state mental hospital, community mental health center, treatment facility for children and adolescents, or any other facility or program administered by the departments of Mental Health and Addiction Services, Developmental Services, or Children and Families.

The prohibition also applies to claims or liens against individuals who received assistance from the State Supplement, Medicaid, Temporary Family Assistance, Aid to Families with Dependent Children (replaced by TFA in 1997), and State-Administered General Assistance programs.

The act provides a similar prohibition in the law governing towns' ability to recover assistance provided to residents (former town-administered General Assistance recipients). The state took over that program in 1997, but towns can still recover benefits paid in certain circumstances.

The prohibition already applies to settlements and awards in housing and employment discrimination cases.

EFFECTIVE DATE: October 1, 2008 *(Signed by Governor May 7, 2008)*

PUBLIC ACT 08-78 - S.B. 397 - AN ACT CONCERNING THE STATE BUILDING WORKS OF ART ACCOUNT
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This act establishes a subaccount in the state building works of art account in the General Fund called the “maintenance account.” By law, the State Bond Commission must allocate at least

1% of bond proceeds for the construction, reconstruction, and remodeling of state buildings for art works. The act requires the Connecticut Commission on Culture and Tourism to determine the percentage of the 1% allocation, up to 10%, to credit to the maintenance account. The account's funds must be used solely to conserve, repair, and clean art works commissioned and purchased for state buildings using the proceeds of the 1% allocation.

EFFECTIVE DATE: July 1, 2008 *(Signed by Governor May 27, 2008)*

PUBLIC ACT 08-111 - H.B. No. 5839 - AN ACT CONCERNING THE IMPLEMENTATION OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP)

The act allows the Comptroller, beginning FY 09, to apply in whole or in part, Governmental Accounting Standards Board (GASB) standards pertaining to GAAP in order to address the state's current GAAP deficit. The act deletes the current law requirement that adopts GAAP principles beginning in FY 10 and amortizes the GAAP deficit over 15 years beginning in FY 11.

EFFECTIVE DATE: July 1, 2008 *(Signed by Governor May 27, 2008)*

PUBLIC ACT 08-141 - H.B. No. 5899 - AN ACT CONCERNING ON-LINE PROCUREMENT BY STATE AGENCIES, MUNICIPALITIES AND REGIONAL AND LOCAL SCHOOL DISTRICTS

This act allows contracting agencies to use a reverse auction to award contracts for goods or supplies if they determine that doing so would be advantageous to the agencies and ensure a competitive contract award. Contracting agencies may contract with a third party to prepare and manage the reverse auction. The act requires that agencies comply with their policies and any applicable statutory requirements when using a reverse auction to award these contracts.

Under the act, "contracting agencies" are state agencies with statutory authority to award contracts for goods or supplies, political subdivisions of the state, and school districts. "Reverse auction" means an on-line bidding process in which qualified bidders and proposers anonymously submit bids or proposals to provide goods or supplies pursuant to an invitation to bid or request for proposals.

EFFECTIVE DATE: Upon passage *(Signed by Governor June 5, 2008)*

June Special Session SPECIAL ACT 08-1 - H.B. No. 6501 - AN ACT MAKING DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2008

The act reduces FY 08 General Fund appropriations by \$42,870,617, including \$7,400,000 from DCF (*Personal Expenses - \$2,063,471; Other Expenses - \$336,529; Family Support Services - \$400,000; Board and Care for Children-Residential - \$4,600,000*) and makes FY 08 General Fund deficiency appropriations of \$41,470,000 for the University of Connecticut Health Center, the Department of Correction and the Workers' Compensation Claims account within the Department of Administrative Services. The amount of reductions to appropriations exceed the amount of deficiency appropriations contained in the bill by \$1,400,617 in order to stay below the spending cap, as it corrects for the capped uses of un-capped appropriations.

EFFECTIVE DATE: Upon passage (*Signed by Governor June 16, 2008*)

PERSONNEL AND LABOR RELATIONS

PUBLIC ACT 08-4 - S.B. No. 65 - AN ACT ALLOWING BLIND OR PHYSICALLY DISABLED STATE OR QUASI-PUBLIC EMPLOYEES TO USE ACCUMULATED SICK LEAVE FOR GUIDE DOG TRAINING

This act gives permanent full-time state employees and full-time quasi-public agency employees who are blind or physically disabled the option of using accumulated paid sick leave, not to exceed 15 days, to take guide dog or assistance dog training.

The employee must: (1) have been employed for at least 12 consecutive months, (2) participate in training that prepares the employee to handle a guide or assistance dog for the employee's own use, and (3) participate in training conducted by a guide dog or assistance dog organization that is a member of the professional association of guide dog or assistance dog schools.

The agency can require up to seven-days advance notice of an employee's intention to use the leave and may require the employee to provide reasonable documentation that the leave falls under the purpose permitted by the act.

EFFECTIVE DATE: October 1, 2008 (*Signed by Governor April 29, 2008*)

VETOED - PUBLIC ACT 08-90 - S.B. 599 - AN ACT CONCERNING A PRERETIREMENT SPOUSAL BENEFIT UNDER THE STATE EMPLOYEES RETIREMENT SYSTEM

The act allows the surviving spouse of a state employee who was a Tier II member of the State Employees' Retirement System to qualify for a pre-retirement death benefit. The act establishes criteria that must be met in order for the surviving spouse to be entitled to the benefit.

The criteria established in the act are as follows: (1) the State Employees' Retirement System member died on or after January 1, 2002 due to cessation of life support, died not more than six months prior to retirement eligibility; (2) died without completing 25 years of vesting service; and (3) was lawfully married for 12 months prior to the member's death.

EFFECTIVE DATE: Upon passage (*VETOED BY THE GOVERNOR May 27, 2008*)

June Special Session PUBLIC ACT 08-3 - H.B. No. 6502 - AN ACT CONCERNING COMPREHENSIVE ETHICS REFORMS
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This act: (1) generally permits state courts to revoke or reduce any retirement or other benefit due to state or municipal officials or employees who commit certain crimes related to their employment; (2) makes it a class A misdemeanor for public servants to fail to report a bribe; (3) expands illegal campaign finance practices to cover certain solicitations by chiefs of staff; (4) makes several changes to state codes of ethics such as limiting gift exceptions, prohibiting state contractors from hiring certain former public officials and state employees, restricting the Office of State Ethics' authority to issue subpoenas, prohibiting ex parte communications during Office of State Ethics' hearings on ethics complaints, limiting Citizens' Advisory Board members who can act on ethics complaints, and subjecting the governor's spouse to the code; (5) requires the Office of State Ethics' to provide mandatory training to legislators on the Code of Ethics for Public Officials; and (6) requires public agencies to post, on available web sites, meeting dates, times, and minutes required by law to be publicly disclosed.

EFFECTIVE DATE: October 1, 2008 (*Signed by Governor June 18, 2008*)

OTHER LEGISLATION OF INTEREST

PUBLIC ACT 08-32 - H.B. No. 5748 - AN ACT CONCERNING TEENAGE DRIVERS

The act establishes several new requirements for 16- and 17-year-olds, and in some cases their parents or legal guardians, both before and after they get their drivers' licenses. It:

- (1) further restricts the passengers they may carry while being instructed under a learner's permit;
- (2) extends passenger restrictions that currently apply for the first six months after licensure to an entire year, but authorizes the Motor Vehicle Commissioner to provide exceptions by regulation for single parents under age 18 transporting their children for certain purposes such as child care or medical appointments;
- (3) begins the nighttime hours when 16- or 17-year-olds cannot drive except for employment, religious, school-related, or certain other purposes at 11 p.m. instead of midnight;
- (4) for anyone issued a learner's permit on or after August 1, 2008, increases from 20 to 40 hours the amount of behind-the-wheel, on-the-road training a 16- or 17-year-old must get before qualifying for licensure;
- (5) requires license suspensions for any violations of post-licensure driving restrictions for 16- and 17-year-olds, instead of only for second or subsequent violations;
- (6) establishes mandatory license suspension requirements for 16- and 17-year-olds who violate certain traffic laws that are longer than the ones that currently apply to older drivers and, in other cases, applicable only to 16- and 17-year-olds;
- (7) establishes a 48-hour summary suspension and license seizure for 16- and 17-year-olds who commit certain acts, and requires a parent or guardian to accompany them when they retrieve their licenses;
- (8) for 16- or 17-year-olds issued learners' permits on or after August 1, 2008, requires a parent or guardian to attend two hours of instruction on teen driving laws and related issues with the child before a 16- or 17-year-old can take the license test; and
- (9) requires anyone in a vehicle with a 16- or 17-year-old driver to wear a seat belt and increases the penalty for anyone in a vehicle being driven by someone under age 18 who violates the seat belt law.

The act lengthens the administrative license suspension for the first time a 16- or 17-year-old refuses to take a blood alcohol test or takes the test and has an illegal blood alcohol level. It also makes violations of laws on (1) learner's permit requirements and restrictions, (2) post-licensure restrictions, and (3) use of cell phones or electronic devices while driving moving violations that can lead to the teen driver having to complete the driver retraining program.

It prohibits someone under age 18 who commits negligent homicide with a motor vehicle, evading responsibility following an accident that results in a death or serious physical injury, or driving under the influence of alcohol or drugs from being considered a youthful offender.

However, for certain other serious motor vehicle violations, such as reckless driving and racing on a public road, it requires disclosure of a youthful offender's record to the Department of Motor Vehicles (DMV) for imposition of a license suspension.

The act also (1) allows the DMV Commissioner to adopt regulations on the requirements for behind-the-wheel, on-the-road instruction and (2) makes inclusion of a knowledge test on motor vehicle laws and rules of the road as part of the license test discretionary instead of mandatory. The latter change appears to make it possible to administer the full-knowledge test when a 16- or 17-year old applies for a learner's permit instead of when the license examination is taken.

EFFECTIVE DATE: August 1, 2008 *(Signed by Governor April 21, 2008)*

PUBLIC ACT 08-54 - H.B. No. 5033 - AN ACT CONCERNING SEXUAL OFFENDER NAME CHANGES
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This act prohibits superior or probate courts from issuing orders or otherwise allowing people required to register as sex offenders to change their names unless the offenders they:

- (1) notify the Public Safety Commissioner of their intent to seek a name change before filing an application with the court;
- (2) include in the notice the new name being sought; and
- (3) include in the application a sworn statement that the change is not being sought to avoid the legal consequences of a criminal conviction, including registration as a sex offender.

The act gives the Commissioner standing, through the attorney general, to challenge the application in the court where the name change is being sought. The court may deny the application if it finds, by a preponderance of the evidence, that the applicant is seeking the name change to avoid the legal consequences of a criminal conviction.

Current law, unchanged by the act, requires people required to register as sex offenders to notify the Commissioner of any name change in writing and without undue delay. It also requires the clerk of any court to notify the Commissioner whenever the court orders a name change for a person required to register. By law, anyone convicted or found not guilty by reason of mental disease or defect of a criminal offense against a minor, nonviolent sexual offense, sexually violent offense, or felony committed for a sexual purpose must register as a sex offender with the Department of Public Safety.

EFFECTIVE DATE: Upon passage *(Signed by Governor May 7, 2008)*

PUBLIC ACT 08-66 - H.B. No. 5808 - AN ACT CONCERNING SOCIAL SECURITY NUMBERS ON VITAL RECORDS

Federal law makes confidential any Social Security numbers and related records obtained under any law enacted on or after October 1, 1990 and prohibits state or local officials from disclosing them. This act tightens access to Social Security numbers on birth and fetal death certificates recorded before that date and on marriage and death certificates recorded before July 1, 1997 when state law first required recording them.

This act bars disclosure of parents' Social Security numbers recorded on birth or fetal death certificates unless state or federal law or the Public Health Department (DPH) authorizes disclosure for statistical or research purposes. Current law permits disclosure of parents' Social Security numbers to various parties. The act also requires registrars of vital statistics to record this information in the confidential portion of the certificates instead of the "information for statistical purposes only" section.

The act extends several marriage license laws to civil union licenses and limit access to Social Security numbers on both marriage and civil union licenses. And it limits those who can get a certified copy of certain death certificates containing a Social Security number.

EFFECTIVE DATE: October 1, 2008 *(Signed by Governor May 12, 2008)*

PUBLIC ACT 08-67 - H.B. No. 5875 - AN ACT CONCERNING THE PROTECTION OF FAMILY VIOLENCE VICTIMS IN FAMILY RELATIONS MATTERS AND THE NOTIFICATION OF A FAMILY OR HOUSEHOLD MEMBER AFTER A MOTOR VEHICLE FATALITY

This act authorizes the Superior Court, in any family relations matter to order that the testimony of a party or a child who is a subject of the proceeding be taken outside the physical presence of any other party under certain circumstances.

The act also requires that for every motor vehicle accident in which any person is killed, the police officer, agency, or individual who, in the regular course of duty, investigates it must use reasonable efforts to identify and notify a member of the person's family or household of the fatality as soon as practicable after the accident. It specifies what the notification must include.

It requires the Police Officer Standards and Training Post Council and each police department, agency, or individual responsible for investigating motor vehicle accidents to adopt a policy for doing so.

EFFECTIVE DATE: October 1, 2008, except the provision that deals with the testimony of children becomes effective July 1, 2008. *(Signed by Governor May 12, 2008)*

PUBLIC ACT 08-68 - S.B. 659 - AN ACT REPLACING EXPEDITED ELIGIBILITY FOR PREGNANT WOMEN WITH PRESUMPTIVE ELIGIBILITY UNDER THE SOCIAL SECURITY ACT AND THE TREATMENT OF TAX REFUNDS UNDER THE ECONOMIC STIMULUS ACT OF 2008

This act prohibits the Department of Social Services to the extent permitted by federal law, from counting a tax refund received under the federal Economic Stimulus Act of 2008 (Public Law 110-185) as income or resources when determining an individual or anyone else's eligibility for or amounts of services and benefits under any need-based program operated by the department. This prohibition applies to the month the tax refund is received and the following two months.

The act also replaces the existing expedited Medicaid-eligibility process for pregnant women with a presumptive eligibility process under Section 1920 of the federal Social Security Act. Presumptive eligibility allows states to grant immediate health care coverage to these women without initially requiring a full Medicaid-eligibility determination. The act requires the DSS Commissioner to designate "qualified entities" to receive and determine presumptive eligibility in accordance with federal laws and regulations.

Under current law, the Commissioner must perform expedited eligibility for pregnant women with income up to 250% of the federal poverty level (\$35,000 for a family of two). In emergencies, this requires DSS to process applications no later than 24 hours after receiving all required minimum information from the applicant. For non-emergency applicants, DSS can take up to five days. Within 30 days of applying, an applicant must submit required information, including proof of identity, pregnancy, residency, citizenship status, and income.

EFFECTIVE DATE: January 1, 2008 except the provision on federal tax refunds is effective upon passage. *(Signed by Governor May 27, 2008)*

PUBLIC ACT 08-79 - H.B. No. 5902 - AN ACT CONCERNING HOSPITAL STAFFING

Beginning July 1, 2009, the act requires each licensed hospital, upon request, to make available to the Department of Public Health a prospective nurse staffing plan along with a written certification that the plan is sufficient to provide adequate and appropriate patient health care services in the ensuing hospital licensure period.

The plan must promote collaborative practice in the hospital that improves patient care and the level of services provided by nurses and other hospital patient care team members.

The act requires each hospital to establish a staffing committee to assist in preparing the nurse staffing plan. The hospital, in collaboration with the committee, must develop and implement the plan to the best of its ability. Hospitals may use existing committees to assist in plan development under certain conditions.

“Hospital” means an establishment for the lodging, care, and treatment of persons suffering from disease or other abnormal physical or mental conditions and includes inpatient psychiatric services in general hospitals.

EFFECTIVE DATE: October 1, 2008 *(Signed by Governor May 27, 2008)*

**PUBLIC ACT 08-100 - H.B. 5708 - AN ACT CONCERNING THE EXPANSION OF THE CARE
4 KIDS PROGRAM**

This act directs the Department of Social Services Commissioner to establish extended eligibility standards for people receiving child care subsidies under the department's Care 4 Kids program who become ineligible for the subsidy due to a temporary interruption in employment or other approved activity. Currently, the subsidy is available only to qualifying families with a parent or caretaker who is (1) working; (2) going to high school; or (3) receiving cash assistance under the state's Temporary Family Assistance program and participating in an approved education, training, or other job preparation activity.

EFFECTIVE DATE: July 1, 2008 *(Signed by Governor May 27, 2008)*

PUBLIC ACT 08-106 - H.B. No. 5650 - AN ACT CONCERNING CHILD PRODUCT SAFETY

See also Public Act 08-122

This act establishes limits for lead in children's products by amending the State Child Protection Act, the state's counterpart to the Federal Hazardous Substances Act. With certain exceptions, it makes children's products that fail to comply with the limits banned hazardous substances. It also prohibits the sale of toys or other articles marketed for children under age 16 that contain asbestos.

The act requires retailers and other businesses selling a banned hazardous substance to complete a certificate of disposition to account for its disposal. It requires the Department of Consumer Protection Commissioner, who administers the State Child Protection Act, to post on the department's website a list of toys and other articles intended for use by children that are banned hazardous substances. The Commissioner must also consult with the Departments of Public Health and Environmental Protection to compile a list of other toxic substances and safer alternatives. The Commissioner may adopt regulations requiring certain consumer products to have warning labels if they bear lead-containing paint.

The act also:

- (1) increases related criminal and civil penalties;
- (2) requires stores to post notices when the Department of Consumer Protection designates an article as a banned hazardous substance, making failure to do so an unfair trade practice; and
- (3) makes failure to allow a Department of Consumer Protection inspector or investigator to inspect an establishment where hazardous substances are manufactured or obtain a sample an unfair trade practice.

The act authorizes the Department of Environmental Protection Commissioner to take part in an interstate clearinghouse to classify chemicals according to the risks they pose.

Finally, the act makes technical changes.

EFFECTIVE DATE: October 1, 2008, except the provisions concerning the certificate of disposition and the interstate clearinghouse, which are effective upon passage. *(Signed by Governor June 2, 2008)*

PUBLIC ACT 08-108 - S.B. No. 216 - AN ACT CONCERNING MINORS IN THE WORKPLACE

This act permits 15-year-olds to be employed as baggers, cashiers, or stock clerks in retail businesses under certain work-hour restrictions. It permits them to work:

- (1) only when school is not in session for at least five consecutive days, except that they may work in retail food stores on any Saturday;
- (2) for up to eight hours a day or 40 hours a week; and
- (3) between 7 a.m. and 7 p.m. , except that from July 1 to the first Monday in September, they may work until 9 p.m.

These are the same conditions under which 15-year-olds were allowed to work under a prior law that expired on September 30, 2007.

The act also retroactively makes lawful the employment of 15-year-olds in retail after the sunset date if the employer met the applicable work day and hour restrictions before the provision expired. It specifically exempts employers from the criminal and civil penalties that exist for such violations. *(Signed by Governor June 2, 2008)*

EFFECTIVE DATE: Upon passage *(Signed by Governor June 2, 2008)*

PUBLIC ACT 08-122 - H.B. No. 5025 - AN ACT AMENDING AN ACT CONCERNING CHILD PROTECT SAFETY

This act amends *An Act Concerning Child Product Safety* (Public Act 08-106) by (1) requiring the Department of Consumer Protection to implement the act's requirements within available appropriations; (2) requiring the Department of Consumer Protection to fulfill an existing statutory duty to tag misbranded hazardous substances only within available appropriations; (3) exempting certain drugs from Public Act 08-106's recall provision; and (4) revising a list of toxic substances that must be compiled by the Commissioners of Consumer Protection, Environmental Protection, and Public Health.

EFFECTIVE DATE: October 1, 2008 *(Signed by Governor June 2, 2008)*

PUBLIC ACT 08-123 - S.B. No. 2 - AN ACT CONCERNING THE NEXT STEPS INITIATIVE

This act authorizes the Department of Mental Health and Addiction Services to provide an additional 500 "Next Steps" supportive housing units for people with mental illness. Funding for these units comes from mortgages, tax credits, and grants from the Connecticut Housing Finance Authority and the Department of Economic and Community Development. The act authorizes the state to provide annual debt service payments on an additional \$35 million in bonds issued by CHFA. It also makes technical changes.

EFFECTIVE DATE: Upon passage *(Signed by Governor June 2, 2008)*

PUBLIC ACT 08-160 - H.B. No. 5826 - AN ACT CONCERNING SCHOOL LEARNING ENVIRONMENT

This act extends the implementation date of Public Act 07-66, which (1) generally prohibits out-of-school suspensions and (2) extends, from five to 10 days, the maximum length of in-school suspensions. The act provides that in-school suspensions may be served in any school building under the jurisdiction of the board, as the board determines. It also requires the Education Commissioner, by October 1, 2008, to issue guidelines to help boards determine whether a pupil should receive an in-school or out-of-school suspension.

The act also specifically expands the definition of bullying and requires school boards to implement the bullying policies they were required to adopt. Finally, it (1) requires people in a teacher preparation program to be encouraged to complete a school bullying and suicide prevention component and (2) requires teachers to receive in-service training in bullying prevention. Boards of education that implement an evidence-based model approach to bullying do not have to provide the training.

EFFECTIVE DATE: July 1, 2008; except for the provisions on the suspension definition and guidelines, which are effective upon passage; and the in-service training, teacher preparation training, and SDE policy review, which are effective July 1, 2009. *(Signed by Governor June 12, 2008)*

PUBLIC ACT 08-161 - S.B. No. 344 - AN ACT CONCERNING FAMILY PROSPERITY AND THE RECOMMENDATIONS OF THE CHILD POVERTY AND PREVENTION COUNCIL

This act requires the Department of Social Services to administer a food stamp employment and training program authorized under the federal Food Stamp Act of 1977, which the department currently administers on a voluntary basis. It must provide for the receipt of federal matching funds under federal food stamp employment and training program rules and seek to maximize the use of the federal program's matching funds provision to the fullest extent legally permitted. The act specifies how federal matching funds must be used and distributed and authorizes DSS to select providers who qualify for federal reimbursement, including food stamp employment and training community collaboratives, to participate in the program.

The act requires DSS to file annual reports for five years, beginning January 15, 2009, with the Human Services and Appropriations committees and the Child Poverty and Prevention Council on the amount of federal matching funds the program generated and amounts (1) used for DSS' operating and administrative expenses, (2) distributed to providers, and (3) distributed to community collaboratives. It must also include how recipients used the funds, including populations served, and describe programs' outcomes using a results-based accountability framework.

Finally it authorizes DSS, in conjunction with Child Poverty and Prevention Council agency members, to work with local governments, institutions of higher education, community action agencies, and other entities to continue and expand efforts, within available appropriations, to enroll eligible individuals in the food stamp program and to enroll eligible food stamp participants in education, employment, and training activities.

EFFECTIVE DATE: October 1, 2008 (*Signed by Governor June 12, 2008*)

VETOED - PUBLIC ACT 08-165 - S.B. No. 678 - AN ACT ESTABLISHING A COMMUNITY-BASED HEALTH AND HUMAN SERVICES STRATEGY BOARD

This act establishes a four-year, 25-member Health and Human Services Cabinet which includes the Commissioner of Children and Families or her designee. It places the Cabinet in the Office of Policy and Management for administrative purposes.

The Cabinet is generally responsible for assessing health and human service provision in Connecticut, including funding for nonprofit community providers under purchase of service agreements. By law, OPM pays private health and human service providers that contract with state agencies.

By December 31, 2012, the Cabinet must recommend to the Governor and the Appropriations and Human Services committees a governance plan identifying an appropriate coordinating entity to implement a statewide Health and Human Services Plan. The Cabinet terminates when it submits its recommendations.

EFFECTIVE DATE: Upon passage (*VETOED BY THE GOVERNOR June 13, 2008*)

PUBLIC ACT 08-167 - H.B. No. 5658 - AN ACT CONCERNING THE CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS

This act requires anyone possessing personal information about another person to safeguard it and the computer files and documents containing it. "Personal information" is information that can be associated with an individual through an identifier like a Social Security number. It requires a business that collects Social Security numbers to create a privacy protection policy that must ensure confidentiality of Social Security numbers.

The act exempts state agencies and political subdivisions from the duty to safeguard personal information. The act also subjects a person or entity that violates its provisions to a civil penalty of \$500 for each violation, up to a maximum of \$500,000 per event. It provides that a violation is not a violation if it is unintentional.

EFFECTIVE DATE: October 1, 2008 (*Signed by Governor June 10, 2008*)

PUBLIC ACT 08-171 - S.B. No. 681 - AN ACT ESTABLISHING A MINORITY HEALTH ADVISORY COMMISSION

This act establishes a 32-member Commission on Health Equity which includes the Commissioner of Children and Families or her designee. The Commission must work to (1) eliminate disparities in health status based on race, ethnicity, and linguistic ability and (2) improve the quality of health for all state residents. The Commission may (1) employ

necessary staff within available appropriations and in compliance with the State Personnel Act contract and (2) use any funds available from federal, state, or other sources to carry out its purposes.

The act repeals the Advisory Commission on Multicultural Health. That Commission's mission is the elimination of disparities in health status among the state's cultural and ethnic communities and the overall improvement of state residents' health.

EFFECTIVE DATE: Upon passage (*Signed by Governor June 12, 2008*)