

Department of Children and Families



2009 Legislative Summary

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Department of Children and Families

2009 Legislative Summary

The following is a compilation of legislation of interest to the Department of Children and Families during the 2009 Regular Session and the June and September Special Sessions of the General Assembly. These summaries are based largely from the bill analysis prepared by the General Assembly's Office of Legislative Research.

PUBLIC ACT 09-1 - AN ACT CONCERNING DEFICIT MITIGATION FOR THE FISCAL YEAR ENDING JUNE 30, 2009

This act makes various changes to address the projected FY 09 deficit. Section 27 of the act requires the Department of Children and Families Commissioner, in consultation with the Department of Social Services Commissioner, to create a plan to establish services for children and youth needing residential treatment who would normally be placed in out-of-state facilities. The DCF Commissioner must submit the plan to the Human Services and Appropriations committees by March 1, 2009. The plan must (1) use existing state facilities when clinically appropriate and feasible; (2) address available licensed residential treatment capacity; and (3) delineate the cost, savings, and feasibility of implementing the plan by July 1, 2009, or as soon as practicable after that date.

EFFECTIVE DATE: Upon passage, unless otherwise specified. *(Signed by Governor 1/15/09)*

PUBLIC ACT 09-63 - AN ACT CONCERNING THE TENDER YEARS EXCEPTION TO THE HEARSAY EVIDENCE RULE

This act conforms the statutory exception to Connecticut's hearsay rule for statements of young children about their sexual or physical abuse to the exception adopted by the Superior Court and included in Connecticut's Code of Evidence (§§ 8-10, Ct. Evidence Code). It does so by potentially expanding the children covered under this so-called "tender years exception" and limiting the people against whom the statement may be used.

Prior law covered children under age 13. The act covers children who were under age 13 at the time of the statement.

By law, courts must accept these statements as evidence in criminal or juvenile proceedings under certain circumstances. Under prior law, the exception could be used when the abuser was someone with authority or apparent authority over the child. The act provides that it may be used when the abuser is the child's parent or guardian or another person exercising comparable authority over him or her at the time of the offense.

EFFECTIVE DATE: October 1, 2009 *(Signed by Governor 5/27/09)*

PUBLIC ACT 09-82 - AN ACT CONCERNING READMISSION OF STUDENTS

By law, boards of education can expel students whose conduct (1) on school grounds or at a school-sponsored activity violates a publicized board policy, is seriously disruptive of the educational process, or

endangers persons or property or (2) off school grounds violates board policy and is seriously disruptive of the educational process.

Under this act, if a student who committed an expellable offense seeks to return to a district after having been in a residential placement for at least a year, districts may not (1) prevent the student from returning or (2) expel the student for additional time for the offense.

EFFECTIVE DATE: July 1, 2009 (*Signed by Governor 6/3/09*)

PUBLIC ACT 09-85 - AN ACT CONCERNING A DEPARTMENT OF CHILDREN AND FAMILIES CHILD ABUSE AND NEGLECT REGISTRY CHECK FOR APPLICANTS OF EMPLOYMENT WITH THE DEPARTMENT OF DEVELOPMENTAL SERVICES OR THE DEPARTMENT'S PROVIDERS

This act permits the Department of Developmental Services Commissioner to require anyone applying for a job with the department or a provider it licenses or funds to submit to a check of the Department of Children and Families' child abuse and neglect registry.

EFFECTIVE DATE: October 1, 2009 (*Signed by Governor 6/2/09*)

PUBLIC ACT 09-95 - AN ACT CONCERNING THE CONNECTICUT HEALTH INFORMATION NETWORK

This act allows state agencies participating in the Connecticut Health Information Network (CHIN) to disclose personally identifiable information in their data bases to the CHIN administrator and its subcontractors for (1) network development and verification and (2) data integration and aggregation to allow for responses to network inquiries. Such disclosure is subject to federal restrictions on disclosure or redisclosure of such information. The CHIN administrator and CHIN subcontractors must not disclose personally identifiable information.

The act prohibits state agencies participating in CHIN from disclosing information to CHIN if it would be a violation of federal law, including the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Family Educational Rights and Privacy Act of 1974 and associated regulations.

EFFECTIVE DATE: October 1, 2009 (*Signed by Governor 6/2/09*)

PUBLIC ACT 09-96 - AN ACT CONCERNING "STUCK KIDS"

This act requires the Department of Children and Families to review annually the cases of all children and youth in DCF care during the previous calendar year and report the number and age of those:

- (1) living in a psychiatric hospital or out-of-state treatment center, their average length of stay, the number who have overstayed their estimated placement time, and an analysis of the reasons for the out-of-state placements and overstays;
- (2) who have run away or are homeless, the number of days each has been a runaway or homeless, and an analysis of the trends relating to runaways and homelessness;
- (3) who have a permanency plan of another planned permanency living arrangement and an analysis of the trends relating to permanency plans; and
- (4) who have refused DCF services and an analysis of the trends relating to participation in services.

The first report is due by February 1, 2010 and must be sent to Children's and Human Services committees.

EFFECTIVE DATE: July 1, 2009 (*Signed by Governor 6/2/09*)

PUBLIC ACT 09-114 - AN ACT CONCERNING PROBATE COURT REFORMS AND ESTABLISHING A PROBATE REDISTRICTING COMMISSION
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Effective January 5, 2011, this act eliminates the current method of compensating probate court judges, which is primarily based on the fees the court collects, and replaces it with a new system based on population and workload in which a judge's compensation will be paid directly from the Probate Court Administration Fund. The act establishes four classes or "bands" of probate courts based on the district's population and its annual weighted workload. The act sets a probate judge's salary for courts in each band ranging from a low of 45% of a Superior Court judge's salary for band one to a high of 75% for band four courts. The current salary of a Superior Court judge is \$146,780. The act requires that each probate court remit all fees, costs, and other income it receives to the state treasurer to be credited to the Probate Court Administration Fund.

The act requires that each probate judge elected for a term beginning on or after January 5, 2011, must be a member of the bar of the state of Connecticut. But this requirement does not apply to any judge who was in office on January 4, 2011, for the period the judge continues to serve on and after January 5, 2011, without a break in service.

The act requires the probate court administrator to establish a budget committee consisting of the probate court administrator and two probate judges appointed by the Probate Assembly, which must establish (1) a compensation plan, which includes employee benefits, for probate court employees; (2) staffing levels for each probate court; and (3) a miscellaneous office budget for each court. The act requires probate courts to be open at least 40 hours a week instead of 20 hours.

The act establishes a probate redistricting commission to develop a plan to consolidate probate court districts. Under the plan, there must be at least 44 districts and no more than 50. The plan must be presented to the General Assembly for implementing legislation and be approved by the governor under procedures and deadlines the act establishes. The commission must file a consolidation plan by September 15, 2009 except it may not submit a plan without the affirmative vote of at least seven commission members. The act allows the Connecticut Probate Assembly to submit a redistricting plan that meets the criteria the act establishes for the commission to consider. In developing it, the assembly may consider any voluntary consolidations towns have agreed to. The commission may consider any plan the assembly submits, but is not bound by it.

The act authorizes a court to refer certain matters, with the consent of the parties or their attorneys, to a probate magistrate or attorney probate referee, new positions created by the act.

The act makes numerous other changes relating to the (1) probate court administrator's authority over probate courts, (2) payment for health insurance for retired probate judges and employees, (3) eligibility of probate judges for health insurance and retirement benefits, (4) retirement incentives for judges of courts that are merged, (5) appeals to special assignment probate judges, (6) reimbursement for indigency costs from funds appropriated to the judicial department, and (7) technical and conforming changes.

EFFECTIVE DATE: From passage, except (1) October 1, 2009 for the provisions dealing with retirement incentives for probate judges of courts that are merged, the requirement that probate judges be

licensed attorneys, the ability of probate magistrates and attorney probate referees attending probate court assembly meetings or educational programs, and defects in the form of an appeal to superior court; (2) January 1, 2011 for those provisions dealing with transfers from the probate court administration fund to the probate court retirement fund and funding of probate courts from the probate court administration fund, probate court budgets, payment of premiums for medical and dental insurance for retired probate judges and employees, eligibility for retirement benefits, the requirement that each probate court remit all fees, costs, and other income to the probate court administration fund, hours of court operation, and reimbursement for indigency costs; and (3) January 5, 2011 for those dealing with eligibility for medical insurance plans for probate judges, compensation bands for probate court districts and judges, appeal appointment of probate magistrates and attorney probate referees, creation of probate magistrates and attorney probate referees, and temporary funding of probate courts. *(Signed by Governor 6/9/09)*

PUBLIC ACT 09-115 - AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS
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This act broadens what a group health insurance policy must cover regarding autism spectrum disorders. It requires a policy to cover the diagnosis and treatment of autism spectrum disorders, including behavioral therapy for a child age 15 or younger and certain prescription drugs and psychiatric and psychological services for insured's with autism.

By law, a group health insurance policy must cover physical, speech, and occupational therapy services provided to treat autism to the same extent that it covers them for other diseases and conditions. The act removes that limitation, but specifies different conditions for coverage of the therapy and other services. It permits a policy to set a certain annual dollar maximum for behavioral therapy coverage.

The act authorizes an insurer, HMO, hospital or medical service corporation, or fraternal benefit society to review an autism treatment plan's outpatient services in accordance with its utilization review requirements more often than once every six months, unless the insured's licensed physician, psychologist, or clinical social worker agrees a more frequent review is necessary or changes the insured's treatment plan.

The act specifies that it is not to be interpreted as limiting or affecting (1) other covered benefits under the policy, the state mental and nervous condition insurance law, and the birth-to three coverage law; (2) a board of education's obligation to provide services to an autistic student under an individualized education program in accordance with law; or (3) any obligation imposed on a public school by the federal Individual with Disabilities Education Act (20 USC § 1400).

The act also specifies that it must not be interpreted to require a group health insurance policy to provide reimbursement for special education and related services provided to an insured under state law that requires boards of education to provide special education programs and services unless state or federal law requires otherwise.

The act defines "autism spectrum disorders" as the pervasive developmental disorders set forth in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" including, autistic disorders, Rett's disorder, childhood disintegrative disorder, Asperger's disorder, and pervasive developmental disorder not otherwise specified.

EFFECTIVE DATE: January 1, 2010 *(Signed by Governor 6/9/09)*

PUBLIC ACT 09-142 - AN ACT CONCERNING THE SHARING OF INFORMATION BETWEEN THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE DEPARTMENT OF DEVELOPMENTAL SERVICES

This act allows limited disclosure of Department of Children and Families records to the Department of Developmental Services (DDS) without the consent of the person named in the records. In order for DDS to determine a child's eligibility for its Voluntary Services Program (the child must already be a DDS client), assist the child's enrollment in the program, and plan services for the child, the act allows DCF to disclose a written summary of any child abuse or neglect investigation it conducted. DDS must notify parents and guardians when they apply to enroll a child in the program that it may obtain these records from DCF without their consent.

By law, DCF can already disclose records, whether it or someone else created them, without consent, in a variety of other situations. Like these disclosures, before releasing a record under the act, DCF must determine disclosure is in a person's best interest and that the records are not privileged or confidential under state or federal law.

EFFECTIVE DATE: Upon passage (*Signed by Governor 6/25/09*)

PUBLIC ACT 09-158 - AN ACT CONCERNING CERTAIN STATE CONTRACTING NONDISCRIMINATION REQUIREMENTS.

The act (1) restricts the state and political subdivision contracts that must contain an anti-discrimination provision, (2) expands the categories of protected people to include those with mental disabilities, and (3) establishes different supportive data that contractors must provide before entering a contract. Under the act, "mental disability" means one or more mental disorders, as defined in the latest edition of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*. The act defines "mental impairment," as that term is used in the small business and minority enterprise program in the same way.

This means that a small contractor with at least one of these disorders that substantially limits one or more of his or her major life activities meets the definition of a minority enterprise. By law, state and quasi-public agencies and political subdivisions, other than municipalities, must set aside a percentage of the contracts they award for construction, goods, and services each year for small contractors and minority business enterprises.

EFFECTIVE DATE: Upon passage (*Signed by Governor 6/30/09*)

PUBLIC ACT 09-175 - AN ACT CONCERNING RESPONSIBLE FATHERHOOD AND STRONG FAMILIES

This act requires the Department of Social Services, within available resources, to report to the legislature's Select Committee on Children on child support collection efforts and noncustodial parents. It requires the Commissioner, within available resources, to seek federal and private funds to provide grants to promote programs supporting the positive involvement and interaction of fathers with their children.

It requires the Chief Court Administrator to submit reports of the Problem Solving in Family Matters Committee to the Human Services and Children's committees by July 1, 2010, and July 1, 2011.

It gives family magistrates in all Title IV-D support cases the authority to order the parent who owes child support (obligor) into an educational, training, skill-building, work, rehabilitation, or other similar program. The magistrate may suspend support payments or elect not to impose court-based enforcement actions based on the parent's participation in a program.

EFFECTIVE DATE: October 1, 2009 (*Signed by Governor 6/30/09*)

PUBLIC ACT 09-185 - AN ACT CONCERNING PROCEEDINGS AND OPERATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE DISCLOSURE OF ADOPTION INFORMATION

This act requires courts to look for suitable caretaker relatives (related by blood or marriage) in the early stages of cases where children have been, or are at risk of being, removed from their homes due to allegations of abuse or neglect. It allows a parent who is the subject of the abuse or neglect charges to ask the Department of Children and Families Commissioner to investigate placing the child with relatives and, where practicable, requires the Commissioner to report on a relative's suitability at the first court hearing in the case. It establishes court procedures for making placement decisions when a relative seeks custody and creates a rebuttable presumption that placing a child with a relative is in the child's best interests.

The act also:

- (1) prohibits DCF and courts from taking into account a parent's application for, or receipt of, DCF voluntary behavioral health services for his or her child when making certain decisions about the person's suitability to care for a child;
- (2) eliminates a requirement for suitable applicants to get the consent of both biological parents before identifying information about either one is released and instead allows access to the records of any consenting biological parent;
- (3) requires DCF employees to notify the Commissioner when they suspect a co-worker of illegally disclosing confidential information and specifies that they have whistleblower protections for such reports;
- (4) extends the relatives DCF must notify and the notice it must give when a child is removed from his or her home because of suspected abuse;
- (5) describes actions DCF may take concerning a guardianship custody when a guardian dies or becomes disabled;
- (6) makes licensed foster parents mandated reporters of abuse or neglect.

EFFECTIVE DATE: October 1, 2009, except the provisions concerning temporary relative placements are effective on passage and the provisions concerning guardianship transfers and mandated reporters are effective July 1, 2009. (*Signed by Governor 6/29/09*)

PUBLIC ACT 09-194 - AN ACT CONCERNING POLICIES, PRACTICES AND PROCEDURES OF THE DEPARTMENT OF CHILDREN AND FAMILIES AND A PILOT PROGRAM TO INCREASE PUBLIC ACCESS TO JUVENILE PROCEEDINGS

This act makes several unrelated changes in statutes governing the Department of Children and Families. It requires the department to:

- (1) include specific information in permanency plan documents and
- (2) notify all attorneys of record when it decides to transfer a child to an out-of-state facility.

Beginning on unspecified dates, it requires DCF to file annual reports with the (1) Select Committee on Children on its case review findings and (2) Human Services Committee on its progress in incorporating measurable outcomes into contracts with providers.

The act establishes a pilot program to increase public access to juvenile court proceedings concerning abused, neglected, or dependent children or those petitioning for termination of parental rights. It also creates a Juvenile Access Pilot Program Advisory Board.

EFFECTIVE DATE: October 1, 2009, except the provision concerning out-of-state transfers, which is effective October 1, 2010 and the provision establishing the Advisory Board, which is effective upon passage. (*Signed by Governor 6/29/09*)

PUBLIC ACT 09-197 - AN ACT CONCERNING LICENSING OF ADOLESCENT SUBSTANCE ABUSE TREATMENT FACILITIES AND MATERNITY HOMES

This act exempts from Department of Public Health (DPH) licensure requirements individuals to whom the Department of Children and Families has issued a license for (1) operation of a substance abuse treatment facility or (2) maternity homes (facilities whose purpose is to care for women during their pregnancies and for these women and their newborns). As a corollary, the act repeals the law requiring maternity homes to get licensed. DCF licenses maternity homes.

The act further allows non-nursing staff to administer medication to children or youth residing in DCF-licensed substance abuse treatment facilities. The law already allows medication administration by non-nursing staff to people (1) attending day programs, living in residential treatment facilities, or receiving individual and family support under DCF or the Corrections or Developmental Disabilities departments or (2) being detained in juvenile detention centers or living in residential treatment facilities dually licensed by DCF and DPH. This can occur only when the medication is administered by trained personnel under a written order from a doctor or other medical personnel licensed to prescribe.

EFFECTIVE DATE: July 1, 2009 (*Signed by Governor 7/8/09*)

PUBLIC ACT 09-205 - AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES

This act implements a number of changes in statutes relating to the Department of Children and Families' planning, programming, and reporting functions. It:

- (1) requires DCF to develop and regularly update a single comprehensive strategic plan;
- (2) expands the authority and oversight of the State Advisory Council on Children and Families (SAC) with respect to DCF programs and services;
- (3) requires, rather than allows, DCF to establish advisory groups for each facility it operates (the Connecticut Children's Place, the Connecticut Juvenile Training School (CJTS), High Meadows, Riverview Hospital, and the Wilderness School) and provide them administrative support;
- (4) requires state agencies cited in an Office of the Child Advocate report to respond to the governor and General Assembly in writing within 90 days; and
- (5) requires DCF to collect and analyze data about child abuse and neglect that involve a parent or guardian with a substance abuse problem.

The act also eliminates several reporting requirements and advisory groups and makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2009 (*Signed by Governor 7/8/09*)

PUBLIC ACT 09-232 - AN ACT CONCERNING REVISIONS TO DEPARTMENT OF PUBLIC HEALTH LICENSING STATUTES

This act exempts certain DCF licensed facilities from the Office of Health Care Access's Certificate of Need (CON) process.

The act also expands the types of incidents of child abuse and neglect that the Department of Children and Families must report to the Public Health Department (DPH) when they involve certain DPH-licensed facilities. It broadens DCF's reporting requirement to include (1) all records of reports of abuse and neglect, rather than all information on substantiated reports, and (2) incidents in youth camps, as well as day care facilities. It revises the information DPH maintains on its list of abuse and neglect at these facilities and the kind of information it can disclose from that list.

The act requires DCF and DPH jointly to investigate reports of abuse and neglect occurring at any day care facility or youth camp. The departments must share all information, records, and reports gathered as part of the investigation.

The act also specifies what types of private school summer education programs are exempt from licensing as a youth camp and permits DPH to order a camp to cease specific activities when people's health, safety, or welfare are threatened.

EFFECTIVE DATE: CON exemption, July 1, 2009; DPH information sharing, October 1, 2009 (*Signed by Governor 7/8/09*)

PUBLIC ACT 09-242 - AN ACT CONCERNING SEXUAL ACTIVITY BETWEEN SCHOOL WORKERS AND STUDENTS AND INCLUDING SCHOOL SUPERINTENDENTS AS MANDATED REPORTERS OF CHILD ABUSE OR NEGLECT

By law, school employees who have sexual intercourse with students who attend their schools commit the crime of 2nd degree sexual assault. This act adds people working at elementary, middle or high schools under contract with a school board or a school who have regular contact with students.

2nd degree sexual assault involving a student under age 16 is a class B felony, punishable by imprisonment for at least nine months and up to 20 years, a fine of up to \$15,000, or both; if the student is age 16 or older, it a class C felony, punishable by imprisonment for up to 10 years, a fine of up to \$10,000, or both. Those convicted of these crimes must register as sex offenders and comply with the law's registration requirements for 10 years.

The act also makes school superintendents mandated child abuse and neglect reporters. By law mandated reporters must contact the Department of Children and Families when they reasonably believe that a child is a victim of abuse or neglect. Other professionals who are mandated reporters include teachers, doctors, social workers, nurses, and members of the clergy. A mandated reporter who fails to report abuse or neglect must attend a DCF-approved education and training program.

EFFECTIVE DATE: October 1, 2009 (*Signed by Governor 7/8/09*)

SPECIAL ACT 09-6 - AN ACT CONCERNING STATE PERSONNEL COST SAVINGS.

This act creates a retirement incentive program for nonunion state employees who are at least age 55 by June 30, 2009 and meet certain other requirements. The incentive allows eligible employees to add up to three years to their state service credit for the purpose of calculating retirement benefits.

It also imposes seven days of mandatory unpaid furloughs on all nonunion full-time state employees between the act's effective date and June 30, 2011 and requires part-time employees to take furlough days on a pro rata basis, based upon each employee's biweekly work schedule. The furlough days are:

May 22, 2009	(Friday before Memorial Day)
July 6, 2009	(Monday after July 4 th)
November 27, 2009	(Friday after Thanksgiving)
December 24, 2009	(Christmas Eve)
July 2, 2010	(Friday before July 4 th)
November 26, 2010	(Friday after Thanksgiving)
December 27, 2010	(Monday after Christmas)

The act subjects nonunion state employees to the health care coverage provisions of the agreement between the state and the State Employees Bargaining Agent Coalition (SEBAC) that (1) was ratified on May 8, 2009 and (2) is subject to HR 31 and SR 28 of the 2009 session. The employees must meet any obligation or condition of the agreement including those concerning (1) prescription co-pay, (2) active employee health care premium cost sharing, (3) the closing of the preferred plan, (4) co-pays for preventive care, and (5) retiree health care.

The act's provisions cover nonunion state employees including managers, confidential employees, unclassified employees, appointed officials and employees, and employees of boards and commissions.

Finally, the act requires the Department of Administrative Services Commissioner, in consultation with the comptroller, to report on the savings realized from implementing the retirement incentive program.

EFFECTIVE DATE: Upon passage (*Signed by Governor May 18, 2009*)

ACTS FROM 2009 SPECIAL SESSIONS

June Special Session, Public Act 09-3 - AN ACT CONCERNING EXPENDITURES AND REVENUE FOR THE BIENNIUM ENDING JUNE 30, 2011

This act appropriates funds for state agencies and programs for FY 10 and FY 11. The total appropriation for DCF is \$872,246,940 in FY 10, and is \$886,190,199¹ in FY 11.

Other provisions of interest to DCF include:

- § 46 - Directs expenditure of appropriated funds for Support for Recovering Families to give priority to reunification of families. Requires DCF to report by January 1, 2010. An FY 11 reduction of \$2.5 million has been incorporated under DCF's budget to reflect anticipated savings due to reduced caseloads and averted out-of-home placement made possible by maximizing, to

¹ Reflects total DCF appropriation for FY 10 and FY 11 contained in June Special Session PA 09-3 and other adjustments in various budget implementation bills during the September Special Session.

the extent feasible, the enrollment of families into the supportive housing for families program who are undergoing reunification with their children.

- § 55 - Suspends rate adjustments for residential treatment centers licensed by DCF. Reductions of approximately \$2. 2 million in FY 10 and an additional \$2. 4 million in FY 11 have been incorporated under DCF's budget to reflect the suspension of single cost accounting rate adjustments over the biennium.
- § 47(a) - OPM shall recommend reductions of \$14 million in expenditures for Personal Services for FY 10 & FY 11.
- § 47(b) - OPM shall recommend reductions of \$11 million in expenditures for Other Expenses for FY 10 & FY 11.
- § 47(c) - Requires OPM to make recommendations for a total reduction of \$95 million in expenditures for contracts & personal service agreements for FY 10 & FY 11.
- § 47(d) - Directs OPM to submit plans detailing recommended reductions under sections 47(a) – (c).
- § 48 - Permits the Governor to modify or reduce allotments to achieve Personal Services savings included in the budget.
- § 49 - Limits the total number of positions to 124 that may be filled by DAS from the General Services Revolving Fund.
- § 50 - Any General Fund appropriation may be transferred between agencies with FAC approval in order to maximize federal reimbursement.
- § 51 - Any General Fund appropriation may be transferred between agencies with FAC approval in order to maximize federal stimulus funding. Governor shall present a plan for any such transfer.
- § 52 - Permits any General Fund appropriation to be adjusted by the Governor, with FAC approval, to maximize federal funding. A plan must be submitted by the Governor.
- § 60 - Agencies' filled positions can't exceed the number included in the OFA Budget Book (except upon FAC approval).
- § 78 - Allows the Probate Court to expend up to ten percent of dollars appropriated for the Kinship Fund, Grandparents and Relatives Respite Fund, and Extended Family Guardianship and Assisted Care Program for related administrative costs. A combined total of \$1,050,000 is appropriated for the Kinship and Respite Funds, and \$100,000 is appropriated for the Extended Family Guardianship and Assisted Care Program within the Judicial Department's Other Expenses account. This section would allow up to \$105,000 to be expended for administrative purposes associated with the Kinship and Respite Funds. Historically, the entire appropriation for these Funds has been distributed to or for the benefit of participant families. This section would also allow up to \$10,000 to be expended for administrative purposes associated with the Extended Family Guardianship and Assisted Care Program. Any such expenditure will correspondingly decrease the amount available for grants.

EFFECTIVE DATE: Upon passage (*Became law 9/8/09, not signed by Governor*)

September Special Session, Public Act No. 09-1 - AN ACT CONCERNING THE RECOMMENDATIONS OF THE PROBATE REDISTRICTING COMMISSION.
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The act eliminates the existing 117 probate districts and replaces them with 54 probate districts.

EFFECTIVE DATE: January 5, 2011 except for the provision requiring the probate court administrator to name the newly created probate districts by March 31, 2010, which becomes effective upon passage. (*Signed by Governor 9/25/09*)

September Special Session, Public Act No. 09-2 - AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES

The act authorizes bonds for grants and loans various purposes for FY 10 regarding the Department of Children and Families:

- § 34 (g) - Grants to private, nonprofit organizations for construction or renovation for recreation or education purposes, \$20,000,000;
- § 27(f) (1) - Connecticut Juvenile Training School – alterations, renovations, and improvements relating to “raise the age” requirements, \$8,000,000;
- § 27(f) (2) - Construct a secure facility for girls aged 14-17, \$4,700,000.

EFFECTIVE DATE: Upon passage (*Signed by Governor 9/25/08*)

September Special Session, Public Act No. 09-3 - AN ACT AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING PUBLIC HEALTH AND MAKING CHANGES TO VARIOUS HEALTH STATUTES.

§§ 1-38 — Merger of OHCA with DPH

The act makes a number of changes, primarily technical, to merge the existing Office of Health Care Access (OHCA) with the Department of Public Health (DPH). It establishes an OHCA division, within DPH and under the direction of the DPH commissioner, as a successor to the former OHCA. OHCA would no longer have its own commissioner. The act establishes a deputy commissioner position to oversee the OHCA division of DPH. The act specifies that the current OHCA commissioner serves as this new deputy commissioner and can exercise independent decision making authority over all certificate of need (CON)-related matters including CON determinations, orders, decisions, and agreed settlements. By January 1, 2010, this deputy commissioner, in consultation with the DPH commissioner, must report to the governor and the Public Health Committee on recommendations for CON reform.

The act specifies that any order, decision, agreed settlement, or regulation of OHCA in force as of the act's passage, continues in force and effect as a DPH order or regulation until amended, repealed, or superseded by law. OHCA's current responsibilities, including health care facility utilization and planning, certificate of need review, hospital charges and payments, data filings, and adoption of regulations, continue under the act.

§§ 47-49 — Sexual Assault Forensic Examiners Program

The act authorizes the Office of Victim Services to establish a program to train sexual assault forensic examiners (SAFE) and make them available to adult and adolescent sexual assault victims at participating hospitals. It act allows the Office of Victim Services to apply for and use funds from federal, state, and private sources for the program. The act requires a SAFE to be a physician or a registered or advanced practice registered nurse. Under the act, a SAFE may provide immediate care and treatment to a sexual assault victim in a hospital and collect evidence. In doing so, the SAFE must follow (1) existing state sexual assault evidence collection protocols, (2) the hospital's policies and accreditation standards, and (3) the hospital's written agreement with the Office of Victim Services and DPH concerning its participation in the SAFE program. The act specifies that it is not to be construed to alter the scope of nursing practice established in statute.

EFFECTIVE DATE: Upon passage (*Signed by Governor 10/6/09*)

September Special Session, Public Act No. 09-4 - AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND

Section 3 of this act amends a 1999 conveyance to add the improvements on two parcels of land that the Department of Children and Families conveyed to Middletown in 1999 at fair market value. It changes the specified use from redevelopment to open space, thus amending the price of the property that was to have been reduced by the amount of demolition and disposal costs necessary to redevelop the parcels. The price reduction compensates the city for its costs to prepare the parcels for use as open space. It also deletes a provision that required the proceeds from the sale to be deposited in the Connecticut Juvenile Training School's donation fund.

EFFECTIVE DATE: Upon passage (*Signed by Governor 9/25/09*)

September Special Session, Public Act No. 09-5 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES AND MAKING CHANGES TO VARIOUS SOCIAL SERVICES STATUTES

This act implements provisions of the budget pertaining to human services. Sections of interest to the Department of Children and Families are:

§ 68 — Emergency Placement Background Checks

The act conforms law to current practice by giving DCF the authority to request an instant federal name-based criminal history search from a criminal justice agency for any person living in the home where a child has been placed as a result of the sudden unavailability of his or her primary caretaker. These emergency placements include private homes of the child's neighbors, friends, or relatives. Within 15 calendar days after the name-based search is performed, DCF must request that the State Police Bureau of Identification perform a state and national criminal history records check of anyone living in the home. If a person refuses to provide fingerprints or other identifying information, DCF must immediately remove the child from the home. If DCF denies emergency placement or removes a child from a home based on the results of the federal name-based criminal history search, the subject has the right to contest the denial or removal by requesting a full criminal history records check. It is unclear if there is a deadline for the subject to contest the department's action.

§ 69 — Subsidized Guardianship Program

The act gives DCF greater flexibility to alter its subsidized relative guardianship program by eliminating most statutory requirements and generalizing the department's authority to issue and modify regulations. This change streamlines the process for changing program requirements by regulation rather than by statutory amendment when federal reimbursement requirements change. Under the act, the department's regulations must include all federal requirements necessary to maximize federal reimbursement available to the state.

§§ 21-29 — Children's Trust Fund

The act moves the Children's Trust Fund and its council from the Department of Children and Families, where it currently exists for administrative purposes, to the Department of Social Services. It provides that any Children's Trust Fund order, regulation, or contract in force on September 1, 2009 remains in force as a DSS order, regulation, or contract until it is amended, repealed, or superseded.

The act makes DSS the lead state agency, in collaboration with the Children's Trust Fund Council, for community-based, prevention-focused programs and activities to strengthen and support families to prevent child abuse and neglect. Its responsibilities include:

- (1) initiating programs to support families at risk of child abuse or neglect,
- (2) helping organizations to recognize abuse and neglect,
- (3) encouraging community safety,
- (4) increasing broad-based efforts to prevent abuse and neglect,
- (5) creating a network of agencies to advance abuse and neglect prevention, and
- (6) increasing public awareness of abuse and neglect issues.

With the advice of the Children's Trust Fund Council, the act authorizes the DSS commissioner to fund programs aimed at preventing child abuse and neglect and family resource programs. It removes the council's authority to hire an executive director and any necessary staff. It requires DSS to ensure that the Nurturing Families Network is implemented statewide. Currently, the Nurturing Families Network is composed of several pilot programs operating in different areas of the state.

Under the act, the DSS commissioner may apply for and accept private and federal funds on behalf of the department and Trust Fund that are used for the prevention of child abuse and neglect and family resource programs. Currently, this can only be done by the Children's Trust Fund.

The act substitutes the DSS commissioner for the DCF commissioner as the state official who can accept gifts on behalf of the Children's Trust Fund. The act revises the duties of the Nurturing Families Network Advisory Commission, which monitors the Trust Fund Council's Nurturing Families Network.

Along with the Children's Trust Fund, the act adds DSS as an administrator of the Kinship Fund and the Grandparents and Relatives Respite Fund. Someone who is appointed guardian of a child or children through Superior Court and who does not receive foster care payments or subsidized guardianship benefits from DCF, can apply for grants from these funds through the probate court.

EFFECTIVE DATE: Upon passage (*Signed by Governor 10/5/09*)

September Special Session, Public Act No. 09-6 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING EDUCATION, AUTHORIZING STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS, AND MAKING CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS AND OTHER EDUCATION STATUTES.

§§ 50 & 51 — *Early Childhood Education Cabinet*

The act reconstitutes the existing Early Childhood Education Cabinet and changes its membership and duties. Some of its duties under current law are given to the Early Childhood Planning Office, some are eliminated, and some remain with the cabinet. The new 17-member cabinet will include the following commissioners, or their respective designees: (1) Education, (2) Social Services, (3) Public Health, (4) Developmental Services, and (5) Mental Health and Addiction Services. The cabinet also includes: the Office of Policy and Management secretary or his representative; a SDE representative who is responsible for special education programs; a representative from an institution of higher education appointed by the higher education commissioner; the Commission on Children executive director, or her designee; the Connecticut Head Start State Collaboration Office project director; a Head Start Program representative appointed by the House minority leader; a local provider of early childhood education appointed by the Senate minority leader; a member of the House appointed by the House speaker; a parent who has a child attending school in a priority school district who is appointed by the House speaker; a member of the Senate appointed by the Senate president pro tempore; a representative of a public elementary school with a prekindergarten program appointed by the Senate president pro tempore; and a representative of the

business or philanthropic community appointed by the governor. The chairperson of the new cabinet must be appointed by the governor from among the members.

The new cabinet is comprised of many of the same members as the existing cabinet, but the following are not part of the cabinet under the act: the Governor or her representative, the Higher Education commissioner, or his representative; the Children and Families commissioner, or her representative, the Co-Chairs of the Education and Human Services committees; a representative of a local or regional school readiness council appointed by the Senate president pro tempore; a representative of the Connecticut Head Start Association appointed by the House speaker. Although the Higher Education commissioner is not a member of the cabinet, under the act he appoints the member who represents higher education on the cabinet. Also, while the co-chairs of the two legislative committees are not named, the leaders of the house and senate each appoint a member of their respective chambers to the cabinet.

§§ 53-55 — Requirements Regarding School Dropouts and Readmission to School

Withdrawal from School

By law, parents or guardians of a child between the ages of five and 17 must cause the child to go to the public school in their district, unless they can show that the child has graduated from high school or is elsewhere receiving an equivalent education. They may consent to the withdrawal of 16- and 17-year-olds from school, if they personally appear and sign a withdrawal form. Additionally, when parents or guardians withdraw a student under this provision, the school district must provide information on educational options for the student. This act eliminates the parental consent option for 16-year-olds, starting July 1, 2011. It also requires the withdrawal form to include an attestation from a school administrator or guidance counselor that the information on educational options was provided. The act also requires boards of education to include in their strategic school profile the number of students enrolled in a board of education- or regional education service center-operated adult high school credit diploma program.

Readmission of Students

By law, if a student aged 16 or older voluntarily drops out and then seeks readmission, the board can deny the student school accommodations for up to 90 days from the date of the termination. Starting July 1, 2010 for 16-year-olds and July 1, 2011 for 17-year-olds, the act requires school districts to provide school accommodations to students no more than three days after they ask for it, as long as they seek readmission no more than 10 days after the student terminated enrollment.

§ 56 — In-School Suspension

The act extends, from July 1, 2009 to July 1, 2010, the implementation date of the 2007 law limiting out-of-school suspensions and its definition of “in-school suspension.” The law requires suspensions to be in-school unless the school administration determines, at the required informal suspension hearing, that the student (1) poses such a danger to people or property or (2) is so disruptive of the educational process that the suspension must be served outside of school. Prior law defined in-school suspension as exclusion from classroom activity, but not from school, for up to five consecutive days. The 2007 law extended this to a maximum of 10 consecutive school days. The law's original effective date was July 1, 2008, but it was delayed until July 1, 2009 in 2008.

EFFECTIVE DATE: Upon passage (*Signed by Governor 10/5/09*)

<p>September Special Session, Public Act No. 09-7 - AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT AND MAKING CHANGES TO VARIOUS PROGRAMS.</p>

§§ 69-93 — Raising the Age of Juvenile Court Jurisdiction

These sections of the act:

- (1) raises the maximum age for juvenile court jurisdiction from age 15 to age 16 starting January 1, 2010;
- (2) on July 1, 2012, raises the age from 16 to 17;
- (3) consistent with the phase-in of the raise the age provisions, delays the repeal of the Youth in Crisis law from January 1, 2010 to January 1, 2012 and restricts eligibility to youths age 17 beginning in 2010, rather than those age 16 and 17;
- (4) revises the definition of delinquent act;
- (5) eliminates juvenile court jurisdiction over matters involving emancipated minors who are, under the act, under age 17 as of January 1, 2010 and under age 18 on and after July 1, 2012;
- (6) allows police officers to release an arrested child into the child's own custody and makes it a delinquent act for a child that has been released into his or her own custody to willfully fail to appear in court;
- (7) modifies rules for the admissibility of children's confessions;
- (8) limits the use of pretrial detention, but adds violating conditions of a suspended detention order as a basis for detaining a child;
- (9) modifies and expands vocational probation options;
- (10) requires the education commissioner's annual report to the legislature to include information about referrals and diversions of 16-year-olds from the court system to youth service bureaus;
- (11) transfers some functions from the Judicial Branch's Court Support Services Division to the entire Judicial Branch and authorizes the chief court administrator to issue bids to contract for space or services for juveniles; and
- (12) expands the availability of record erasure for children (a) convicted as delinquent or (b) adjudicated as a child in a family with service needs (FWSN – truants, runaways, or children beyond control of parents or school officials) but delays, from 16 to 17, the age children must reach before becoming entitled to court consideration of an erasure petition.

It also makes conforming and technical changes.

§ 104 — Fund Transfers Associated with the Raise the Age Provisions

For FY 2010, the act transfers \$2,555,012 currently appropriated to the Judicial Branch for Youthful Offender Services to DCF for Residential Board and Care. For FY 2011, the act transfers \$5,299,000 from the Judicial Branch for the same purpose.

§ 113 — Reviving Juvenile Jurisdiction Policy and Operations Coordinating Council

The Juvenile Jurisdiction Policy and Operations Coordinating Council is composed of state officials, legislators, and others with expertise in juvenile justice issues. Its duties include monitoring the implementation of changes required in the juvenile justice system to expand jurisdiction to include 16- and 17-year-olds. On January 1, 2009 it submitted its final report and recommendations to the governor and Appropriations, Children's, Human Services, and Judiciary committees. Under the act, it must submit a second report by January 1, 2011 to the same entities. The report must contain the council's recommendations concerning the implementation of changes required in the juvenile justice system to expand juvenile jurisdiction to include 16- and 17-year olds

§ 1 — Appropriation Modifications

Makes appropriation changes to the budget (June Special Session PA 09-3) including eliminating the establishment of the Administrative Hearings Division within CHRO along with the various transfers.

§ 155 — Task Force on Division of Administrative Hearings

The act establishes a 24-member task force to develop recommendations for establishing within the Commission on Human Rights and Opportunities (CHRO) a Division of Administrative Hearings that would conduct impartial hearings on contested cases brought by or before the departments of Children and Families, Transportation, and Motor Vehicles; CHRO; and the Board of Firearms Permit Examiners. The task force members are: the chairs and ranking members of the Government Administration and Elections, Human Services, Judiciary, and Transportation committees, or their designees; the commissioners of Children and Families, Transportation, and Motor Vehicles or their designees; the CHRO executive director or his designee; a Board of Firearms Permit Examiners' member; a member of the Connecticut Bar Association designated by the Association's president; a member of the Permanent Commission on the Status of Women appointed by the Senate president pro tempore; and a legislator with recognized leadership on issues of particular concern to racial minorities in the state appointed by the House speaker or the legislator's designee. The taskforce has three chairpersons; two selected jointly by the House speaker and Senate president pro tempore from among the task force members and the Office of Policy and Management's secretary or his designee. The task force must make recommendations to the General Assembly by February 1, 2010 on: (1) the viability of placing the division within CHRO; (2) the scope of matters it will hear; (3) any federal considerations or restrictions, including funding issues related to hearing cases from the departments of Motor Vehicles, Transportation, and Children and Families; (4) the need to train administrative law adjudicators in all matters and areas of the law to be heard by the division; (5) the requisite number of administrative law adjudicators necessary to hear matters assigned to the division and the concomitant level of support staff; (6) procedures for appointing the chief administrative law adjudicator; (7) the transfer of state agency affirmative action plan responsibilities from the CHRO to the Department of Administrative Services; and (8) the transfer of contractor affirmative action plan compliance responsibilities from CHRO to the Office of the Attorney General.

§ 180 — Memorandum of Understanding to Reunify Incarcerated Women With Their Children

The act requires the DCF and the Department of Correction (DOC) commissioners to enter a memorandum of understanding (MOU) to develop a program to reunify incarcerated women with their children in the community when appropriate. The commissioners must submit a report to the Appropriations and Human Services committees by January 1, 2010, describing the program developed under the MOU and estimate the number of eligible individuals and the savings to be achieved. DCF and DOC can transfer funds between the agencies without the Finance Advisory Committee's consent to achieve savings related to the program.

§ 38 — Extended Care Guardianship and Assisted Care Pilot Program

The act also requires the Probate Court's extended family guardianship and assisted care pilot program to be designed to: (1) provide outreach to non-relative caregivers in the community and appoint them as guardians, and (2) provide and pay for needed services to assist guardians in meeting the needs of the children. The act makes each guardian appointed by the court eligible to receive a maximum grant of \$ 1,000 instead of \$ 500 per child. The act also requires the regulations to establish the criteria for: (1) providing services to assist guardians to meet the children's needs, and (2) obtaining and paying for studies from private child-placing agencies in connection with guardianship proceedings.

§ 49 — Commission on Enhancing Agency Outcomes

The act expands the membership of the Commission on Enhancing Agency Outcomes created by PA 09-2 by adding the chairpersons of the Legislative Program Review and Investigations Committee, or their designees. Currently, the chairpersons and ranking members of the Appropriations Committee serve on the commission. The act permits the committee chairpersons to be represented by designees, but not the ranking members. Currently, the commission charge includes consideration of the merging of state agencies including, specifically, (1) the Department of Mental Health and Addiction Services and the Department of Social Services and (2) the Connecticut Commission on Culture and Tourism, portions of

the Office of Workforce Competitiveness, and the Department of Economic and Community Development. The act (1) eliminates these references to specific agencies in the commission's charge to consider merging state agencies and (2) adds consideration of streamlining state operations to its charge.

The act also (1) requires the Legislative Program Review and Investigations Committee, as it determines and within existing budgetary resources, to assist the commission and (2) extends and revises the commission's reporting requirements. Currently, the commission has to submit a report of its findings and recommendations to the governor, the House speaker, and the Senate president by July 1, 2009 and the commission terminates no later than that date. The act, instead, gives the commission until February 1, 2010 to submit an initial report identifying subjects for further study and until December 31, 2010 to submit a full report on its findings and recommendations. It allows the commission to continue in existence until December 31, 2011.

EFFECTIVE DATE: Upon passage, except the provisions extending juvenile court jurisdiction to 17-year-olds and the repeal of the Youth in Crisis law are effective January 1, 2010, and the provision raising the age for emancipation are effective July 1, 2012. *(Signed by Governor 10/5/09)*