Department of Children and Families

Legislative Summary

2014

DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE SUMMARY

The following is a compilation of legislation of interest to the Department of Children and Families that passed during the 2014 Regular Session of the General Assembly. These summaries are based largely upon the bill analysis prepared by the General Assembly's Office of Legislative Research.

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

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ADOLESCENT AND JUVENILE JUSTICE SERVICES

SPECIAL ACT 14-8 - H.B. No. 5374 - AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY ON THE DEPARTMENT OF CHILDREN AND FAMILIES AS THEY RELATE TO PREPARATION OF YOUTHS AGING OUT OF STATE CARE

This act requires the Commissioner of Children and Families to prepare a progress report on the steps the Department of Children and Families has taken to comply with each of the recommendations contained in the 2014 Legislative Program Review and Investigations report on services to prepare youths aging out of state care. The report shall be submitted to the Legislative Program Review and Investigations Committee and the General Assembly's Children, Public Health, Housing, Appropriations and Human Services Committees not later than February 2, 2015.

Effective Date: Upon passage (*Signed by Governor Malloy May 28, 2014*)

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ADOPTION, FOSTER CARE AND GUARDIANSHIP

PUBLIC ACT 14-133 - H.B. No. 5144 - AN ACT CONCERNING ACCESS TO BIRTH CERTIFICATES AND PARENTAL HEALTH INFORMATION FOR ADOPTED PERSONS

This act requires the Department of Public Health (DPH) to give adopted individuals at least age 18 whose adoptions were finalized on or after October 1, 1983, or their adult children or grandchildren, uncertified copies of the adoptee's original birth certificate on request. This requirement applies starting July 1, 2015, and regardless of the date parental rights were terminated. Current law (1) bars access to such original birth certificates without a Probate Court order and (2) otherwise permits access to identifying information about a birth parent only with the parent's consent.

Under the act, people adopted before October 1, 1983, their adult children or grandchildren, or certain relatives of a deceased adoptee can also obtain the original certificate, through a court order. If the birth parents are alive, the court can only issue such an order with their consent, or in certain circumstances, the consent of a legal representative or guardian ad litem (GAL).

The act also creates a voluntary procedure for biological parents to complete a Department of Children and Families (DCF) form indicating whether they want to be contacted by their adopted adult children or the adoptees' adult children or grandchildren. When issuing an original birth certificate, DPH must provide a notice stating that these completed forms, as well as the biological parents' completed health history forms provided for by existing law, may be on file with DCF.

The act requires the DPH and DCF Commissioners to each report annually to the Public Health Committee, for six years, on specified matters relating to the act's requirements.

It makes conforming changes to the statute on the state's policy regarding adopted individuals' access to information about their background and related matters (§ 6). It also makes other minor, technical, and conforming changes.

Effective Date: July 1, 2015, except for the annual reporting provisions, which are effective upon passage. (*Signed by Governor Malloy June 6, 2014*)

COPIES OF ADOPTEES' ORIGINAL BIRTH CERTIFICATES

§§ 2, 5, & 7 — Requests by Certain Adult Adoptees or their Adult Children or Grandchildren

Under current law, (1) a Probate Court order is required to release an adopted person's original birth certificate and (2) DCF or a child-placing agency may not release information identifying a biological parent without the parent's written consent. If parental rights were terminated before October 1, 1995, DCF or the child-placing agency must first attempt to locate the other biological parent to obtain written consent to permit disclosure, and certain requirements apply if the other parent cannot be located or does not consent.

Starting July 1, 2015, the act creates an exception by allowing adopted individuals whose adoptions were finalized on or after October 1, 1983, or their adult children or grandchildren, to obtain the original birth certificate. If any of these people makes such a request, DPH must issue an uncertified copy of the original. DPH must mark the copy with a notation that the certificate has been superseded by a replacement. This is the same notation required when a copy of a sealed original is issued pursuant to a court order (see below).

Along with the certificate, DPH must provide a notice stating that information regarding the birth parents' contact preferences and medical health history forms may be on file with DCF (see below). The notice must be printed on the certificate or attached to it.

The act establishes a $65 fee for uncertified copies of an adoptee's original birth certificate. Under existing law, the fee for a birth certificate issued by a town registrar is $15 or $20 for a short-form and long-form certificate, respectively. The fee for birth certificates issued by DPH is $30 (§ 5).

§§ 2 & 10-11 — Court Orders to Release Original Certificate

Under current law, an adoptee or certain other individuals can request a court order for access to the adoptee's original birth certificate. The act allows such requests from adoptees whose adoptions were finalized before October 1, 1983, or their adult children or grandchildren. It otherwise allows court orders for the release of an adoptee's original birth certificate only if the adoptee is deceased. For a deceased adoptee, only the person's adult descendants, biological parents, or adult biological siblings can request a court order to obtain the certificate.

The act allows these petitions to be filed in the Superior Court, not just Probate Court as under current law. The applicant can file the petition in the court where the adoption was finalized. He or she can also file it in the court that appointed a GAL, as is required if the birth parent cannot be located or appears incompetent.

The act removes the current limitation that the court can grant such an order only if it determines that allowing access to or releasing the original certificate would not be detrimental to the public interest or to the welfare of the adopted person, adoptive parents, or biological parents. The act instead requires the court to order DPH to issue the original certificate if each birth parent named on the certificate (1) consents to the release of his or her identifying information or (2) is deceased.

Under the act, if the court has appointed a GAL as specified above, his or her consent is required to release the certificate. If a birth parent has been declared incompetent, the legal representative's consent is required to release it.

The act specifies that if the court issues such an order, only DPH may issue the certificate, which must be an uncertified copy. Under current law, either DPH or the appropriate town registrar may issue certified copies following a court order.

The act eliminates the court's option of allowing someone to examine the certificate as distinct from obtaining a copy of it.

It repeals provisions allowing an adoptee or other authorized applicant to file a court petition seeking access to identifying information on someone when (1) the person cannot be located or is incompetent or (2) DCF or the child-placing agency has not found him or her within 60 days of the request. Among other things, these provisions: (1) require the court to order DCF or the child-placing agency to report whether release of the information would be seriously disruptive to, or endanger the physical or emotional health of, the applicant or person whose information is being sought; and (2) require the court, after a hearing, to order the information released unless (a) the GAL for the person whose identity is being sought did not consent or (b) release would be seriously disruptive or dangerous as specified above.

§ 3 — CONTACT PREFERENCE AND HEALTH HISTORY FORMS

Under the act, DCF must make a contact preference form available to any birth parent who requests it, to indicate the parent's preference regarding contact by (1) his or her birth child who was later adopted, if the child is at least age 18, or (2) such a child's adult child or grandchild. When receiving a request for a contact preference form, DCF must also provide the parent with a form to fill out his or her health history information.

On the contact preference form, the parent must indicate whether he or she: (1) would like to be contacted; (2) would like to be contacted, but only through an intermediary he or she designates; or (3) does not want to be contacted.

The act requires DCF to maintain birth parents' completed contact preference forms and health history forms in a confidential file. The Department can give copies of the completed forms only to the adult adopted person or his or her adult child or grandchild, upon request. The act exempts completed contact preference forms from disclosure under the Freedom of Information Act (FOIA). Existing law already exempts completed health history forms from disclosure under FOIA (CGS § 1-210(b)(14)).

§ 4 — REPORTING REQUIREMENT

The act requires the DPH and DCF Commissioners to each report annually to the Public Health Committee for six years, with the first reports due by January 1, 2016, and the final reports due January 1, 2021.

The DPH Commissioner's report must include the annual number of original birth certificates the Department issued to adopted adults whose adoptions were finalized on or after October 1, 1983, or their adult children or grandchildren.

The DCF Commissioner's report must include the annual number of contact preference forms and health history forms filed with the Department. It also must indicate the number of birth parents choosing each of the three options on the contact preference form (contact, contact only through intermediary, or no contact).

BACKGROUND

Sealed Birth Certificates

In most cases, DPH seals the original birth certificate when a Probate Court notifies it that a child born in Connecticut has been adopted. It prepares a new certificate substituting the adoptive parents' names for those appearing on the original certificate (CGS § 7-53).

Health History Forms

By law, DCF and child-placing agencies must make reasonable efforts to compile nonidentifying information about the biological parents of a child who is placed or available for adoption. This information is disclosable to adopting parents and adult adoptees, among others, and may include a health history of the child's parents and blood relatives (CGS § 45a-746).

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BEHAVIORAL HEALTH AND HEALTH SERVICES

PUBLIC ACT 14-115 - S.B. No. 322 - AN ACT CONNECTING THE PUBLIC TO BEHAVIORAL HEALTH CARE SERVICES

This act requires the Office of the Healthcare Advocate, by January 1, 2015, to establish an information and referral service to help residents and providers receive information, timely referrals, and access to behavioral health care providers. It specifies the responsibilities of the healthcare advocate or her designee in establishing the service.

The act requires the office, by February 1, 2016, and annually thereafter, to report to the Committee on Children and the Human Services, Insurance, and Public Health committees. The report must identify gaps in services and the resources needed to improve behavioral health care options for state residents.

Effective Date: July 1, 2014 (*Signed by Governor Malloy June 6, 2014*)

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PUBLIC ACT 14-211 - S.B. No. 417 - AN ACT CONCERNING THE PROVISION OF BEHAVIORAL HEALTH AND SUBSTANCE USE TREATMENT SERVICES BY MULTI-CARE INSTITUTIONS

This act allows a "multi-care institution" to offer certain health services at locations not listed on its license. It does so by eliminating the requirement that the Department of Public Health (DPH) issue a license only for the premises and persons named in the application. The act also specifies a multi-care institution license application process and allows DPH to adopt regulations to implement its provisions.

The act also broadens the licensure requirements for certain institutions. The law requires licensure of home health care agencies, homemaker-home health aide agencies, and homemaker-home health aide services only if they are not otherwise required to be licensed by the state. The act broadens this provision to also include other health care institutions, including hospitals, nursing homes, residential care homes, mental health facilities, and alcohol or drug treatment facilities.

Effective Date: October 1, 2014 (*Signed by Governor Malloy June 13, 2014*)

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SPECIAL ACT 14-7 - H.B. No. 5371 - AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY ON ACCESS TO SUBSTANCE USE TREATMENT FOR INSURED YOUTH AS THEY RELATE TO THE DEPARTMENT OF CHILDREN AND FAMILIES

This act requires the Departments of Mental Health and Addiction Services, Public Health and Children and Families to jointly develop a proposal to establish an urgent care center for individuals with behavioral health concerns to be operated by both public and private entities. The Departments shall submit the proposal to the General Assembly's Human Services and Children's Committees not later than February 1, 2015.

The act also requires each entity providing professional services for a child or youth receiving services under the voluntary services program operated by DCF, to record, for a three-month period to be prescribed by the Department:
(1) The name of the insurance carrier, if applicable, of any such child or youth whose parent or legal guardian seeks treatment for such child or youth through a program offered by an in-home behavioral health care service, or the name of the parent or legal guardian's employer if the employer's health care plan is self-insured;
(2) (A) If such child or youth was accepted into the program, whether (i) the insurance carrier agreed to cover the treatment, and (ii) such child or youth participated in the program; or
(B) If such child or youth was not accepted into the program, (i) the cost of treatment for such child or youth, and (ii) whether the denial of coverage was due to exceeding the coverage limits of the insurance policy; and
(3) If such child or youth was accepted into the program and participated in such program, and the carrier agreed to such coverage, the terms of the cost-sharing agreement.

The information is to be submitted to DCF not later than February 1, 2015 and the Department shall analyze the information to assess (1) the accessibility of in-home behavioral health care services to insured children or youth, (2) the extent to which costs of such services are shifted to the state and the state's contracted nonprofit service providers, and (3) if the Department determines that the costs shifted to the state and such providers is excessive, methods to alleviate the burden on the state and such providers. The Department shall report the results of its assessment to the General Assembly's Insurance and Children's Committees not later than April 1, 2015.

Finally, the act requires the Departments of Mental Health and Addiction Services and Children and Families to develop a substance abuse recovery support plan to provide services to adolescents and young adults throughout the state. The plan shall include, but not be limited to, (1) methods to increase community support for such adolescents and young adults, (2) methods to alert such adolescents and young adults that such support is available, and (3) options for the implementation of such plan, including securing access to public and private funding for such plan. The Departments shall report on the status of the support plan to the General Assembly's Human Services and Children's Committees not later than January 15, 2016.

Effective Date:. Upon passage (*Signed by Governor Malloy May 28, 2014*)

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CHILD ABUSE AND NEGLECT

PUBLIC ACT 14-70 - H.B. No. 5037 - AN ACT CONCERNING CROSS REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY

This act (1) broadens the circumstances in which a state, regional, or municipal animal control officer (ACO) must file an animal abuse report with the Department of Agriculture (DOAG) Commissioner and (2) requires the report to be written.

It expands the list of addresses the DCF Commissioner must check against an address in a DOAG report.

It also requires: (1) the DOAG Commissioner, starting by November 1, 2014, to include these additional reports in the monthly report he must already submit to the Department of Children and Families (DCF) Commissioner; (2) DCF employees who, in the course of their work, reasonably suspect that an animal has been harmed, neglected, or treated cruelly in violation of the law, to report in writing instead of orally to the DOAG Commissioner; and (3) the DCF and DOAG Commissioners, starting by January 1, 2015, to report annually to the Children's Committee the number of ACO and DCF employee written reports of actual or suspected instances of animal neglect or cruelty they received.

EXPANDED ACO REPORTING REQUIREMENTS

Currently, an ACO must file a report with the DOAG Commissioner only when the ACO both (1) reasonably suspects an animal is treated cruelly in violation of the law and (2) files a verified petition with the court after taking custody of the animal based on probable cause that cruel treatment occurred.

The act requires the ACO to file a report when he or she either: (1) reasonably suspects cruel treatment or (2) files a verified petition based on probable cause of: (a) illegally cropping a dog's ears, (b) inhumanely transporting horses, (c) selling, trading, or giving away a horse to work that is unable to do so, (d) leading, riding, or driving an animal on a public highway, (e) cruelty to poultry, (f) animal cruelty, (g) selling or giving a dyed fowl or rabbit, (h) using an animal, reptile, or bird to solicit alms or donations, or for other prohibited activities, (i) illegally docking a horse's tail, or (j) inhumanely transporting animals on railroads.

Current law requires the ACO to file the report as soon as practicable but no later than 48 hours after filing the court petition. The act requires the ACO to file a written report within 48 hours of having the reasonable suspicion or filing a petition.

DCF COMMISSIONER REQUIREMENTS

By law, the DCF Commissioner, within a week of receiving the DOAG report, must review it to see whether addresses linked to animal abuse match certain addresses. The act: (1) requires her to broaden the scope of her search by comparing the addresses to those where DCF has an open child protection case, rather than an open child welfare investigation; and (2) provide the relevant information to the family's social worker instead of a DCF investigator.

Open child protective cases include all cases in the investigation stage as well as those receiving ongoing services from the Department. Investigations remain open for up to 45 days, but child protective cases may remain open for months or years.

Effective Date: October 1, 2014 (*Signed by Governor Malloy June 3, 2014*)

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PUBLIC ACT 14-234 - H.B. No. 5593 - AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

This act makes various unrelated changes in laws that relate to family, domestic, and dating violence and other crimes.

With regard to family and domestic violence related laws, the act:
(1) adds 2nd degree breach of peace to the crimes that require a family violence designation in certain convicted person's criminal records,
(2) imposes a mandatory two-year minimum sentence for sexual assault in spousal or cohabiting relationships,
(3) makes it a crime to maliciously reveal the confidential location of an emergency shelter operated by a domestic violence agency,
(4) requires the chief court administrator to ensure that the Judicial Branch's training program includes information on the unique characteristics of family violence crimes, and
(5) makes other changes.

The act expands the circumstances under which the court may issue a standing criminal protective order to include situations involving violations against non-family or non-household members.

It also requires local and regional boards of education, as well as the State Department of Education (SDE), to address teen dating violence in schools, in the same way that the law requires them to address bullying. This includes establishing, within available appropriations, a safe school climate plan and resource network to identify, prevent, and educate people about such violence and providing teen dating violence prevention, identification, and response training to certain school employees.

Lastly, it makes a minor change to the crime of 1st degree harassment.

Effective Date: October 1, 2014, except section 8 effective January 1, 2015. (*Signed by Governor Malloy June 13, 2014*)

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EDUCATION AND EARLY CHILDHOOD

PUBLIC ACT 14-39 - H.B. No. 5562 - AN ACT ESTABLISHING THE OFFICE OF EARLY CHILDHOOD, EXPANDING OPPORTUNITIES FOR EARLY CHILDHOOD EDUCATION AND CONCERNING DYSLEXIA AND SPECIAL EDUCTION

This act establishes the Office of Early Childhood (OEC), led by a commissioner who serves at the pleasure of the governor. It eliminates the coordinated system of early care and education and child development ("coordinated system") and the position of planning director, precursors to OEC and its commissioner, and incorporates the coordinated system's goals and duties into enumerated OEC duties.

The office assumes the responsibility for administering early childhood programs and services currently run by the State Department of Education (SDE), the Department of Social Services (DSS), and the Department of Public Health (DPH). For some programs, the act designates OEC as the lead agency, entirely replacing the existing administering agency; for others, the existing administering agency maintains a consultative role. For example, for school readiness programming, OEC assumes the lead agency role but must consult with SDE and DSS for various aspects.

Program content generally remains the same after transfer to OEC. The transfer process makes OEC responsible for the following major programs as of July 1, 2014:
(1) school readiness;
(2) the Children's Trust Fund;
(3) Connecticut Charts-a-Course;
(4) state and federally funded child day care subsidies;
(5) child day care services management, evaluation, and professional development;
(6) child day care facilities licensing and inspection, and
(7) youth camp oversight.

The act also reassigns various funds, grants, and loans to OEC oversight.

It makes several changes to school readiness program funding, which the state provides through various grants allowing towns to purchase seats for three- to five-year olds who are too young to attend kindergarten. The act expands the school readiness program in two ways by requiring OEC to: (1) expand the competitive grant for school readiness spaces under current law, and (2) create a new school readiness grant to enable eligible towns and regional school readiness councils to (a) start up new school readiness classrooms and (b) provide spaces to eligible children in school readiness programs that are accredited or seeking accreditation,

It also makes several other major substantive changes in the following ways: (1) requires OEC to make more frequent unannounced visits to all licensed day care centers, group day care homes, and family day care homes; (2) gives OEC more authority over school readiness staff qualification requirements; and (3) changes the organization and membership of certain councils, committees, and cabinets.

The act makes many minor, conforming, and technical changes and deletes several obsolete deadlines and statutes.

It also requires that (1) dyslexia be added to the special education individualized education program (IEP) form as a separate category and (2) instruction in dyslexia be added to teacher preparation programs that lead to a professional teacher certification.

It also requires boards of education to notify parents or guardians of preschool special education students who reach age five or age six of their legal right to hold the child back from entering kindergarten for a year.

Effective Date: Upon passage for provisions relating to OEC organization, leadership, and responsibilities (§§ 501-503), the early childhood information system (§ 504), the early childhood accountability plan (§ 505), the kindergarten readiness assessment tool (§ 507), OEC financial support for Connecticut Health and Educational Facilities Authority (CHEFA) day care center loan recipients (§ 565), Teachers Retirement System (TRS) definitions (§§ 568-570), the preschool experience survey creation (§ 583), and regarding dyslexia on the IEP form (§ 1) and notification of parental rights (§ 3); July 1, 2014 for the remaining provisions. (*Signed by Governor Malloy May 28, 2014*)

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PUBLIC ACT 14-41 - S.B. No. 25 - AN ACT ESTABLISHING THE CONNECTICUT SMART START PROGRAM

The act requires the Office of Early Childhood (OEC), in consultation with the State Department of Education (SDE), to design and administer the Connecticut Smart Start competitive grant program for local and regional boards of education to establish or expand preschool programs.

It also makes changes to Public Act 14-39, which establishes the OEC. These changes require OEC's: (1) early childhood information system (created by Public Act 14-39, to facilitate and encourage the sharing of data between and among early childhood service providers) to track the health, safety, and school readiness of all young children receiving early care and education services in a preschool under the Smart Start program and (2) Commissioner to develop a plan to provide access to a preschool program established or expanded under the Smart Start program, which she must submit to the Governor by January 1, 2015.

Effective Date: July 1, 2014, except for provisions relating to tracking Smart Start students in the early childhood information system, which are effective upon passage. (*Signed by Governor Malloy May 28, 2014*)

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PUBLIC ACT 14-99 - S.B. No. 45 - An ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE EDUCATION OF CHILDREN

This act requires the Superintendent of each school district providing education to a neglected or abused child committed to the custody of the Department of Children and Families (DCF) to provide certain education-related information to (1) DCF, (2) the student's foster parent, and (3) the student's attorney.

It requires DCF and the Judicial Branch's Court Support Services Division (CSSD) to promptly review the educational files of any child or youth when he or she enters a facility or school program they run or contract with to determine if the child or youth may be eligible for special education and related services under state law.

It also makes technical and conforming changes.

Effective Date: October 1, 2014 (*Signed by Governor Malloy June 6, 2014*)

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PUBLIC ACT 14-196 - S.B. No. 203 - AN ACT CONCERNING A STATE-WIDE SEXUAL ABUSE AND ASSAULT AWARENESS PROGRAM

This act requires, by July 1, 2015, the Department of Children and Families, together with the Department of Education (SDE) and Connecticut Sexual Assault Crisis Services, Inc., or a similar organization, to identify or develop a statewide sexual abuse and assault awareness and prevention program for use by regional and local school boards. The school boards must implement the program by October 1, 2015.

SEXUAL ABUSE AND ASSAULT AWARENESS PROGRAM

Under the act, the program must include: (1) instructional modules for teachers; (2) age-appropriate educational materials for students in grades kindergarten through 12; (3) a uniform child sexual abuse and assault response policy and reporting procedure.

Under the act, the instructional modules may include (1) training on preventing, identifying, and responding to child sexual abuse and assault and (2) resources to further student, teacher, and parental awareness of child sexual abuse and assault and its prevention.

The age-appropriate materials for students may include (1) skills in recognizing (a) child sexual abuse and assault, (b) boundary violations and unwanted forms of touching and contact, and (c) ways offenders groom or desensitize victims and (2) strategies to (a) promote disclosure, (b) reduce self-blame, and (c) mobilize bystanders.

The response policy and reporting procedure may include: (1) actions child victims may take to get help, (2) intervention and counseling options for child victims, (3) access to educational resources to help child victims succeed in school, and (4) uniform procedures for reporting instances of child sexual abuse and assault to school staff.

Exemptions from Program

The act allows students to opt out of the awareness program or any part of it if the student's parent or legal guardian so notifies the school board in writing. School boards must provide exempt students with opportunities for study or schoolwork when the student would otherwise be participating in the program.

Effective Date: July 1, 2014 (*Signed by Governor Malloy June 12, 2014*)

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PUBLIC ACT 14-229 - S.B. No. 477 - AN ACT CONCERNING THE EXPUNGEMENT OF A PUPIL'S CUMULATIVE EDUCATION RECORD FOR CERTAIN EXPULSIONS

This act makes various changes in current law regarding erasure of student expulsion records. By law, a student's cumulative educational records must include notice of any expulsion and the behavior that caused it.

Regarding students expelled in kindergarten through grade eight for any reason, including firearms and deadly weapon possession, the act: (1) requires boards of education to erase the expulsion from the student's record upon graduation, which current law prohibits for firearms and deadly weapons expulsion, and (2) allows boards to erase the expulsion before the student graduates if (a) the student was never previously suspended or expelled, had the expulsion shortened or waived upon completing a board-specified program, and met board requirements or (b) the student's conduct and behavior in the years following expulsion demonstrate to the board that earlier erasure is warranted.

The act allows the board to receive and consider evidence of any disciplinary problems following the student's expulsion when considering earlier erasure, including removal from a classroom, suspension, or expulsion.

For students expelled in grades nine through 12 for possessing a firearm or deadly weapon, the act removes the board's discretion to: (1) shorten or waive expulsion periods for students who have (a) never previously been suspended or expelled and (b) successfully completed a board-specified program and met other board conditions and (2) subsequently erase expulsion notice upon completion of such program and conditions.

The act also makes a technical change.

Effective Date: July 1, 2014 (*Signed by Governor Malloy June 13, 2014*)

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SPECIAL ACT 14-22 - S.B. No. 424 - AN ACT CONCERNING ACCESS TO PRESCHOOL PROGRAMS FOR CHILDREN IN THE CARE AND CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES

NOTE: *Identical language included in Public Act 14-217 §§ 132 & 133)*

Section 1 of this act requires the Department of Children and Families (DCF), in consultation with the Office of Early Childhood, to (1) adopt policies and procedures that maximize the enrollment of eligible preschool-aged children in eligible preschool programs, and (2) submit such policies and procedures to the General Assembly's Children, Human Services, Education and Appropriations Committees. Such policies shall be submitted by January 1, 2015.

Section 2, requires the Department of Children and Families, in consultation with the Office of Early Childhood, to submit a report to the General Assembly's Children, Human Services, Education and Appropriations Committees, not later than January 1, 2015 concerning (1) the number of eligible preschool-aged children, as defined in section 1 of this act, who are enrolled in an eligible preschool program, as defined in section 1 of this act, at the time that such children are placed in out-of-home care by the Commissioner of Children and Families pursuant to an order of commitment under section 46b-129 of the general statutes, (2) the number of eligible preschool-aged children who are not enrolled in an eligible preschool program at the time of such placement, (3) the number of children age birth to three, inclusive, who are placed in out-of-home care by the Commissioner of Children and Families pursuant to an order of commitment under section 46b-129 of the general statutes, (4) the number of eligible preschool-aged children who require special education and related services and the number and percentage of such children who enrolled in a preschool program, (5) an analysis of the availability of spaces in eligible preschool programs in relation to the geographic placement of eligible preschool-aged

children described in subdivision (2) of this subsection, (6) an analysis of the availability of spaces in eligible preschool programs in relation to the nature of such eligible preschool program and the cost of such eligible preschool program to the Department of Children and Families, (7) an analysis of eligible preschool programs and transportation options that will minimize costs to the Department, including eligible preschool programs that provide transportation or whose geographic proximity to a child's placement is such that the provision of transportation by a foster parent or caregiver is considered within the reasonable expectations of the duties of such foster parent or caregiver, and (8) a plan to provide priority access to eligible preschool-aged children described in subdivision (2) of this subsection at state and federally-funded preschool programs.

BACKGROUND

Commitment Order

Upon finding that any child is uncared for, neglected, or abused, the Superior Court may commit the child to the DCF Commissioner until it makes further orders. The court may revoke commitment or terminate parental rights at any time (CGS § 46b-129(j)(2)).

School Readiness Program

By law, a "school readiness program" is a nonreligious, SDE-funded education program that provides a developmentally appropriate learning experience of at least 450 hours and 180 days for children between ages three and five who are unable to enroll in kindergarten (CGS § 10-16p(a)(1)). SDE funds school readiness programs through priority school district grants and competitive grants (CGS § 10-16p(c)-(d)).

School readiness program providers eligible for SDE funding include local and regional boards of education, regional educational service centers (RESCs), family resource centers, child day care centers, Head Start programs, and other preschool programs that meet the Education Commissioner's standards (CGS § 10-16p(b)(1)).

Care, Treatment, and Permanent Placement Plan

By law, the DCF Commissioner must maintain a written plan for care, treatment, and permanent placement for each child under DCF supervision. The plan must include a diagnosis of each child's problems, a proposed plan of treatment services and temporary placement, and a goal for permanent placement of the child (CGS § 17a-15).

Effective Date: Section 1, July 1, 2014; Section 2, upon passage (*Signed by Governor Malloy June 13, 2014*)

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FISCAL

PUBLIC ACT 14-47 - H.B. No. 5596 - AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES AND REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 2015.

The act contains a revised spending package for FY 15, spending adjustments for FY 14 and various revenue changes for FY 15.

The act includes:
(1) Net reductions to Original FY 15 appropriations in all funds of $2.2 million.
(2) Net reductions in Original FY 15 General Fund appropriations of $40.4 million.
(3) Carry forward funding provisions totaling $6.5 million (of which $5.2 million reduces the FY 14 estimated surplus).
(4) Provisions to implement the budget.
(5) Provides deficiency funding of $58 million in FY 14 for various agencies.
(6) Various policy changes that yield General Fund net revenue increases of $2.9 million in FY 15.

Sections 1-7 include the FY 15 changes to the original appropriations resulting in a reduction of $2.2 million, for total appropriations of $18.9 billion for the nine appropriated funds for FY 15. The table below summarizes the appropriations by fund.

Effective Date: Most provisions effective July 1, 2014 (*Signed by Governor Malloy May 29, 2014*)

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PUBLIC ACT 14-217 - H.B. No. 5597 -AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2015.

This act makes changes to various, unrelated topics. The changes are described in a section-by-section analysis below. Only the following sections of interest to DCF are included:

§ 79 — JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE (JJPOC)
§ 83 — EVALUATION OF FAMILY THERAPY PROGRAMS
§ 84 — EVALUATION OF DCF PROGRAMS
§ 85 — FAMILY VIOLENCE MEDIATION PILOT PROGRAM
§§ 120 & 129 — RESTRAINING ORDERS: FAMILY AND HOUSEHOLD MEMBERS
§§ 122-128 — INCREASED PENALTY FOR VIOLATING CERTAIN ORDERS
§§ 132 & 133 — PRESCHOOL FOR CHILDREN IN DCF CUSTODY
§ 136 — PRIVATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES
§§ 140-157 — BENEFIT CORPORATION
§§ 186-190 — CIVIL PROTECTION ORDERS
§ 211 — YOUTH EMPLOYMENT PROGRAM
§ 224 — "CARE 4 KIDS" PROGRAM
§§ 235 & 236 — DCF ADOPTION SUBSIDIES

§ 79 — JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE (JJPOC)
The act establishes the Juvenile Justice Policy and Oversight Committee (JJPOC) to evaluate (1) juvenile justice system policies and (2) the expansion of juvenile jurisdiction to include 16- and 17-year-olds. The act also establishes specific reporting requirements.

Committee Members and Appointments

The 35-member committee includes: (1) two legislators, appointed one each by the Senate President Pro Tempore and House Speaker; (2) the Chairpersons and Ranking Members of the Appropriations, Children, Human Services, and Judiciary committees, or their designees; (3) the Chief Court Administrator or his designee; (4) a Superior Court Judge for Juvenile Matters, appointed by the Chief Justice; (5) the Judicial Branch's Court Support Services Division (CSSD) Executive Director or his designee; (6) the Superior Court Operations Division's Executive Director or his designee; (7) the Chief Public Defender or her designee; (8) the Chief State's Attorney or his designee; (9) the Commissioners of the Departments of (a) Children and Families (DCF), (b) Correction (DOC), (c) Education (SDE), and (d) Mental Health and Addiction Services (DMHAS), or their designees; (10) the Connecticut Police Chiefs Association President or his designee; (11) two child or youth advocates, appointed one each by the JJPOC's Chairpersons; (12) two parents or parent advocates, appointed one each by the Senate and House Minority Leaders (at least one of whom must be the parent of a child who has been involved with the juvenile justice system); (13) the Child Advocate or her designee; and (14) the OPM Secretary or his designee.

All appointments must be made within 30 days after the act passes and any vacancies must be filled by the appointing authority. All committee members must serve without compensation, except for expenses incurred in the performance of their duties.

The OPM Secretary, or his designee, and a General Assembly member, selected jointly by the Senate president pro tempore and the House speaker from among the members serving on JJPOC, must chair the committee. The chairpersons must schedule and hold the first meeting within 60 days after the act passes.

Reporting Requirements

The act requires JJPOC to submit specific reports to the Appropriations, Children, Human Services, and Judiciary committees and the OPM Secretary by January 1, 2015, July 1, 2015, and quarterly from then until January 1, 2017. Each report must include specific recommendations to improve outcomes and a timeline by which specific tasks or outcomes must be achieved.

JJPOC must (1) complete its duties after consultation with one or more organizations that focus on relevant children and youths issues, such as the University of New Haven and any of the university's institutes and (2) work in collaboration with any results first initiative implemented under law.

January 1, 2015 Report. Under the act, JJPOC must, by January 1, 2015, submit a report on the following:

(1) recommendations on any statutory changes concerning the juvenile justice system to (a) improve public safety, (b) promote the best interests of children and youths who are under the supervision, care, or custody of the DCF Commissioner or CSSD, (c) improve transparency and accountability with respect to state-funded services for children and youths in the juvenile justice system with an emphasis on goals identified by the committee for community-based programs and facility-based interventions, and (d) promote the efficient sharing of information between DCF and the Judicial Branch to ensure regular collection and reporting of recidivism data and promote public welfare and public safety outcomes related to the juvenile justice system;

(2) a recommended definition of "recidivism," to be used by state agencies with juvenile justice system responsibilities, and recommendations to reduce recidivism for children and youths in the juvenile justice system;

(3) short-term goals to be met within six months, medium-term goals to be met within 12 months and long-term goals to be met within 18 months, for JJPOC and state agencies with juvenile justice system responsibilities to meet, after considering existing relevant reports related to the juvenile justice system and any related state strategic plan;
(4) the impact of legislation that expanded the jurisdiction of the juvenile court to include persons aged 16 and 17, as measured by the following: (a) any change in the average age of children and youths involved in the juvenile justice system, (b) the types of services used by designated age groups and the outcomes of those services, (c) the types of delinquent acts or criminal offenses that children and youths have been charged with since the enactment and implementation of the legislation, and (d) the gaps in services the committee identifies with respect to children and youths involved in the juvenile justice system, including those who turn age 18 after being involved in the juvenile justice system, and recommendations to address such gaps (Connecticut raised the age of juvenile court jurisdiction to include 16-year-olds on January 1, 2010 and 17-year-olds on July 1, 2012 (PA 07-4, June Special Session, and PA 09-7, September Special Session)); and
(5) identified strengths and barriers that support or impede the educational needs of children and youths in the juvenile justice system, with specific recommendations for reforms (JJPOC must establish a timeframe for review and reporting on this initiative).

July 1, 2015 Report. The act requires JJPOC, by July 1, 2015, to submit a report on the following:
(1) the quality and accessibility of diversionary programs available to children and youths in the state, including juvenile review boards and services for a child or youth who is a member of a family with service needs (FWSN);
(2) an assessment of the system of community-based services for children and youths who are under the supervision, care, or custody of the DCF Commissioner or CSSD;
(3) an assessment of the congregate care settings that are operated privately or by the state and have housed children and youths involved in the juvenile justice system in the past 12 months;
(4) an examination of how SDE and local boards of education, DCF, DMHAS, CSSD, and other appropriate agencies can collaborate through school-based efforts and other processes, to reduce the number of children and youths who enter the juvenile justice system as a result of being a member of a FWSN or convicted as delinquent;
(5) an examination of practices and procedures that result in disproportionate minority contact within the juvenile justice system ;
(6) a plan to require all facilities and programs that are part of the juvenile justice system and are operated privately or by the state provide results-based accountability; and
(7) an assessment of the number of children and youths who, after being under DCF's supervision, are convicted as delinquent.

The act requires JJPOC to establish a timeframe for review and reporting regarding the responsibilities outlined above.

JJPOC must also, by July 1, 2015, submit a report on an assessment of the overlap between the juvenile justice system and the mental health care system for children.

Ongoing Quarterly Reports. The act requires JJPOC to submit quarterly reports on the progress of its goals and measures starting by July 1, 2015 until January 1, 2017.

Effective Date: Upon passage (*Signed by Governor Malloy June 13, 2014*)

§ 83 — EVALUATION OF FAMILY THERAPY PROGRAMS

The act requires IMRP, by May 31, 2015, to assess the effectiveness of the multidimensional family therapy program administered by the Department of Children and Families (DCF) for persons who are committed to the custody of both DCF and the Judicial Branch's Court Support Services Division (CSSD). The assessment must consider findings from the Pew-MacArthur Results First Initiative's cost-benefit analysis model regarding this program. IMRP, DCF, and CSSD must enter into a memorandum of understanding relating to the institute's assessment. After conducting the assessment, IMRP, in consultation with DCF and CSSD, must recommend changes to improve the program's cost-effectiveness.

By June 30, 2015, IMRP must report to the Appropriations, Children's, and Judiciary committees and the Results First Policy Oversight Committee (1) describing the assessment, (2) identifying any program changes implemented by DCF as a result of the assessment, and (3) making any recommendations that IMRP, the DCF Commissioner, and CSSD consider appropriate concerning additional statutory or program changes that may improve the program's cost-effectiveness.

Effective Date: Upon passage (*Signed by Governor Malloy June 13, 2014*)

§ 84 — EVALUATION OF DCF PROGRAMS

The act requires IMRP, by May 31, 2015, to assess the effectiveness of juvenile parole services programs administered by DCF for people committed to its custody. The assessment must consider findings from the Pew-MacArthur Results First Initiative's cost-benefit analysis model regarding these programs. After conducting the assessment, the institute, in consultation with DCF, must recommend program changes that may be implemented to improve the programs' cost-effectiveness.

By June 30, 2015, the institute must report to the Appropriations and Children's committees and the Results First Policy Oversight Committee (1) describing the assessment, (2) identifying any program changes implemented by DCF as a result of the assessment, and (3) making any recommendations that the institute and the DCF Commissioner consider appropriate concerning additional statutory or program changes that may improve the programs' cost-effectiveness.

Effective Date: Upon passage (*Signed by Governor Malloy June 13, 2014*)

§ 85 — FAMILY VIOLENCE MEDIATION PILOT PROGRAM

The act requires the Judicial Department, within available appropriations, to establish a family violence mediation pilot program on the juvenile docket in two judicial districts for children who commit delinquent acts of family violence. Mediation services may be provided by private agencies under contract with the Branch's Court Support Services Division (CSSD).

By (1) July 1, 2015, the act requires CSSD, within available appropriations, to evaluate the program and the feasibility of expanding it to other districts and (2) July 15, 2015, the Executive Director to report on the evaluation to the Judiciary Committee and the Juvenile Justice Policy and Oversight Committee (see § 79).

Parties to an alleged delinquent act involving family violence may agree to participate in mediation with an impartial third party approved by the Superior Court to work toward a disposition satisfactory to them. A juvenile probation officer, or the court, upon motion of any party, may refer cases involving children who commit such acts to the program.

Any child participating in the program must be supervised by a juvenile probation officer. When the court receives a report from the probation officer that the child's progress was satisfactory and mediation successful, it must dismiss the charges pertaining to the delinquent act and order records of the charges erased.

If the probation officer gets a report that mediation was unsuccessful or the child no longer wants to participate in the program, or has failed to comply with the terms of the mediation agreement, he or she must notify the prosecutor in charge of the case, and the prosecutor may initiate delinquency or criminal proceedings against the child.

If a child is under the supervision of the Department of Children and Families (DCF) when his or her case is referred to the program, the court or probation officer must notify DCF of the referral.

Effective Date: July 1, 2014 (*Signed by Governor Malloy June 13, 2014*)

§§ 120 & 129 — RESTRAINING ORDERS: FAMILY AND HOUSEHOLD MEMBERS

The act broadens the court's authority in civil restraining order cases, both upon receipt of an application for such an order and at a hearing on the application.

By law, any family or household member subjected to continuous threat of present physical pain or physical injury, stalking, or a pattern of threatening may apply to the Superior Court for a restraining order. The court may issue an order as it deems appropriate to protect the applicant and any dependent children or other people as it sees fit.

Under current law, the order, whether issued ex parte (i.e., without a hearing) or after a hearing, may include temporary child custody or visitation rights and provisions to protect any animals. It may also prohibit the respondent from: (1) imposing any restraint on the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; or (3) entering the family home or the home of the applicant.

Ex Parte Order

By law, if an applicant alleges an immediate and present physical danger to the applicant, the court, upon receipt of the application, may issue an ex parte restraining order that contains any of the orders described above.

The act broadens the measures the order may contain when the applicant and respondent are (1) spouses or (2) people who live together who have dependent children in common. If no order exists and the court deems it necessary to maintain the safety and the basic needs of such applicant and the children, it may: (1) prohibit the respondent from taking any action that could result in shutting off necessary utility services or other necessary services related to the family home or the applicant's home; (2) prohibit the respondent from taking any action that could result in the cancellation or change of health, automobile, or homeowners' insurance policy coverage or designated beneficiary to the detriment of the applicant or any dependent children they have in common; (3) prohibit the respondent from transferring, encumbering, concealing, or disposing of specified property the applicant owns or leases; or (4) require the respondent to temporarily provide the applicant with an automobile, checkbook, health documents, automobile or homeowners insurance, a document needed for proving identity, a key, or other necessary specified personal effects.

Hearing on the Application

Under the act, at the hearing on the application, if the court grants relief under circumstances as described above under the ex parte provisions, it may order the respondent to: (1) make rent or mortgage payments on the family home or the home of the applicant and their dependent children; (2) maintain utility services or other necessary services related to the family home or the home of the applicant and their dependent children; (3) maintain all existing health, automobile, or homeowners insurance coverage without change in coverage or beneficiary designation; or (4) provide financial support for the benefit of any dependent children, if the respondent has a legal duty to support them and the ability to pay.

These are in addition to orders authorized under current law and those authorized in an ex parte order under the act.

The act prohibits the court from entering any financial support order without sufficient evidence of a person's ability to pay, including financial affidavits. And, it allows any amounts not paid or collected under an order to be preserved and collected in a divorce, custody, paternity, or support action.

It specifies that if a new measure, authorized by the act, is not ordered at the hearing, it may not be entered after that. If such an order is entered at a hearing it cannot be modified and must expire 120 days after the issue date or upon issuance of a superseding order, whichever occurs first.

Specific Language in the Court Order
By law, any civil restraining order that the court makes must include specific language about what violation of the order constitutes 1st degree criminal trespass and the corresponding penalties.

The act expands the required notice in the court order to also include specific language about what constitutes a criminal violation of a civil restraining order and the corresponding penalties.

Effective Date: January 1, 2015 (*Signed by Governor Malloy June 13, 2014*)

Background — Family or Household Members
By law, "family or household members" are any of the following, regardless of their ages: (1) spouses or former spouses; (2) parents or their children; (3) people related by blood or marriage; (4) people other than those related by blood or marriage living together or who have lived together; (5) people who have a child in common, regardless of whether they are or have been married or have lived together; and (6) people who are or were recently dating (CGS § 46b-38a).

§ 121 — TASK FORCE
The act establishes a task force to study service of restraining orders pertaining to family and household members. The study must examine the: (1) policies, procedures, and regulations relating to state marshals serving restraining orders, including methods for their initial notification; (2) length of time available to serve a restraining order; (3) permissible methods of service; (4) effectiveness of the respondent profile information sheet and marshal access to databases containing identifiable respondent information; (5) reimbursement rates for service, including an assessment of other states' reimbursement rates; (6) other states' best practices, if any, with respect to service of restraining orders; and (7) feasibility of expanding the list of persons who can serve restraining orders.

Task Force Members and Appointments
The 16-member task force includes: (1) two members appointed by the Senate President Pro Tempore (representing the Connecticut Coalition Against Domestic Violence and the Chief State's Attorney); (2)

two members appointed by the Senate Majority Leader (an advocate for domestic violence victims and a representative of the State Marshal Commission); (3) two members appointed by the Senate Minority Leader (representing the Connecticut Police Chiefs Association and the Office of the Chief Public Defender); (4) two members appointed by the House Speaker (a domestic violence victim and a representative from the Speaker's Task Force on Domestic Violence); (5) two members appointed by the House Majority Leader (a State Marshal and a representative of the State Police); (6) two members appointed by the House Minority Leader (a State Marshal and a representative of the legal aid assistance programs in the state); (7) two members appointed by the Governor (representing the Connecticut Police Chief's Association and the Office of the Victim Advocate); and (8) two members appointed by the Chief Court Administrator (a Superior Court Judge assigned to hear civil matters and a Judicial Branch employee whose duties concern the operations of the Superior Court).

All appointments must be made within 30 days after the act passes and any vacancies must be filled by the appointing authority.

The House speaker and Senate president pro tempore must select the task force's chairpersons from among its members. The chairpersons must schedule and hold the first meeting within 60 days after the act passes. The Judiciary Committee's administrative staff must serve as the task force's administrative staff.

Reporting Requirement and Termination
The task force must report its findings and recommendations to the Judiciary Committee by December 15, 2014. It terminates when it submits the report or on December 15, 2014, whichever is later.

Effective Date: Upon passage (*Signed by Governor Malloy June 13, 2014*)

§§ 122-128 — INCREASED PENALTY FOR VIOLATING CERTAIN ORDERS
§§ 122-124 — Increased Penalty
Under current law, criminal violation of a protective order, standing criminal protective order, or civil restraining order is a class D felony punishable by imprisonment of up to five years, a fine of up to $5,000, or both.

Under the act, these crimes become class C felonies and the penalties increase to imprisonment for up to 10 years, a fine of up to $10,000, or both, if the violation of any of these orders involves (1) imposing any restraint on the person or liberty of a person in violation of the order or (2) threatening, harassing, assaulting, molesting, sexually assaulting, or attacking a person in violation of the order.

§§ 127-128 — Required Notice
The act requires the specific language contained in standing criminal protective orders and certain protective orders to be updated to reflect the penalty increase. The affected protective orders are those related to (1) family violence; (2) stalking, harassment, sexual assault, and risk of injury; and (3) witness harassment.

Effective Date: January 1, 2015 (*Signed by Governor Malloy June 13, 2014*)

§§ 132 & 133 — PRESCHOOL FOR CHILDREN IN DCF CUSTODY
NOTE: *Identical language included in Special Act 14-22.*
The act requires the DCF Commissioner to take steps to maximize preschool enrollment for children placed in out-of-home care. Specifically, it requires the Commissioner, in consultation with the OEC, to

complete the following by January 1, 2015: (1) adopt policies and procedures that maximize the enrollment of eligible preschool-aged children in eligible preschool programs and (2) submit to the Children's, Human Services, Education, and Appropriations committees (a) the adopted policies and procedures and (b) a report that includes various statistics on different categories of eligible preschool-aged children and available preschool program spaces and costs.

The act defines "preschool-aged child" as one who (1) is aged three to five years, (2) the DCF Commissioner places in out-of-home care under a commitment order, and (3) is not enrolled in a preschool program or kindergarten at the time of placement.

It defines "eligible preschool program" as: (1) a school readiness program, (2) a preschool program offered by a local or regional board of education or regional educational service center, (3) a preschool program accredited by the National Association for the Education of Young Children, (4) a Head Start program, or (5) any preschool program the DCF Commissioner considers suitable to meet the child's needs.

Report

DCF's report to the legislative committees must contain various statistics about preschool-aged children and analyses of placement options and costs. The statistics must include the number of: (1) eligible preschool-aged children who are and are not enrolled in an eligible preschool program at the time of DCF out-of-home placement under a commitment order; (2) children age birth to three who are placed in out-of-home care by DCF under a commitment order; and (3) eligible preschool-aged children who require special education and related services, and the percentage of such children who have enrolled in a preschool program.

The analyses must address: (1) the availability of spaces in eligible preschool programs in relation to the (a) geographic placement of eligible preschool-aged children and (b) nature of such eligible preschool program and its cost to DCF; (2) eligible preschool programs and transportation options that will minimize DCF costs, including programs (a) that provide transportation or (b) whose geographic proximity to a child's placement is considered within reasonable expectations of the foster parent or caregiver's duties; and (3) a plan to provide priority access to eligible preschool-aged children at state and federally-funded preschool programs.

Effective Date: July 1, 2014 for the adoption of policies and procedures; upon passage for the report requirement. (*Signed by Governor Malloy June 13, 2014*)

§ 136 — PRIVATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES

The act requires the DSS Commissioner to submit to the federal Centers for Medicare and Medicaid Services a state plan amendment to increase the Medicaid rate for private psychiatric residential treatment facilities. The increase must be within available state appropriations. The act does not specify a deadline by which the Commissioner must submit the amendment.

Under the act, a "private psychiatric residential treatment facility" is a nonhospital facility with an agreement with a state Medicaid agency to provide inpatient services to people who are (1) Medicaid-eligible and (2) younger than age 21.

Effective Date: Upon passage (*Signed by Governor Malloy June 13, 2014*)

§§ 140-157 — BENEFIT CORPORATION

The act establishes a legal framework for forming a for-profit corporation that both pursues social benefits and increases value for its shareholders (benefit corporation or b-corp). Corporations formed under current law are legally obligated to do only the latter. B-corps formed under the act operate under the same laws as traditional business corporations (business corporation laws (BCL)) and seek to increase shareholder value. But their corporate purpose also includes doing things that generally benefit society and the environment or create specific public benefits.

The act's governance structure and accountability requirements align with the b-corp's public benefit purpose. The act requires a b-corp's directors and officers to consider certain interests and constituencies besides the shareholders' financial interests when making decisions. It also requires b-corps to report annually on their overall social and environmental performance. Under BCL, traditional corporate directors and officers must further the shareholders' interest without having to consider public interests (although they may purse social and community goals in limited situations) or report on how the corporation benefitted society and the environment.

The act specifies rules and procedures for establishing and dissolving b-corps, changing the specific public benefits they choose to create, disposing of a b-corp's assets, and entering into mergers or consolidations with traditional business entities or other b-corps. The act also allows b-corps to include provisions in their bylaws and certificates of incorporation ensuring that their assets continue to serve a public purpose after they dissolve.

The act provides a procedure for bringing an action against a b-corp for failing to create general or specific public benefits or violating any of the act's provisions, but limits access to the procedure to shareholders and other parties specified in a b-corp's certificate of incorporation. Eligible parties may use the procedure to seek orders directed at a b-corp's conduct, but not to obtain monetary damages. Lastly, the act makes conforming and technical changes.

Effective Date: October 1, 2014 (*Signed by Governor Malloy June 13, 2014*)

§§ 186-190 — CIVIL PROTECTION ORDERS

§ 186 — Sexual Abuse, Sexual Assault, or Stalking Victims

The act allows the Superior Court to issue civil protection orders to an applicant who (1) is a victim of sexual abuse, sexual assault, or 1st, 2nd, or 3rd degree stalking; (2) has not obtained any other court order of protection arising out of the abuse, assault, or stalking; and (3) does not qualify for relief under a civil restraining order, which is limited to family and household members.

Application. The act requires an application for a civil protection order to be accompanied by an affidavit made under oath and include a statement of the specific facts that form the basis for relief.

Ex Parte Order. Under the act, the court may issue an ex parte order granting appropriate relief, if it finds that there are reasonable grounds to believe that the applicant is in imminent danger. The act allows the court to consider relevant court records if the records are available to the public from a Superior Court clerk or on the Judicial Branch's Internet web site.

The act requires the court clerk to provide two copies of any ex parte orders to the applicant.

Hearing. The court must schedule a hearing within 14 days after receiving an application meeting the above requirements. If the court is closed on the scheduled hearing date, the hearing must be held on

the next day the court is open and any ex parte order that was issued must remain in effect until the hearing date.

Service of Process. Under the act, at least five days before the hearing, the applicant must have a notice of the hearing and a copy of the application, affidavit, and any ex parte order served on the respondent by a proper officer, such as a state marshal. The act requires the Judicial Branch to pay the cost of serving process.

The proper officer, immediately after serving process on the respondent, must send or cause to be sent, by fax or other means, a copy of the application, or the information contained in it, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which (1) the applicant resides, (2) the applicant is employed, and (3) the respondent resides.

Order after Hearing. Under the act, if the court finds reasonable grounds to believe that the respondent (1) has committed acts constituting grounds for issuance of an order and (2) will continue to commit such act or acts designed to intimidate or retaliate against the applicant, it may make such orders as it deems appropriate for the protection of the applicant.

The act allows the court to consider relevant court records if the records are available to the public from a Superior Court clerk or on the Judicial Branch's Internet web site.

Under the act, a civil protection order may include an order prohibiting the respondent from: (1) imposing any restraint upon the applicant's person or liberty; (2) threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; and (3) entering the applicant's dwelling.

Duration and Termination. Under the act, a civil protection order, whether issued ex parte or after a hearing, must not exceed one year, unless extended by the court. The act allows the court to extend the order if: (1) the applicant filed a proper motion, (2) a proper officer has served the respondent a copy of the motion, (3) no other protection order based on the same facts and circumstances is in place, and (4) the need for protection still exists.

Notice of Order. When a court grants an order after notice and hearing, the clerk must provide two copies of the order to the applicant and a copy to the respondent. The act also requires every such order to be accompanied by a notice that complies with the federal full faith and credit provisions.

Distribution of Orders. The court clerk must send, by fax or other means, a copy of any ex parte order and any order after notice and hearing, or the information contained in it: (1) to the law enforcement agency or agencies for the town in which (a) the applicant resides, (b) the applicant works, and (c) the respondent resides, within 48 hours after the issuance of the order and (2) at the request of the applicant, to the (a) school (e.g., public or private elementary or secondary school) or institution of higher education at which he or she is enrolled, (b) president of any institution of higher education at which the applicant is enrolled, and (c) special police force established, if any, at the institution of higher education at which the applicant is enrolled.

The act specifies that an action for a civil protection order does not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances.

§ 187 — Criminal Violation of a Civil Protection Order

The act makes it a crime to violate a civil protection order. A person is guilty of criminal violation of a civil protection order when he or she (1) has a civil protection order issued against him or her, (2) knows of its terms, and (3) violates the order.

Under the act, criminal violation of a civil protection order is a class D felony punishable by up to five years in prison, a fine up to $5,000, or both.

§ 188 — 1st Degree Criminal Trespass

The act makes it 1st degree criminal trespass for a person, without permission or privilege to do so, to enter or remain in a building or any other premises in violation of a civil protective order.

By law, 1st degree criminal trespass is a class A misdemeanor punishable by up to one year in prison, a fine up to $2,000, or both.

§ 189 — Protective Orders Registry

The act expands the Chief Court Administrator's automated protective orders registry by requiring that it also include civil protection orders. Under current law, the registry contains (1) protective or restraining orders issued by Connecticut courts and (2) foreign protective orders registered in this state.

By law, the registry must clearly indicate the order's start and end dates, if specified, and duration.

§ 190 — State Marshals – Civil Process

The act expands the duties of state marshals by authorizing them to serve civil protective orders. The act specifies that such orders constitute civil process.

Under the act, the Judicial Branch must pay the cost of serving a civil protective order in the same way it pays the cost of serving a civil restraining order. Fees and expenses associated with the serving of such process must be calculated in the same way they are for other service of process.

Effective Date: January 1, 2015 (*Signed by Governor Malloy June 13, 2014*)

§ 211 — YOUTH EMPLOYMENT PROGRAM

The act requires $1 million of the $5.5 million FY 15 appropriation for the Labor Department's (DOL) Connecticut Youth Employment Program to be distributed through the Workforce Investment Boards (WIB) to the following cities' youth employment programs:

(1) Bridgeport, up to $164,000;
(2) East Hartford, up to $65,000;
(3) Hartford, up to $172,000;
(4) Meriden, up to $71,000;
(5) New Britain, up to $87,000;
(6) New Haven, up to $149,000;
(7) Stamford, up to $123,000;
(8) Waterbury, up to $143,000; and
(9) Windham, up to $26,000.

The act prohibits each WIB from using more than 5% of the distributed funds for administrative costs. It also requires each WIB, by January 1, 2015, to submit a report to the Appropriations Committee on the distributed funds' use. The report must include (1) the number and ages of youths served by each

municipality receiving funds, (2) the employment types in which participating youths were engaged, and (3) their employment retention rate.

The state's five WIBs are responsible for oversight, strategic planning, and policymaking related to workforce development activities provided through local One-Stop CTWorks Career Centers. Among other things, they administer the DOL's Youth Employment Program, which helps high school-age students find summer jobs, and offers various training and mentoring programs.

Effective Date: July 1, 2014 (*Signed by Governor Malloy June 13, 2014*)

§ 224 — "CARE 4 KIDS" PROGRAM

The act expands the list of people and families to whom DSS must give priority eligibility for child care subsidies through the Care 4 Kids program. It gives such status to any household with a child or children participating in the federal Early Head Start Child Care Partnership grant program for up to 12 months. By law, teen parents, low-income working families, and certain others already receive priority over others in the subsidy program. Through Care 4 Kids, DSS offers, within available appropriations, child care subsidies to working families and certain others who have income under 50% of the state median income (SMI). Once eligible, family income can rise to 75% of SMI.

Effective Date: July 1, 2014 (*Signed by Governor Malloy June 13, 2014*)

§§ 235 & 236 — DCF ADOPTION SUBSIDIES

By law, when DCF places a special needs child with an adoptive family, it must provide a: (1) lump-sum special need subsidy paid directly to a service provider for an anticipated adoption-related expense if no other resource is available or (2) periodic subsidy to the adopting family.

The act extends the period for which DCF may provide the periodic subsidy in certain circumstances. Currently, DCF may provide such a subsidy until the child turns 18. Under the act, DCF may continue to provide a periodic subsidy for a special needs child between ages 18 and 21 if the:
(1) adoption was finalized on or after October 1, 2013;
(2) child was age 16 or older when the adoption was finalized;
(3) child is (a) enrolled full-time in an approved secondary education program or program leading to an equivalent credential (b) enrolled in a full-time postsecondary or vocational institution or (c) participating full-time in a program or activity approved by the Commissioner and designed to promote or remove barriers to employment.

The act allows the Commissioner, at her discretion, to waive the full-time requirement based on compelling circumstances.

It also requires DCF to annually review periodic subsidies for special needs children age 18 to 21, instead of biennially as required if the child is under age 18. It eliminates a requirement that the Commissioner perform the review in accordance with a schedule she or her designee establishes.

Upon review, DCF must continue to provide the subsidy to the child age 18 to 21 if the child's adoptive parent, at the time of review, submits a sworn statement that the child meets the above education or employment requirements.

It also makes other minor and technical changes.

Effective Date: Upon passage (*Signed by Governor Malloy June 13, 2014*)

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LEGAL

PUBLIC ACT 14-3 - S.B. No. 494 - AN ACT CONCERNING GUARDIAN AD LITEM AND ATTORNEYS FOR MINOR CHILDREN IN FAMILY RELATIONS MATTERS

This act makes several modifications to laws related to the appointment of guardians ad litem (GALs) and counsels for minor children (CMC). It:
(1) establishes new procedures for courts to follow when appointing GALs and CMCs in family relations matters or before allowing certain third-party interventions, but exempts emergency situations from the procedures;
(2) allows parties to (a) request the appointment of a specific GAL or CMC, with a written agreement, or (b) choose one from a list of 15 provided by the court;
(3) allows the court to appoint a GAL or CMC from the list if the parties do not make a selection within a specific period of time and requires the court to consider the unique circumstances of the parties and child when doing so;
(4) requires the court to include in its orders the GAL's or CMC's specific duties, appointment duration, deadline for reporting to the court, fee schedule, and proposed schedule for periodic court review;
(5) requires GALs and CMCs to (a) consider the child's best interest and consider a list of factors when doing so and (b) file an affidavit with the court on the hours and expenses billed that must become a part of the case file;
(6) requires the court to allow a GAL and CMC to participate in certain court proceedings when it is in the child's best interests and in a manner that minimizes legal fees;
(7) allows health care professionals to participate in certain court proceedings and limits the circumstances under which a GAL or CMC may report on any medical diagnosis or conclusion;
(8) allows parties, in a case involving a minor child's care, custody, support, education, or visitation, to file a motion to seek removal of a GAL or CMC and requires the Judicial Branch to establish procedures to have a hearing on such a motion;
(9) establishes new compensation requirements, such as (a) allowing courts to order payment of GALs' reasonable fees in the same manner currently available to CMCs, (b) prohibiting courts from ordering payment of fees from a minor child's college savings funds, other exempt property, or in the case of those who cannot afford it, through the use of credit cards, and (c) allowing courts to order the calculation of fees on a sliding-scale basis (i.e., fees that vary based on a person's ability to pay), using a methodology the Judicial Branch develops;
(10) requires the Judicial Branch to develop a (a) GAL and CMC professional code of conduct and (b) publication on GALs' and CMCs' roles and responsibilities applicable to family relations matters and the process for indigent parties to apply for a GAL or CMC appointment;
(11) requires the court to specify the basis for its decision in custody, care, education, visitation, and support orders; and
(12) modifies the factors that are considered when determining a person's eligibility for the appointment of counsel in family relations matters.

The act also makes technical and conforming changes.

It also:
(1) requires the court, when appointing GALs and CMCs, to consider the unique circumstances of the parties and child;
(2) requires GALs and CMCs to file an affidavit with the court on the hours and expenses billed in family relations matters;

(3) limits the appointment of GALs and CMCs in divorce, annulment, or legal separation cases to only after reasonable options and efforts to resolve disputes have been made;
(4) requires the court to allow GALs and CMCs to participate in court proceedings at times that minimize the legal fees incurred by the parties;
(5) establishes limitations on a healthcare professional's report and records;
(6) provides a list of factors that a GAL or CMC must consider when determining the child's best interest;
(7) requires the Judicial Branch to include in its publication a description of the process for an indigent party to apply for GAL or CMC appointment in a family relations matter;
(8) requires the court to specify the basis for its decision in custody, care, education, visitation, and support orders; and
(9) modifies the factors that are considered when determining a person's eligibility for the appointment of counsel in family relations matters.

Effective Date: October 1, 2014, except for the (1) Judicial Branch's publication, which is effective July 1, 2014 and (2) GAL and CMC professional code of conduct, which is effective upon passage. (*Signed by Governor Malloy May 8, 2014*)

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PUBLIC ACT 14-173 - S.B. No. 152 - AN ACT CONCERNING COURT SUPPORT SERVICES.

This act makes a number of unrelated changes regarding the Judicial Branch's Court Support Services Division (CSSD) and Judicial Branch employees and programs. Sections 1 and 2 are of interest to DCF.

§ 1 — DCF DISCLOSURES TO CSSD ABOUT CHILDREN OR YOUTH
The act allows DCF to disclose to CSSD, without the record subject's consent, certain information to help the division determine and provide for a child's or youth's supervision and treatment needs. The disclosures relate to records in connection with DCF's child protection activities or other activities related to children in DCF's care and custody, including information in the abuse and neglect registry. But the act allows disclosure only of information identifying the child or youth or a member of his or her immediate family as being or having been (1) committed to DCF custody as a delinquent, (2) under DCF supervision, or (3) enrolled in DCF voluntary services.

Generally, DCF records are confidential but can be disclosed (1) with the consent of the record's subject or (2) without consent and for certain purposes to a guardian ad litem or attorney representing a child or youth in litigation affecting the child's or youth's best interests, certain foster or prospective adoptive parents, and various agencies and officials for specific purposes.

§ 2 — DISCLOSURE OF JUVENILE MATTERS RECORDS
The act expands when Probate Court Judges and employees can access records of juvenile matters. Currently, for nondelinquency juvenile matters, a Probate Court can access records related to (1) a contested case about a minor's guardianship or termination of parental rights that the Probate Court transferred to Superior Court or (2) an appeal from the Probate Court to the Superior Court. The act instead allows all Probate Court Judges and employees access to any nondelinquency records when required in the performance of their duties. Nondelinquency matters include cases involving:
(1) uncared for, neglected, or abandoned children and youth and related adoptions;
(2) terminating parental rights of parents of children committed to state agencies;
(3) families with service needs;

(4) contested matters of termination of parental rights or removal of guardians transferred from Probate Courts;
(5) emancipation of minors; and
(6) appeals from Probate Courts on adoption, termination of parental rights, or removal of a parent or guardian.

The act also gives Probate Court Judges and employees access to juvenile delinquency records when required in the performance of their duties. Under existing law, access to juvenile delinquency records is permitted, under certain conditions, to various entities, including attorneys representing a child or youth, a child's or youth's parent or guardian until the age of majority or emancipation, certain government officials and agencies, certain courts, and the subject of the record.

The act specifies that the provisions governing disclosure and confidentiality of juvenile records do not prohibit a party from making a timely: (1) objection to the admissibility of evidence consisting of one of these records, or any part of one, in a Superior or Probate Court proceeding or (2) motion to seal one of these records under Superior or Probate Court rules.

Effective Date: October 1, 2014 (*Signed by Governor Malloy June 11, 2014*)

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PUBLIC ACT 14-186 - H.B. No. 5040 - AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN

This act expands the circumstances in which the Departments of Children and Families (DCF) and Social Services (DSS) must disclose the names and records of certain individuals to specific entities. The circumstances affecting DCF include: (1) disclosing the names and records of people being investigated and prosecuted for falsely reporting child abuse and neglect, (2) determining a person's suitability for working in a state-licensed child care facility, (3) placing a public school employee on the child abuse and neglect registry, and (4) protecting a DCF employee being threatened by a client or coworker.

The act expands the circumstances in which DSS must disclose information to DCF about a child receiving DSS services or the child's immediate family.

The act also requires DCF to disclose information to help the Judicial Branch track juvenile offender recidivism and the Birth-to-Three program provide services.

The act expands the actions DCF can take to help children it identifies or believes are victims of trafficking to include (1) providing services, (2) forming multidisciplinary teams to review trafficking cases, and (3) providing training to law enforcement officers about trafficking. It also expands the category of children or youths a court may find to be "uncared for" to include child-trafficking victims.

Additionally, the act expands the mandated reporter list.

Lastly, the act aligns some of the procedural aspects for suspending an employee suspected of child abuse and neglect who works at a (1) public school or (2) private school or public or private child care facility or institution.

§ 1 — DCF NAME AND RECORD DISCLOSURE

Expanded Circumstances for Disclosing Names

The act expands grounds under which DCF must report to a law enforcement officer or state's attorney the name of someone who reports suspected child abuse or neglect or cooperates with a child abuse or neglect investigation. By law, DCF must report the person's name to a law enforcement officer investigating child abuse or neglect and to a state's attorney investigating or such matters. The act also requires DCF to disclose the name to a law enforcement officer investigating an allegation that the person falsely reported the suspected child abuse or neglect and a state's attorney investigating or prosecuting the allegation.

Expanded Circumstances for Disclosing Records

The act expands the circumstances in which DCF must disclose records about a person to specified parties without the person's consent.

By law, DCF must disclose such information to the Chief State's Attorney or his designee investigating or prosecuting a child abuse or neglect allegation. The act requires DCF to also disclose records to the Chief State's Attorney or his designee investigating or prosecuting an allegation that a (1) person made a false report of suspected child abuse or neglect or (2) mandated reporter failed to report suspected child abuse or neglect.

By law, DCF must disclose records to law enforcement officers investigating a child abuse or neglect allegation. The act requires DCF to also disclose records to law enforcement officers investigating an allegation that a (1) person falsely reported suspected child abuse or neglect or (2) mandated reporter failed to report suspected child abuse or neglect.

The law requires DCF to disclose records to the Department of Public Health (DPH) to (1) determine a person's suitability to care for a child in a licensed child-care facility, (2) determine a person's suitability for licensure, or (3) investigate alleged child abuse or neglect involving a licensed child-care facility. The act requires DCF to disclose records to DPH to notify it when DCF (1) places a DPH-licensed or -certified person on the child abuse registry or (2) has information about such a person who violated a DPH regulation.

The law requires DCF to disclose records to a public school district Superintendent or Executive Director or other head of a public or private child-care institution or private school in response to (1) a mandated reporter's written or oral report of abuse or neglect or (2) the DCF Commissioner's reasonable belief that a school employee abused or neglected a student. The act requires DCF to also disclose records to such entities when it places an employee of the school or institution on the child abuse or neglect registry.

New Disclosure Requirements

The act expands the list of entities to whom DCF must disclose its records to include: (1) the Judicial Branch's Court Support Services Division for sharing common case records to track juvenile offenders' recidivism and (2) the Birth-to-Three program's referral intake office for determining eligibility of, facilitating enrollment for, and providing services to (a) substantiated abuse and neglect victims with suspected developmental delays and (b) newborns affected by withdrawal symptoms from prenatal drug exposure.

Permitted Record Disclosures

The act expands the circumstances in which DCF may disclose records without the subject's consent to a law enforcement officer or state's attorney to include those in which it has a reasonable cause to believe

that a DCF employee is being threatened or harassed or has been assaulted by a client or coworker. The law already allows DCF to disclose such records to a law enforcement officer or state's attorney if there is reasonable cause to believe that a child or youth is being, or is at risk of being, abused or neglected due to a person's suspected criminal activity.

Record Disclosures to DSS

The act conforms the law to DCF's current practice of disclosing records to DSS to promote the health, safety, and welfare of a child or youth receiving services from either Department. Current law does not specify that the record disclosures are limited to those of children and youths receiving services from DCF or DSS. The law already requires disclosure to DSS to (1) determine a person's suitability for payment from DSS for providing child care or (2) investigate fraud allegations, if no identifying information about the record's subject is disclosed unless necessary.

§ 2 — DSS INFORMATION DISCLOSURES

The law allows DSS to disclose information about individuals who apply for or receive Department assistance, or participate in a Department program under narrow circumstances. The act expands those circumstances to include disclosure to DCF about a child receiving DSS services or the child's immediate family if the DCF Commissioner requires access to the federal Parent Locator Service (FPLS) to identify a child's parent or putative parent. (The FPLS is a computerized, national network that obtains address and employer information as well as data on child support obligors in every state.) The law requires DSS to make such a disclosure to DCF in order for DCF to target services for the family if the DCF or DSS Commissioner determines that the child's health, safety, or welfare is in imminent danger.

§§ 3-5 — TRAFFICKING VICTIMS

DCF Services

The act allows the DCF Commissioner to provide: (1) child welfare services for any minor child (under age 18) residing in the state who the Department identifies as a trafficking victim and (2) appropriate services to a minor child in the state who DCF reasonably believes may be a trafficking victim in order to protect the child's welfare.

The act allows DCF, within available appropriations, to provide training to law enforcement officials about the trafficking of minor children. The training must include: (1) awareness and compliance with the laws and protocols concerning trafficking of minor children; (2) service identification, access, and provision for minor children who are trafficking victims; and (3) any other services the Department considers necessary to carry out the act's provisions regarding child trafficking.

Multidisciplinary Teams

The act expands the purposes for which DCF and the appropriate state's attorney may establish multidisciplinary teams to include reviewing cases involving the trafficking of a minor child. The law already allows DCF and a state's attorney to establish such teams to (1) review particular cases or types of cases; (2) coordinate prevention, intervention, and treatment in each judicial district; or (3) review selected child abuse or neglect cases.

"Uncared for" Finding

The act broadens the category of children or youths a court may find to be "uncared for" to include a child or youth identified as a trafficking victim. By law, a child or youth may be found "uncared for" if he or she is homeless or if his or her home cannot provide the specialized care that his or her physical, emotional, or mental condition requires.

§ 6 — MANDATED REPORTERS

The act expands the mandated reporter list to include any paid youth camp director or assistant director and any person age 18 or older who is a paid (1) youth athletics coach or director; (2) private youth sports organization, league, or team coach or director; or (3) administrator, faculty, or staff member, athletic coach, director, or trainer employed by a public or private higher education institution, excluding student employees.

§ 7 — INVESTIGATIONS OF ABUSE AND NEGLECT BY CERTAIN EMPLOYEES AND STAFF MEMBERS

The act aligns some of the procedural aspects for suspending certain types of employees suspected of child abuse and neglect. The requirements vary depending on whether the employee works for a (1) public school or (2) private school or public or private child care facility or institution.

Public School Employees

The act (1) expands the circumstances in which DCF must provide a school Superintendent and the Education Commissioner the results of an investigation into a report that an employee of the Superintendent's school district abused or neglected a child, (2) narrows the circumstances in which the Superintendent must suspend the employee, and (3) broadens the category of school employees who may be suspended to include any school employee, not just those with SBE-issued credentials who take care of children.

The act requires the DCF Commissioner, within five days after investigating a school employee's alleged child abuse or neglect, to notify the Superintendent and the Education Commissioner of the investigation's results and provide records to both. Under current law, the DCF Commissioner must notify and provide investigation results and records to the Superintendent and the Commissioner only if she (1) reasonably believes, based on the investigation, that a child has been abused or neglected by a school employee who (a) has been entrusted with the care of a child and (b) holds an SBE-issued certificate, permit, or authorization or (2) has recommended that the employee be placed on the DCF child abuse and neglect registry. She must provide the notice within five days of making such a finding.

Under the act, the Superintendent must suspend the employee if the DCF Commissioner (1) reasonably believes, based on the investigation results, that a child has been abused or neglected and (2) recommends that the employee be placed on the child abuse and neglect registry. Under current law, the Superintendent must suspend the employee for either reason rather than both.

Private School and Public and Private Child-Care Facility and Institution Employees

The act (1) imposes a deadline by which DCF must report the results of an abuse or neglect investigation of an employee of a private school or a public or private child care facility or institution and (2) eliminates the five-day period in which the school, facility, or institution must, based on the Commissioner's findings and recommendations, suspend the staff member.

Under the act, the DCF Commissioner, no more than five days after investigating a report that an employee abused or neglected a child, must report the investigation results to his or her employer or employer's designee. Current law does not require DCF to report its investigation results to the facility, institution, or school unless the Commissioner (1) reasonably believes, based on the investigation results, that a child has been abused or neglected by the staff member and (2) recommends that the staff member be placed on the child abuse and neglect registry.

By law, the school, institution, or facility must suspend the staff person within five days after the Commissioner completes her investigation if she (1) reasonably believes, based on the investigation

results, that a staff member has abused or neglected a child and (2) recommends the staff member be placed on the child abuse and neglect registry.

Effective Date: October 1, 2014 (*Signed by Governor Malloy June 12, 2014*)

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PUBLIC ACT 14-187 - H.B. No. 5049 - AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATION

This act makes numerous changes to the Uniform Administrative Procedure Act (UAPA), which, among other things, governs the process for adopting state agency regulations. These changes affect (1) the eRegulations System (the electronic regulation compilation), (2) notices of proposed regulations, (3) the regulation-making record, (4) procedural requirements for approved regulations, and (5) required information concerning regulations omitted from the eRegulations System. It allows the Secretary of the State, within available appropriations, to publish a register of regulatory activity.

The act eliminates several requirements for the Department of Children and Families (DCF) to adopt regulations. In some cases, it requires the Department to adopt policies rather than regulations. It also makes changes affecting (1) returns to DCF placement after parole, (2) fitness and security risk evaluations on juvenile delinquents, (3) residential mental health facility placements, (4) permanency plan goals, and (5) the adoption photo-listing and central registry. The act also makes minor changes to regulation adoption activities by the Aging and Social Services Departments.

The act eliminates (1) requirements for several different agencies to adopt certain regulations and (2) the State Board of Education's (SBE) authority to set fees for certain exams. It makes additional changes affecting (1) fire extinguisher regulations, (2) motor vehicle (a) sale orders and invoices and (b) regulations for safety standards, (3) Banking Department regulations, and (4) qualified public depositories.

Under the UAPA, a regulation cannot be repealed without approval by the (1) attorney general for legal sufficiency and (2) Regulation Review Committee. The act, notwithstanding these provisions, repeals numerous state agency regulations. It is unclear whether repealing regulations through legislation is permitted by the state constitution. Additionally, the act repeals several statutory provisions that affect various state agencies.

The act also makes technical and conforming changes.

Effective Date: Upon passage, except where noted below. (*Signed by Governor Malloy June 11, 2014*)

§§ 1-9, 29, & 53 — UAPA CHANGES

§§ 8, 29, & 53 — eRegulations System

By law, the eRegulations System is an unofficial version of state agency regulations until the time that the Secretary of the State certifies, in writing, that the system is technologically sufficient to be the official version (i.e., the "certification date"). The act eliminates a requirement that she make this certification by October 1, 2014. It requires the Secretary to also certify that the system is technologically sufficient to be the electronic repository for agencies' regulation-making records.

The act requires the Secretary, by October 1, 2014, to update the official compilation of the regulations of Connecticut state agencies posted on the eRegulations System to comply with the (1) act's repeal of

agency regulations (see § 54) and (2) UAPA. It requires the Secretary to update the compilation at least monthly and specifies that the compilation may be a revision of the most current compilation published by the Commission of Official Legal Publications.

The act specifies that, before the certification date, (1) agencies must post proposed regulations and the regulation-making record on their websites and (2) the Secretary must post a link to the proposed regulation or record on her website.

Effective Date: Upon passage, except for the requirements for the Secretary's certification and monthly updates, which are effective October 1, 2014. (*Signed by Governor Malloy June 11, 2014*)

§ 2 — Notices of Proposed Regulations

Under current law, an agency's notice of intent to adopt regulations must include either a statement of a proposed regulation's terms or substance or a detailed description of the issues and subjects sufficient to apprise people likely to be affected. The act eliminates the agencies' discretion and instead requires them to post (1) a sufficiently detailed description and (2) the proposed regulation.

The act requires the notice to include a specified comment period of at least 30 days. It eliminates an agency's authority to charge a fee for paper copies of (1) notices of regulation-making proceedings and (2) proposed regulations. It also delays, from October 1, 2014 until the certification date, a requirement that agencies post on the eRegulations System (1) regulation-related documents that accompany the notice of proposed regulations and (2) written submissions from the public.

By law, an agency must post on the eRegulations System a notice that states whether the agency has decided to move forward with a proposed regulation. It must also send notice to anyone who submitted written or oral statements and who requested notification. The act eliminates a requirement that the notice be posted and provided at least 20 days before the proposed regulation is submitted to the Regulation Review Committee. It instead requires agencies to post the notice after the close of the public comment period and before submitting the regulation to the attorney general. It specifies that (1) the notice must go to anyone who provided comment, not only those who requested notification, and (2) a paper copy of the notice must be provided to people who submitted comments in nonelectronic form.

By law, any agency that fails to post notice of intent to adopt required regulations by the applicable deadline must explain its reasons in an electronic statement to the Governor, legislative committee of cognizance, and Regulation Review Committee. Under current law, the agency must also post this statement on the eRegulations System on and after October 1, 2014. The act instead requires the agency to do so on and after the certification date.

Effective Date: October 1, 2014, and applicable to regulations noticed on and after that date. (*Signed by Governor Malloy June 11, 2014*)

§§ 1, 3, & 4 — Regulation-Making Record

By law, agencies must create an official regulation-making record that includes, among other things, (1) the notice of intent to adopt regulations, (2) written analyses on which the regulation is based, (3) submissions and comments received by the agency, and (4) official documents related to the regulation. The act specifies that the regulation-making record includes any other documents created, received, or considered by an agency during the regulation-making process. It also requires that the record include the attorney general's approval of a proposed regulation.

Under current law, the regulation-making record must be retained on the eRegulations System beginning October 1, 2014. The act delays this requirement until the certification date. Until this date, the agency must continue maintaining the regulation-making record itself and make it available to the public.

The act specifies that if the agency determines that it is impractical or inappropriate to display any part of the record on the eRegulations System, it must post a description of the omitted part and maintain a copy of it readily available for public inspection at its principal office.

Effective Date: October 1, 2014, and applicable to regulations noticed on and after that date, except for the provision requiring the inclusion of additional documents in the regulation-making record, which is effective upon passage. (*Signed by Governor Malloy June 11, 2014*)

§§ 2, 4, & 5 — Originals of Proposed Regulations

The act eliminates requirements that agencies submit an original of a proposed regulation to (1) the attorney general and (2) the Regulation Review Committee. It similarly eliminates a requirement that agencies submit to the committee an original of a proposed emergency regulation. Agencies must continue to submit electronic copies of proposed regulations to the attorney general and committee.

Effective Date: October 1, 2014, and applicable to regulations noticed on and after that date. (*Signed by Governor Malloy June 11, 2014*)

§ 6 — Approved Regulations

By law, once the Regulation Review Committee approves a regulation, the agency must submit it to the Secretary of the State, together with a statement from the agency head certifying that the electronic version is a true and accurate copy of the approved regulation. The act allows a duly authorized deputy Department head to make this certification.

The act also extends, from five to 10 calendar days after submission by the agency, the time within which the Secretary of the State must post regulations on the eRegulations System.

By law, certain emergency regulations are effective immediately upon submission to the Secretary. The agency must take appropriate measures to make the regulations known to affected people. The act eliminates a requirement that these measures include the agency's posting of emergency regulations on the eRegulations System.

Effective Date: October 1, 2014, and applicable to regulations noticed on and after that date. (*Signed by Governor Malloy June 11, 2014*)

§ 7 — Omitted Regulations

By law, certain regulations that are incorporated by reference into a Connecticut regulation may be omitted from publication on the eRegulations System. Beginning October 1, 2014, current law requires the Secretary to post on the eRegulations System a notice that identifies an omitted regulation, its subject matter, and information on where one could learn more about it. She must also keep this information current and update it at least quarterly.

The act eliminates these requirements and instead allows the Secretary to post on the eRegulations System a link, which is not part of the regulation, to electronic copies of any document incorporated by

reference into a Connecticut regulation. She may do so if the document is available and its publication is not prohibited by any state or federal law, rule, or regulation. The act also requires agencies to maintain a copy of such a document at their offices and make it available for public inspection, unless it is a regulation of a federal agency or another state that is published by or otherwise available in printed or electronic form from that agency.

Effective Date: October 1, 2014 (*Signed by Governor Malloy June 11, 2014*)

§ 9 — Register of Regulatory Activity

The act allows the Secretary of the State, within available appropriations, to publish a register of regulatory activity, including the text of notices of intent to adopt regulations that are posted on the eRegulations System. If she produces the register electronically, she must post it on the eRegulations System. If she produces printed copies, she may charge a fee that she judges to be sufficient to cover the cost to print and mail the register. The act allows her to distribute, free of charge, a sufficient number of printed copies to (1) the State Library for distribution to depository libraries and (2) the Chief Court Administrator for distribution to law libraries.

§§ 10-20 — DEPARTMENT OF CHILDREN AND FAMILIES

Regulation Changes

The act eliminates requirements that DCF adopt regulations: (1) for standard leave and release policies for delinquent children committed to the Department (§11), (2) for permanency plan standards (i.e., a plan stating what permanent outcome DCF believes is in the child's best interest and the facts on which the decision is based) (§18), and (3) to establish a staggered schedule for renewing DCF licenses for child-care facilities and child-placement agencies (§20).

It requires DCF to adopt policies, instead of regulations, for establishing and conducting schools in the Department's Unified School District #2 (§14). It also requires DCF to adopt procedures, instead of regulations: (1) for its adoption photo-listing service (§15); (2) that the Commissioner finds necessary and proper to assure the adequate care, health, and safety of children in Department custody (§16); and (3) to monitor the progress of children and families referred to a community provider through the Department's family assessment response program (§17). (Under this program, when DCF receives a report of child abuse or neglect, it can make referrals to appropriate community providers for family assessment and services either when it decides not to investigate a case that it classifies as presenting a lower safety risk or, if it decides to investigate, at any time during the investigation.)

The act additionally repeals a provision allowing DCF, in consultation with DSS, to adopt regulations for developing and implementing individual service plans for children with complex behavioral health service needs (§ 19).

§ 10 — Return to DCF Placement After Parole

The act expands the circumstances in which DCF may return a paroled child to a DCF placement to include if the child violates an aftercare condition. (Aftercare services include continued counseling, guidance, or support for up to six months following the Department's provision of services.) By law, DCF may return a paroled child to placement if the Commissioner deems the return to be in the child's best interest. The act also provides a paroled child with the right to a hearing up to 30 days after returning to placement.

§ 11 — Fitness and Security Risk Evaluation

The law requires DCF to perform an initial fitness and security risk evaluation on a juvenile delinquent committed to the Department before allowing him or her to go on leave. The act shortens the mandatory evaluation period from 60 days to between 30 and 60 days.

Current law allows the Commissioner to waive the 60-day evaluation requirement for a juvenile delinquent who is transferred from one facility to another if the juvenile has already had a satisfactory 60-day evaluation. The act makes conforming changes by eliminating references to the 60-day evaluation.

§ 12 — Residential Mental Health Facility Placement

The act eliminates the requirement that DCF provide a hearing before the Commissioner or her designee to a child or youth in its custody before placing him or her in, or transferring him or her to, a Department-operated residential mental health facility. Current law requires DCF to provide such a hearing unless the court ordered the child or youth to be placed in the facility when he or she was committed to the Department.

Existing law establishes procedures for the involuntary commitment of children and adults (age 16 and older) with psychiatric disabilities who are dangerous to themselves or others, either by health professionals on a temporary, emergency basis or by a Probate Court following a hearing and medical evaluations.

§ 13 — Permanency Plan Goals

By law, DCF must prepare and maintain a permanency plan for every child under its supervision. The plan states what permanent outcome DCF thinks is in the child's best interest and the facts on which the decision is based. The act makes the following changes to the list of allowable permanency plan goals: (1) it eliminates independent living from the list; (2) if the goal is long-term foster care, it requires DCF to identify a person who will provide the care; and (3) it allows DCF to set as a goal another planned permanent living arrangement other than parent reunification, long-term foster care, guardianship transfer, or adoption.

The act also makes technical changes.

§§ 15 & 18 — Adoption Photo-Listing and Central Registry

The act eliminates a requirement that DCF maintain and distribute a photo-listing service book of children available for adoption. Existing law requires DCF to contract with a nonprofit agency to establish and maintain the service in electronic format.

The act also eliminates a requirement that DCF, within available appropriations, establish and maintain (1) a central registry of all children with permanency plans that recommend adoption and (2) a system to monitor the progress of implementing such plans.

§ 54 — REPEALED REGULATIONS

Under the UAPA, a regulation cannot be repealed without approval by the (1) attorney general for legal sufficiency and (2) Regulation Review Committee. The act, notwithstanding these provisions, repeals numerous state agency regulations, as shown in Table 2. In some cases, not all regulations pertaining to a particular subject are repealed. It is unclear whether repealing regulations through legislation is permitted by the state constitution.

Table 2: DCF Regulations Repealed

Regulation Citation	*Subject*
17a-7-1 to 17a-7-11	Placement of children and youth on aftercare conditions, termination, revocation
17a-7a-1 to 17a-7a-9	Standard leave and release policies for juvenile offenders
17a-12-1 to 17a-12-6	Hearings on placement of children and youth in state-operated mental health facilities
17a-15-1 to 17a-15-11	Treatment plan and hearings regarding the placement of children and youth in state-operated mental health facilities
17a-16-14 to 17a-16-18	Right of child to a hearing before DCF transfers him or her to an out-of-state facility
17a-42-1 to 17a-42-5	Establishment of a photo-listing service for children legally free for adoption
17a-90-1 to 17a-90-13	Fair hearings for persons aggrieved by the denial, suspension, reduction, or discontinuance of a cash benefit or vendor payment on behalf of a child
17a-100-1 to 17a-100-14	Removal hearings for out-of-home care providers
17a-101-11 to 17a-101-13	Circumstances requiring and procedures for immediately removing of a child from home for 96 hours
17a-101(e)-1 to 17a-101(e)-6	TRANSFERRED
17a-114-14 to 17a-114-24	Certification of relatives providing foster care to a related child
17a-155-1 to 17a-155-35	Licensing of nondepartment organizations to provide permanent care to handicapped children in home environment and family setting

§ 60 — REPEALING SECTIONS OF THE GENERAL STATUTES

The act repeals numerous statutory provisions, as shown in Table 3.

Table 3: DCF Statutes Repealed

Statute	*Subject*
17a-107	Requires regulations on child abuse or neglect reporting and enforcement

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OTHER LEGISLATION OF INTEREST

PUBLIC ACT 14-76 - S.B. No. 24 - AN ACT CONCERNING THE GOVERNOR'S RECOMMENDATIONS REGARDING ELECTRONIC NICOTINE DELIVERY SYSTEMS AND YOUTH SMOKING PREVENTION

This act makes it illegal for a minor (under age 18) to buy or possess in public an "electronic nicotine delivery system" or "vapor product" (collectively called "e-cigarettes" in this analysis) and for anyone to sell, give, or deliver one to a minor. It subjects violators to some of the same penalties the law imposes on those who commit similar violations regarding tobacco cigarettes.

It tightens the law pertaining to the sale of tobacco cigarettes to minors by extending the look-back period for determining if a prior offense occurred from 18 to 24 months. At the same time, it makes this law more lenient for first offenders by waiving the civil penalty for those who successfully complete an online tobacco education course.

Under the act, minors charged for a second or subsequent time with illegally buying tobacco cigarettes are subject to the higher penalty imposed on subsequent offenders only if they commit a second or subsequent violation within 24 months of the first violation.

The act imposes fines, in addition to existing civil penalties, on people who sell improperly packaged or individual tobacco cigarettes.

It increases the amount of money the Tobacco and Health Trust Fund board of trustees can disburse annually, starting in FY 14, and allows the board to operate in FY 16. Current law suspends the board's operation for that fiscal year.

Finally, the act corrects a statutory reference concerning the trust fund and makes conforming changes.

Effective Date: October 1, 2014 (*Signed by Governor Malloy June 3, 2014*)

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PUBLIC ACT 14-132 - H.B. No. 5323 - AN ACT CONCERNING THE CHILD POVERTY AND PREVENTION COUNCIL

This act adds three members, or their designees, to the Child Poverty and Prevention Council: the (1) Housing Commissioner, (2) Agriculture Commissioner, and (3) Executive Director of the Office of Early Childhood.

Current law requires budgeted state agencies that provide prevention services to children and are members of the council to report to the council annually by November 1 through 2014. By law, the council terminates on June 30, 2015. For 2015 through 2020, the act directs budgeted state agencies that provide prevention services to report, annually by November 1, to the Appropriations, Human Services, and Children committees.

In addition to existing requirements, the act requires agency reports to include (1) a list of agency programs that provide prevention services, (2) actual prevention services expenditures for the most recently completed fiscal year, and (3) agency expenditures on prevention services as a percentage of all agency expenditures.

Finally, the act eliminates a requirement that the Governor's budget include a prevention report corresponding with goals the council established. Current law requires this report, within available appropriations, for each biennial budget through June 30, 2021.

Effective Date: Upon passage (*Signed by Governor Malloy June 6, 2014*)

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PUBLIC ACT 14-144 - H.B. No. 5336 - AN ACT CONCERING THE POSSESSION OF ALCOHOLIC LIQUOR BY MINORS

Current law prohibits someone who owns or controls private property, including a dwelling unit, from failing to make reasonable efforts to prevent a minor (person under age 21) from illegally possessing alcohol. This act requires the person to know that the minor possesses alcohol on the property before being required to make the reasonable efforts to halt possession.

By law, it is a class A misdemeanor if the person knowingly, recklessly, or with criminal negligence permits a minor to possess alcohol illegally in the unit or on the property. A class A misdemeanor is punishable by up to one year's imprisonment, up to a $2,000 fine, or both.

Effective Date: Upon passage (*Signed by Governor Malloy June 6, 2014*)

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