

Department of Children and Families

Legislative Summary

2013



DEPARTMENT OF CHILDREN AND FAMILIES
LEGISLATIVE SUMMARY

The following is a compilation of summaries of acts of interest to the Department of Children and Families, passed during the 2013 Regular Session of the General Assembly, prepared by the DCF Office of Government Affairs. These summaries are based largely from the analysis prepared by the General Assembly's Office of Legislative Research.

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

If you have any additional questions regarding the outcome of the 2013 session, please contact Josh Howroyd, Legislative Program Manager at (860) 550-6329 or Gordon Frassinelli, Jr., Legislative and Regulations Specialist at (860) 550-6317.

Department of Children and Families

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DCF LEGISLATIVE PROPOSALS

PUBLIC ACT 13-40 - H.B. No. 6346 - AN ACT REVISING VARIOUS STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES. (DCF LEGISLATIVE PROPOSAL)

This act makes various changes in the statutes concerning the Department of Children and Families. Specifically, the act:

- (1) requires, instead of allows, DCF to disclose records, without the subject's consent, to the Department of Social Services (DSS) in certain circumstances and makes related changes;
- (2) requires (a) DCF to provide a copy of a foster youth's credit report to his or her attorney or guardian ad litem (GAL) and (b) the attorney or GAL, if feasible, to review the report for identity theft evidence and, in conjunction with DCF, help the youth interpret and resolve any inaccuracies;
- (3) shortens, from 15 to 5 calendar days, the timeframe in which DCF must ask the State Police Bureau of Identification to perform a state and national criminal history record check of anyone living in a home where the department has made an emergency placement of a child; and
- (4) eliminates the (a) definition of permanent family residences and (b) licensing and regulatory requirements for such facilities.

The act also makes several minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2013, except for the provision on emergency placements, which is effective upon passage. (*Signed by Governor Malloy May 28, 2013*)

§ 2 — DCF RECORDS DISCLOSURES

By law, DCF may not disclose its records to anyone unless (1) state law or federal regulations require or allow the disclosure or (2) the subject of the record or his or her authorized representative consents to the disclosure. The act requires, rather than allows, DCF to disclose a record without the subject's consent to DSS for (1) determining the person's suitability for payment from DSS for providing child care or (2) promoting the child's or youth's health, safety, and welfare. It also requires DCF to disclose a record to DSS without the subject's consent for DSS fraud investigations, provided no identifying information is disclosed unless it is essential to the investigation.

Additionally, under prior law, DCF could disclose a record without the subject's consent to a court of competent jurisdiction whenever a DCF employee is subpoenaed and ordered to testify about the record. The act instead only allows DCF to make such a disclosure to a judge for *in camera* (private) inspection purposes to determine if the records may be disclosed if (a) the court ordered the department to provide the records or (b) a party to the proceeding subpoenaed the records.

§ 3 — DCF-LICENSED CHILD CARE FACILITIES AND CHILD PLACING AGENCIES

The act extends the definitions in the child welfare statutes to cover the provisions governing DCF-licensed child care facilities and child-placing agencies. Among other things, it expands the applicable definition of a child to include a person under age 21 who is in secondary or technical school, college, or a state-accredited job training program full-time.

§ 4 — CREDIT REPORTS FOR FOSTER YOUTH

By law, DCF must annually (1) request a free credit report for each foster youth age 16 and older, (2) review the report for evidence of identity theft, and (3) report any such evidence to the chief state's attorney within five business days of receiving the credit report.

The act requires the DCF Commissioner to provide a copy of the credit report to the youth's attorney or GAL, if any. The attorney or GAL, if feasible, must review the report for evidence of identity theft and, in conjunction with DCF, help the youth interpret the report and resolve any inaccuracies.

The act also eliminates the requirements that the DCF Commissioner:

- (1) request the first credit report no more than 15 days after the youth turns 16;
- (2) review a foster youth's most recent annual credit report when reviewing his or her treatment and permanent placement plan (at least every six months); and
- (3) advise the youth and his or her foster parent, case worker, and legal representative, if any, when reviewing the youth's treatment and permanent placement plan, if she found evidence of identity theft and reported it to the chief state's attorney.

§ 5 — EMERGENCY PLACEMENTS

The law authorizes DCF to request a federal name-based criminal history search from a criminal justice agency for anyone living in the home where a child has been placed as a result of the sudden unavailability of his or her primary caretaker. These emergency placements include private homes of the child's neighbors, friends, or relatives.

The act reduces, from 15 to 5 calendar days after the name-based search was performed, the period in which DCF must ask the State Police Bureau of Identification to perform a full state and national criminal history record check of anyone living in the home. By law, if anyone refuses to provide fingerprints or other identifying information for such checks when requested, the department must immediately remove the child from the home.

§§ 6-14 — PERMANENT FAMILY RESIDENCES

The act eliminates the statutory definition of permanent family residences, an obsolete category of child care facilities licensed by DCF to provide permanent care to handicapped children. Under the act, the department will no longer license or regulate such residences. The act also makes several conforming changes. (There are currently two such residences licensed in the state but no residents at either location.)

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PUBLIC ACT 13-52 - S.B. No. 822 - AN ACT CONCERNING INTERVIEWS OF CHILDREN BY THE DEPARTMENT OF CHILDREN AND FAMILIES DURING INVESTIGATIONS OF CHILD ABUSE AND NEGLECT. (DCF LEGISLATIVE PROPOSAL)

This act allows the Department of Children and Families, when investigating child abuse or neglect allegations, to interview a child without his or her caretaker's consent when it has reason to believe that seeking such consent would place the child at imminent risk of physical harm. DCF may already interview the child without such consent if it has reason to believe that the caretaker or a member of the child's household was the perpetrator of the abuse or neglect. By law, when conducting such investigation, DCF must generally obtain the consent of parents, guardians, or other individuals responsible for the care of the child it wishes to interview.

By law, if consent is not required, the interview must generally be conducted in the presence of a disinterested adult.

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy May 28, 2013*)

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PUBLIC ACT 13-53 - S.B. No. 821 - AN ACT CONCERNING RESPONSIBILITIES OF MANDATED REPORTERS OF CHILD ABUSE AND NEGLECT. (DCF LEGISLATIVE PROPOSAL)

This act (1) prohibits employers from attempting to prevent employees from reporting child abuse or neglect or testifying in hearings related to child abuse or neglect and (2) subjects employers to the

whistleblower penalties, in addition to the current civil penalties, if they take adverse actions against employees who report child abuse or neglect.

The act prohibits employers from hindering, preventing, or attempting to hinder or prevent an employee's efforts to report child abuse or neglect or testify in a child abuse or neglect proceeding. The law already prohibits discharging, discriminating, or retaliating against an employee for making such reports or providing such testimony. The attorney general may sue an employer who violates this provision and a court may impose a civil penalty or other equitable relief. The act extends this relief to these new violations.

The state's whistleblower law prohibits employers from discharging, disciplining, or otherwise penalizing employees who report certain violations of state law. The act extends this prohibition to instances when the employee reports suspected child abuse or neglect. An employee may sue an employer who violates this law for job reinstatement, back pay, and reestablishment of employee benefits after exhausting all available administrative remedies.

Related Act

Public Act 13-297 makes it a class A misdemeanor for mandated reporters to fail to report suspected child abuse or neglect to the Department of Children and Families. Under prior law, fines were between \$500 and \$2,500.

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy May 28, 2013*)

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PUBLIC ACT 13-54 - S.B. No. 832 - AN ACT CONCERNING FAMILY ASSESSMENT CASES. (DCF LEGISLATIVE PROPOSAL)

This act requires the Department of Children and Families to follow the same expungement process for family assessment response cases as applies to unsubstantiated cases of abuse and neglect. It requires DCF to seal family assessment case records, but it allows agency employees to access them to properly discharge their duties. It requires the Commissioner to destroy the case files five years after DCF completes its investigation or closes the family assessment case, whichever is later, if the department has not received another report of abuse or neglect involving the family. But if a family has more than one unsubstantiated report within this period, DCF must keep the records for five years from the date it completed the most recent investigation.

The act also renames the DCF "differential response" program as the "family assessment response" program. Under this program, when DCF receives a report of child abuse and 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.

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy May 28, 2013*)

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PUBLIC ACT 13-228 - S.B. No. 833 - AN ACT ADDRESSING THE MEDICAL NEEDS OF CHILDREN. (DCF LEGISLATIVE PROPOSAL)

In child abuse and neglect cases, this act extends to the Department of Children and Families or any agency or person to whom DCF has granted temporary care and custody of a child or youth on the basis of a court order of temporary custody (OTC), the following rights regarding that child or youth:

(1) the obligation of care and control;

- (2) the authority to make decisions regarding emergency medical, psychological, psychiatric, or surgical treatment; and
- (3) other rights and duties that the court orders.

By law, DCF must file an affidavit requesting an OTC with the Superior Court when it has reasonable cause to believe that the child (1) is in immediate physical danger or is suffering from serious physical illness or injury and (2) the conditions or circumstances surrounding the child's care require that DCF assume immediate custody to protect the child.

Prior law was silent on these rights and duties, although DCF policy grants the agency some of them.

The act also makes technical changes.

OTCs, 96-Hour Holds, and The Right to Make Certain Decisions

By law, if (1) the DCF Commissioner or her designee has probable cause to believe that a child or youth is at imminent risk of physical harm from the child's surroundings and (2) immediate removal of the child is needed to ensure the child's safety, the Commissioner must authorize her staff or local law enforcement to remove the child or any other child similarly situated from the child's surroundings, without the parent's or guardian's consent. The removal or "hold" period may not exceed 96 hours. The law requires DCF, during the 96-hour hold, to provide the child with all necessary care, including medical care, without the parent or other responsible party's consent, provided reasonable attempts have been made to receive consent (CGS § 17a-101g).

Typically, the court issues an ex-parte order immediately without notice to, or opportunity to contest by, any person affected adversely by the order, granting DCF temporary custody of the child. DCF will try to place the child with a relative when this occurs. Such an order does not transfer legal guardianship of the child or affect parental rights except as to the child's custody.

DCF policy authorizes the department to arrange for necessary medical and dental care of children once the court has issued an OTC, regardless of whether the parent or guardian has consented to it. But it requires DCF to make every effort to secure such consent before treatment is rendered (DCF Policy Manual, § 46-3-19).

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy June 24, 2013*)

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CHILD ABUSE AND NEGLECT

PUBLIC ACT 13-77 - S.B. No. 763 - AN ACT CONCERNING NOTICE OF INVESTIGATIONS BY THE DEPARTMENT OF CHILDREN AND FAMILIES.

This act requires the Department of Children and Families, when (1) opening a child abuse or neglect investigation and (2) it is in the child's best interests, to notify both the child's guardian and parents (including the noncustodial parent if they are living apart or DCF has taken custody of the child). DCF may not provide this notice if it has reasonable grounds to believe that doing so would interfere with a criminal investigation or endanger someone.

The notice must:

- (1) state the abuse or neglect allegation;
- (2) inform the recipient that DCF, if the law allows, may remove the child from the custodial parent's care;
- (3) be provided verbally as soon as practicable, and in writing within five business days, after DCF opens the investigation;
- (4) within all reasonably employed DCF efforts, be in English or the recipient's principal language, if known;
- (5) indicate the availability of DCF services, such as child care subsidies and emergency shelter; and
- (6) include Office of Victim Services programs and information on obtaining a restraining order.

If mailed, the notice must be delivered by certified mail, with return receipt requested. If DCF delivers the notice (written or verbal) in person, it must obtain the recipient's written acknowledgment. By law, DCF must provide a similar notice to these adults within 10 days of substantiating child abuse or neglect if it is in the child's best interest to do so.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2013 (*Signed by Governor Malloy June 5, 2013*)

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PUBLIC ACT 13-166 - H.B. No. 5666 - AN ACT CONCERNING SEXUAL EXPLOITATION AND TRAFFICKING IN PERSONS.

This act:

- (1) adds funds and property related to prostitution, 3rd degree promoting prostitution, and commercial sexual exploitation of a minor to the types of property subject to forfeiture as tainted funds and property related to sexual exploitation and human trafficking;
- (2) requires proceeds from an auction of forfeited property that remain after paying liens and costs to be deposited in the Criminal Injuries Compensation Fund, rather than the General Fund;
- (3) expands the crime of trafficking in persons;
- (4) increases the penalty for patronizing a prostitute from a class A misdemeanor (punishable by up to one year in prison, a fine of up to \$2,000, or both) to a class C felony (punishable by up to 10 years in prison, a fine of up to \$10,000, or both) when the actor knew or reasonably should have known at the time of the offense that the prostitute was (a) under age 18 or (b) the victim of conduct amounting to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law (§ 4);
- (5) allows anyone convicted of prostitution to apply to Superior Court to vacate the conviction because he or she was a victim of conduct amounting to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law;
- (6) makes changes to defenses to a prostitution charge;

- (7) requires the Office of the Chief Court Administrator to develop a concise notice about services for human trafficking victims and requires truck stops and certain establishments serving alcohol to post it in a conspicuous location where sales occur;
- (8) requires the Office of Victim Services (OVS) to (a) analyze the compensation and restitution services (such as medical, psychiatric, psychological, social, and social rehabilitation services) provided to victims of sexual exploitation and human trafficking and recommend legislation to enhance compensation and services and (b) report its findings to the Judiciary Committee by January 15, 2014 (§ 8);
- (9) alters the Trafficking in Persons Council's membership and requires it to report on deficiencies in the statutes relating to trafficking and propose legislation to address them; and
- (10) eliminates a requirement that the notice developed by the Chief Court Administrator regarding victims' rights and available services be bilingual.

EFFECTIVE DATE: October 1, 2013, except the provisions on the OVS report and Trafficking in Persons Council are effective upon passage. (*Signed by Governor Malloy June 24, 2013*)

§ 1 — FORFEITURE OF PROPERTY RELATED TO SEXUAL EXPLOITATION AND HUMAN TRAFFICKING

The act adds funds and property related to prostitution, 3rd degree promoting prostitution, and commercial sexual exploitation of a minor to the types of property subject to forfeiture as tainted funds and property related to sexual exploitation and human trafficking. Under existing law, the crimes that trigger these procedures are:

- (1) the portion of the risk of injury to a minor statute involving sale of a child younger than age 16;
- (2) 1st or 2nd degree promoting prostitution;
- (3) enticing a minor using an interactive computer;
- (4) voyeurism, disseminating voyeuristic material, and employing or promoting a minor in an obscene performance;
- (5) human trafficking; and
- (6) importing child pornography.

By law, funds and property related to these crimes are subject to forfeiture if they are:

- (1) money used or intended for use in one of these crimes;
- (2) property constituting the proceeds obtained, directly or indirectly, from one of these crimes;
- (3) property derived from the proceeds obtained, directly or indirectly, from any sale or exchange for pecuniary gain from these criminal violations; and
- (4) property used or intended for use to commit or facilitate commission of one of these crimes for pecuniary gain.

Proceeds from Auction

If the court orders forfeiture of property related to sexual exploitation and human trafficking, the law requires the Department of Administrative Services to sell it at a public auction. Sale proceeds pay (1) the balance due on any lien the court determines should be paid; (2) property storage, maintenance, security, and forfeiture costs; and (3) court costs. The act requires that any remaining proceeds be deposited in the Criminal Injuries Compensation Fund, rather than the General Fund. By law, this fund provides compensation and restitution to certain crime victims.

§ 2 — TRAFFICKING IN PERSONS

Under current law, a person commits the crime of trafficking in persons when he or she coerces another person to compel or induce that person to engage in prostitution or provide labor or services.

The act expands this crime in a number of ways. Under the act, a person commits trafficking in persons when he or she:

- (1) compels or induces another person to (a) engage in more than one occurrence of sexual contact (contact with another person's intimate parts) with at least one third person or (b) provide labor or services the person has a legal right to refrain from providing and

(2) does so through coercion, fraud, or use or threatened use of force against the person or a third person.

By law, trafficking in persons is a class B felony.

§§ 3 & 5 — PROSTITUTION

§ 3 — Defenses

The act (1) gives a person a defense to a prostitution charge if he or she was a victim of conduct that amounts to a federal crime of involuntary servitude, slavery, or trafficking in persons and (2) presumes that anyone under age 18 is a victim of this conduct. The law already provides a person with a defense if he or she was a victim of conduct that amounts to trafficking in persons under state law and someone under age 18 charged with prostitution is presumed to be a victim of this conduct.

The act also specifies that someone can assert the defense of duress to a charge of prostitution. By law, duress is a defense if (1) a person engaged in conduct because he or she was coerced by the use, or threatened imminent use, of physical force against that person or another and (2) a person of reasonable firmness in the situation would not be able to resist. The defense of duress is not available to people who intentionally or recklessly place themselves in a situation where it is probable that they will be subjected to duress.

§ 5 — Vacating Conviction

The act allows anyone convicted of prostitution to apply to Superior Court to vacate the conviction because he or she was a victim of conduct, at the time of the offense, that amounts to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law. The court must give the prosecutor a reasonable opportunity to investigate the claim and an opportunity to contest the application. If the defendant proves he or she was a victim of the conduct, the court must vacate the judgment and dismiss any charges related to the offense. The act provides that this cannot provide grounds for a compensation award based on wrongful arrest, prosecution, conviction, or incarceration under the statutes.

§§ 6-7 — NOTICE OF SERVICES

The act requires the Office of the Chief Court Administrator to develop a concise notice about services for human trafficking victims. The notice must state the toll-free state and federal anti-trafficking hotline numbers that someone can use if he or she is forced to engage in an activity and cannot leave.

The act requires the office to make the notice available to truck stops and certain establishments serving alcohol, which must, when the notice is available to them, post it in plain view in a conspicuous location where sales occur. The act applies to truck stops defined as privately owned and operated facilities offering food, fuel, lawful overnight truck parking, and shower and laundry facilities. It also applies to anyone who holds an on-premises consumption permit for the retail sale of alcohol except someone who only holds one or more of the following permits:

- (1) caterer, railroad, boat, airline, military, charitable organization, or special club permit;
- (2) temporary liquor or temporary beer permit;
- (3) restaurant permit, restaurant permit for beer, restaurant permit for wine and beer, or café permit; or
- (4) farm winery or beer manufacturer permit, beer and brew pub manufacturer permit, or other manufacturer permit.

§§ 9-10 — TRAFFICKING IN PERSONS COUNCIL

Membership

The act changes the membership of the Trafficking in Persons Council. As of the act's passage, it removes as members the (1) Attorney General; (2) Chairpersons of the Commissions on Children, Latino and Puerto Rican Affairs, and African-American Affairs; and (3) two Judicial Branch representatives appointed by the Chief Court Administrator, one of whom represents the Court Support Services

Division. The act also changes the House Minority Leader's appointment from someone representing the Asian-American community to someone representing the Motor Transport Association of Connecticut.

As under current law, the other council members are the following people:

- (1) the Chief State's Attorney;
- (2) the Chief Public Defender;
- (3) the Children and Families, Emergency Services and Public Protection, Labor, Mental Health and Addiction Services, Public Health, Social Services Commissioners;
- (4) the Child Advocate;
- (5) the Victim Advocate;
- (6) the Permanent Commission on the Status of Women Chairperson;
- (7) a municipal police chief, appointed by the Connecticut Police Chiefs Association;
- (8) an OVS representative, appointed by the Chief Court Administrator;
- (9) a representative of Connecticut Sexual Assault Crisis Services, Inc., appointed by the Governor;
- (10) a representative of an organization providing civil legal services to low-income individuals, appointed by the Senate President Pro Tempore;
- (11) a representative of the Connecticut Coalition Against Domestic Violence, appointed by the House Speaker;
- (12) a representative of an organization dealing with women's and childrens' behavioral health needs, appointed by the Senate Majority Leader;
- (13) a representative of an organization advocating on social justice and human rights issues, appointed by the House Majority Leader; and
- (14) a representative of the Connecticut Immigrant and Refugee Coalition, appointed by the Senate Minority Leader.

The act eliminates the ability of the OVS representative to designate someone to serve on his or her behalf. As under current law, members other than those appointed by the Governor and legislative leaders can designate someone to serve as their representatives. But the act no longer requires them to make the designation in writing.

Report on Statutory Deficiencies

The act requires the council to meet by September 1, 2013 to study data relating to trafficking in persons offenses in Connecticut. The council must examine and identify deficiencies in the statutes and propose legislation to address any deficiencies. The act requires the council to report to the Judiciary Committee by January 1, 2014.

By law, the council must meet to (1) provide updates and progress reports; (2) identify criteria for providing services to adult trafficking victims; and (3) consult with government and non-government organizations to develop recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims, and prosecute traffickers. It may request data and information from state and local agencies to carry out its duties. It must meet at least three times per year and report annually by January 1 to the legislature.

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PUBLIC ACT 13-214 - H.B. No. 6702 - AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

This act makes several modifications to the domestic violence and sexual assault laws. It:

- (1) revises the protocol for surrendering a firearm by a person who is subject to a restraining or protective order or a foreign order of protection;
- (2) requires probation officers to provide notice of suspected probation violations to assigned victim advocates, if the officer has the advocate's contact information;

- (3) requires the Chief Court Administrator to maintain a separate, secure room in certain courthouses for family violence victims and their advocates, if such room is available and its use practical;
- (4) permits a sexual assault victim to terminate a rental agreement without penalty under some circumstances;
- (5) requires the Chief Court Administrator to develop a plan to include temporary financial support as relief available to an applicant for a restraining order;
- (6) requires the Chief Court Administrator to assess the effectiveness of family violence training programs for judges and Judicial Branch staff;
- (7) establishes a task force to study the feasibility of permitting a sexual assault victim who is not a perpetrator's family or household member to apply for a restraining order;
- (8) requires that the family violence training program for judges, Judicial Branch personnel, and court clerks be available to guardians ad litem; and
- (9) increases, from two to three, the number of Criminal Justice Policy Advisory Commission members who represent community-based offender and victim services providers.

The act also updates statutory references to "battered women" and "batterers" to be consistent with current terminology (i.e., "domestic violence victims" and "persons who commit acts of family violence").

EFFECTIVE DATE: October 1, 2013, except (1) the provision on victims' waiting areas in courthouses is effective July 1, 2013, and (2) the sections on the development of the temporary financial support plan, the family violence training program assessment, and the feasibility study are effective upon passage. (Signed by Governor Malloy June 25, 2013)

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PUBLIC ACT 13-297 - H.B. No. 6342 - AN ACT CONCERNING CRIMINAL PENALTIES FOR FAILURE TO REPORT CHILD ABUSE.

This act makes it a form of risk of injury to a child for a person to intentionally and unreasonably interfere with or prevent a person who is required to report suspected child abuse and neglect (a mandated reporter) from carrying out this obligation. The act makes this a class D felony.

The act also makes it a crime for mandated reporters (e.g. school employees, police officers, certain medical professionals, and Department of Children and Families employees) to fail to report suspected child abuse or neglect to DCF. Under prior law, this inaction subjected them to fines of between \$500 and \$2,500. The act makes it a class A misdemeanor. By law, such reporters must also participate in an educational and training program.

By law, a person is required to report suspected child abuse or neglect within certain specified timeframes if such person is a mandated reporter and in the ordinary course of his or her employment or profession, has reasonable cause to suspect a child under age 18 has: (1) been abused or neglected, (2) suffered a non-accidental physical injury or one that is inconsistent with the given history of such injury, or (3) been placed at imminent risk of serious harm.

Related Act

PA 13-53 (1) prohibits employers from attempting to prevent employees from reporting child abuse or neglect or testifying in hearings related to child abuse or neglect and (2) subjects employers to the whistleblower penalties, in addition to the current civil penalties, if they take adverse actions against employees who report child abuse or neglect.

EFFECTIVE DATE: October 1, 2013 (Signed by Governor Malloy July 12, 2013)

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ADOPTION, FOSTER CARE AND GUARDIANSHIP

PUBLIC ACT 13-124 - S.B. No. 273 - AN ACT CONCERNING FOSTER CHILDREN AND INTERNSHIP OPPORTUNITIES.

This act requires state agencies, when hiring individuals for, or placing them in, internship programs they offer, to give preference to young adults who (1) are between the ages of 18 and 24 and (2) were in Department of Children and Families foster care on their 18th birthday. Preference is defined as priority over similarly qualified applicants.

The act provides that nothing in it (1) requires a new employee or applicant to request foster child status or disclose his or her status as a former foster child and (2) can be construed to give a new employee or applicant the right to sue for a violation of its provisions.

EFFECTIVE DATE: July 1, 2013 (*Signed by Governor Malloy June 18, 2013*)

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JUVENILE JUSTICE

PUBLIC ACT 13-268 - S.B. No. 1163 - AN ACT CONCERNING THE PREVENTION OF URBAN YOUTH DELINQUENCY AND VIOLENCE.

This act requires the Court Support Services Division (CSSD) of the Judicial Branch, within available resources, to collaborate with private community-based service providers in Hartford to (1) inventory programs designed to promote positive youth development and reduce youth contact with the juvenile justice system and (2) design a process to identify and refer at-risk youth to such programs. The Chief Court Administrator must submit a report on this to the Judiciary Committee by February 1, 2014.

The act authorizes up to \$1.5 million in general obligation bonds for the Department of Economic and Community Development (DECD) to provide grants-in aid, of up to \$500,000 each, to: (1) the Metropolitan Economic Development Commission to create elderly housing, (2) the John E. Rogers African American Cultural Center to convert the former Northwest-Jones School to a cultural center, and (3) Catholic Charities of Hartford to create affordable housing with supportive services.

The grants can be used for construction, improvements, repairs, renovations, and, except for Catholic Charities of Hartford, land acquisition.

The act also requires the DECD Commissioner, within available appropriations, to establish a Connecticut Young Adult Conservation Corps program. The program generally requires recipients of the bond proceeds described above to set aside at least 10% of all positions for employable youth and young adults at each facility for five years. The act authorizes the Commissioner to audit and investigate these organizations for compliance and bring action against those that fail to do so. The Commissioner must annually report on the program to the legislature.

EFFECTIVE DATE: Upon passage for the youth program inventory, July 1, 2013 for the bond authorization, and January 1, 2014 for the Connecticut Young Adult Conservation Corps. . *(Signed by Governor Malloy July 11, 2013)*

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PUBLIC ACT 13-302 - H.B. No. 6703 - AN ACT CONCERNING YOUTH VIOLENCE AND GANG ACTIVITY.

This act makes it a criminal offense to recruit a minor to participate in a "criminal gang." The act classifies this as a class A misdemeanor, punishable by up to one year imprisonment, up to a \$2,000 fine, or both.

The act also requires the Court Support Services Division (CSSD) within the Judicial Branch, within available resources and in collaboration with certain government and community organizations, to conduct a pilot program in Bridgeport, Hartford, and New Haven. The program must be designed to reduce (1) the number of children and youths who come into contact with the juvenile justice system and (2) recidivism among those who are delinquents. The Chief Court Administrator must submit a report to the Judiciary and Children Committees by February 1, 2014 describing the pilot program and any recommendations for its expansion or continuation.

RECRUITING A MEMBER OF A CRIMINAL GANG

Under the act, a person is guilty of recruiting a member of a criminal gang when he or she knowingly causes, encourages, solicits, recruits, intimidates, or coerces someone under age 18 to join, participate in, or remain a criminal gang member. This must be done with (1) knowledge that membership or

continued membership in the gang is conditioned on committing a criminal act or (2) intent to facilitate the gang's criminal acts.

The act defines "criminal gang" as a formal or informal organization, association, or group of three or more people that has: (1) as one of its primary activities, committing one or more criminal acts; (2) members who individually or collectively engage or have engaged in one or more criminal acts; and (3) an identifying name, sign, or symbol, or an identifiable leadership or hierarchy.

It defines "criminal act" as conduct constituting a felony or a misdemeanor (other than recruiting a criminal gang member).

PILOT PROGRAM IN HARTFORD, BRIDGEPORT, AND NEW HAVEN

The act requires CSSD probation officers to collaborate with local police departments, federal agencies, youth service bureaus, and community-based service centers that are willing to participate to (1) identify at-risk children and youth and those convicted as delinquents and (2) refer them to the pilot program. It applies to children and youth who could be subject to the juvenile court's jurisdiction, generally those ages seven through 17.

The act requires officers and agencies participating in the pilot program to (1) meet formally or informally with at-risk children and youths to inform them of the juvenile justice consequences of violent behavior and criminal possession of deadly weapons and (2) make unannounced visits, including in the evening, to the homes, schools, and workplaces of children and youths whom a probation officer supervises.

Under existing law and the act, a "community-based service center" is a family support center for children and families against whom a complaint has been filed with the Superior Court. The center provides multiple services or access to such services for the purpose of preventing the children and families from having further involvement with the court.

EFFECTIVE DATE: October 1, 2013, except the pilot program provision, which is effective July 1, 2013.
(Signed by Governor Malloy July 12, 2013)

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BEHAVIORAL HEALTH AND HEALTH SERVICES

PUBLIC ACT 13-3 - S.B. No. 1160 - AN ACT CONCERNING GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY.

The act makes numerous changes in the laws governing firearms. The major changes pertain to assault weapons, handguns (pistols and revolvers), long guns (rifles and shotguns), and large capacity magazines.

Among its mental health provisions, the act creates a 20-member task force to study the provision of behavioral health services in Connecticut and report to the legislature by February 1, 2014. The DCF Commissioner or her designee is a member of the task force. It also requires the Department of Mental Health and Addition Services (DMHAS) to: (1) administer a mental health first aid training program, in consultation with the Department of Education (SDE); (2) implement an assertive community treatment (ACT) program in three additional cities (programs currently operate in Manchester, Middletown, New Britain, and Norwich); and (3) provide case management and care coordination services to up to 100 people with mental illness who are involved in the probate court system and are not receiving these services.

The act requires the DCF Commissioner, by January 1, 2014, to establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children.

The major changes in firearm laws pertain to assault weapons, handguns (pistols and revolvers), long guns (rifles and shotguns), and large capacity magazines. The act, among other things, expands the ban on assault weapons, bans the sale or purchase of large capacity magazines that can hold more than 10 rounds of ammunition, mandates the establishment of a deadly weapon offender registry, bans the sale of armor-piercing bullets, adds two members to the Board of Firearms Permit Examiners, expands the circumstances in which mental health history disqualifies a person for gun permits or other gun credentials, requires anyone buying ammunition to have an ammunition certificate or other gun credential, and appropriates \$1 million to the Department of Emergency Services and Public Protection (DESPP) for FY 14 to fund the statewide firearms trafficking task force.

The act makes various changes to the process for grieving adverse determinations (e.g., claims denials) by health insurers. Among other things, it reduces the time health insurers have to (1) make initial determinations on requests for treatments for certain mental or substance use disorders and (2) review claim denials and other adverse determinations of such requests. It expands the role of and qualifications required for health care professionals who evaluate the appropriateness of adverse determinations. The act also requires the Insurance Commissioner to seek input on methods the Department might use to check for compliance with state and federal mental health coverage parity laws and report on these issues to the Insurance and Public Health Committees.

The act (1) creates a new council to establish new school safety infrastructure standards, (2) authorizes up to \$15 million in bonds for a new competitive grant program for school safety projects, and (3) establishes a procedure leading to new requirements under the school construction law.

It requires school districts to perform a number of new school safety activities including establishing safety and security plans and committees for each school.

The act requires public and independent institutions of higher education to develop campus security plans, undergo safety audits, and form campus threat assessment teams.

It (1) requires mental health first aid training for school district staff, (2) gives safe school climate committees new responsibilities, (3) creates a school security consultant registry, and (4) changes the law regarding civil service testing for UConn and state university police.

It repeals an unused \$3 million bond authorization, initially created in 2007 for a school security infrastructure program.

Lastly, the act makes numerous conforming changes.

EFFECTIVE DATE: Various (*Signed by Governor Malloy April 4, 2013*)

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PUBLIC ACT 13-84 - S.B. No. 1029 - AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS.

This act requires certain health insurance policies to at least maintain current levels of benefits for insureds who were diagnosed with autism spectrum disorder before the (fifth) edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) is released.

By law, the affected individual and group policies must provide benefits to diagnose and treat "mental or nervous conditions." Under current law, these conditions are mental disorders as defined by the most recent edition of the DSM. Current law also requires these policies to provide specific services for insureds to treat autism spectrum disorder, as it is described in the most recent edition of the DSM, to the extent such services are a covered benefit for other diseases and conditions under the policy. In addition, individual and group policies must cover medically necessary early intervention services provided as part of an individualized service plan for children up to three years old who have or are at risk of having developmental delays (birth-to-three programs). The act instead requires, in each case, that the insurer at least maintain coverage at the level provided immediately before the fifth edition's release for insureds who were diagnosed with autism spectrum disorder before that date.

The act applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; and (4) hospital or medical services, including coverage under an HMO plan.

EFFECTIVE DATE: Upon passage (*Signed by Governor Malloy June 5, 2013*)

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PUBLIC ACT 13-130 - H.B. No. 5727 - AN ACT CONCERNING THE TIME FOR PARENTAL NOTIFICATION WHEN A CHILD IS ADMITTED TO A HOSPITAL FOR DIAGNOSIS OR TREATMENT OF A MENTAL DISORDER.

This act reduces, from five days to twenty-four hours, the time within which a hospital must notify a parent or guardian of a child (1) age 14 or older or (2) in the custody of the Department of Children and Families that the child was admitted for the diagnosis or treatment of a mental disorder without their consent.

The law allows a hospital to admit a child age 14 or older without parental consent if the child agrees in writing. The DCF Commissioner can admit any child under her custody to a hospital without going through probate court if (1) the child's legal counsel consents in writing and (2) if age 14 or older, the child agrees.

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy June 18, 2013*)

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PUBLIC ACT 13-178 - S.B. No. 972 - AN ACT CONCERNING THE MENTAL, EMOTIONAL AND BEHAVIORAL HEALTH OF YOUTHS.

The act requires the Department of Children and Families and the Office of Early Childhood (OEC), in consultation and collaboration with various individuals and agencies, to take several steps to address Connecticut children's mental, emotional, and behavioral health needs. It requires DCF to develop a comprehensive plan to (1) meet these needs and (2) prevent or reduce the long-term negative impact of mental, emotional, and behavioral health issues on children. It requires OEC, which currently does not exist, to (1) provide recommendations to several committees for implementing the coordination of home visitation programs that offer services to vulnerable families with young children and (2) design and implement a public information and education campaign on children's mental, emotional, and behavioral health issues.

The act requires training for school resource officers, mental health care providers, pediatricians, and child care providers. It also requires the (1) state to seek existing public and private reimbursement for mental, emotional, and behavioral health services and (2) Birth-to-Three program to provide mental health services to children eligible for early intervention services under federal law.

The act also (1) allows the Judicial Branch to seek funding to perform a study to determine whether children and young adults who primarily need mental health interventions are placed in the juvenile justice or corrections systems instead of receiving appropriate treatment and (2) establishes a 14-member task force to study the effects of nutrition, genetics, complementary and alternative treatments, and psychotropic drugs on children's mental, emotional, and behavioral health.

EFFECTIVE DATE: July 1, 2013, except for the Judicial Branch and OEC provisions, which are effective on October 1, 2013. (*Signed by Governor Malloy June 24, 2013*)

§ 1 — DCF IMPLEMENTATION PLAN AND TRAINING REQUIREMENTS

Implementation Plan

The act requires DCF to develop a comprehensive implementation plan across agency and policy areas for meeting the mental, emotional, and behavioral needs of all children in the state and preventing or reducing the long-term negative impact of mental, emotional, and behavioral health issues on children. DCF must develop the plan in consultation with (1) representatives of children and families the Department serves; (2) providers of mental, emotional, or behavioral health services for children and families; (3) advocates; and (4) others interested in the well-being of children and families in the state.

Plan Requirements. The plan must include strategies to prevent or reduce the long-term negative impact of mental, emotional, and behavioral health issues on children by:

- (1) employing prevention-focused techniques that emphasize early identification and intervention;
- (2) ensuring access to developmentally appropriate services;
- (3) offering comprehensive care within a service continuum;
- (4) engaging communities, families, and youths in mental, emotional, and behavioral health care services planning, delivery, and evaluation;
- (5) being sensitive to diversity by reflecting race, culture, language, and ability awareness;
- (6) establishing results-based accountability (RBA) measures to track progress towards the act's goals and objectives;
- (7) applying data-informed quality assurance strategies to address mental, emotional, and behavioral health issues in children; and
- (8) improving school and community-based mental health services integration.

The plan must also include strategies to enhance early interventions, consumer input, and public information and accountability by increasing:

- (1) family and youth engagement in medical homes, in collaboration with the Department of Public Health (DPH);
- (2) data collection on each program's results, including information on issues related to treatment response times, provider availability and access to treatment options, in collaboration with each program that addresses the mental, emotional, or behavioral health of children and receives state public funds; and
- (3) awareness of the 2-1-1 Infoline, a single telephone source for information about community services, referrals to human services programs, and crisis intervention, in collaboration with the Department of Social Services (DSS). The act does not specify how DSS and DCF must increase 2-1-1 awareness.

Reporting Requirements. The act requires the DCF Commissioner to submit and present to the Governor and the Children's and Appropriations Committees (1) a status report on the implementation plan's progress by April 15, 2014 and (2) the implementation plan by October 1, 2014.

It requires DCF, starting by October 1, 2015 and biennially through 2019, to submit and present to the Governor and Children's and Appropriations Committees progress reports on the status of implementation and any data-driven recommendations to alter or augment the implementation.

Mental Health Care Provider Training

The act requires DCF, in collaboration with agencies that provide training for mental health care providers in urban, suburban, and rural areas, to provide phased-in, ongoing training for mental health care providers in evidence-based and trauma-informed interventions and practices.

§ 1 — SCHOOL BOARD REQUIREMENTS

Collaboration Between Health Care Providers and School Boards

The act requires emergency mobile psychiatric service providers, community-based mental health care agencies, school-based health care centers and the contracting authority for each local or regional board of education in the state to collaborate with each other to, at a minimum, (1) improve coordination and communication in order to promptly identify and refer children with mental, emotional, or behavioral health issues to the appropriate treatment program and (2) plan for any appropriate follow-up with the child and family. This may be done through memoranda of understanding, policy and protocols regarding referrals and outreach, liaison between the respective entities, or other methods.

School Resource Office (SRO) Training

The act requires local law enforcement agencies and local and regional school boards that employ or engage SROs, provided federal funds are available, to train SROs in nationally recognized best practices to prevent students with mental health issues from being victimized or disproportionately referred to the juvenile justice system because of their mental health issues.

§§ 2, 5, & 6 — OEC

Pediatrician and Child Care Provider Training

The act requires the OEC to provide, to the extent that private, federal, or philanthropic funding is available, professional development training to pediatricians and child care providers to help prevent and identify mental, emotional, and behavioral health issues in children by using the Infant and Early Childhood Mental Health Competencies, with a focus on maternal depression and its impact on child development.

Home Visitation Programs

The act requires the OEC, by December 1, 2014 and through the Early Childhood Education Cabinet, to provide recommendations to the Appropriations, Children's, Education, and Human Services Committees for implementing the coordination of home visitation programs that offer services to vulnerable families with young children, including prevention, early intervention, and intensive intervention within the early childhood system. Such families include those facing poverty, trauma,

violence, special health care needs, mental, emotional or behavioral health care needs, substance abuse challenges, and teen parenthood. The recommendations must address, at a minimum:

- (1) a common referral process for families requesting home visitation programs;
- (2) a core set of (a) competencies and required training for all home visitors and (b) standards and outcomes for all programs, including requirements for a monitoring framework;
- (3) coordinated training for home visitation and early care providers, to the extent that training is currently provided, on cultural competency, mental health awareness and issues such as child trauma, poverty, literacy, and language acquisition;
- (4) established common outcomes;
- (5) a shared reporting system capable of disaggregating results by agency and program and providing such results, including information on existing gaps in services, to the Appropriations, Children's, and Human Services Committees;
- (6) home-based treatment options for parents of young children suffering from severe depression; and
- (7) intensive intervention services for children experiencing mental, emotional, or behavioral health issues, including relationship-focused intervention services for young children.

Public Information and Education Campaign

The act requires OEC, to the extent that private funding is available and in collaboration with DCF and the Departments of Education and Public Health (DPH), to design and implement a public information and education campaign on children's mental, emotional, and behavioral health issues. The campaign must provide:

- (1) information on (a) access to support and intervention programs providing mental, emotional, and behavioral health care services to children, (b) the importance of a relationship with and connection to an adult in the early childhood years, and (c) existing public and private reimbursement for services rendered (the act does not specify by whom the services are rendered);
- (2) a list of emotional landmarks and the typical ages at which they are attained;
- (3) strategies (a) that parents and families can use to improve their child's mental, emotional, and behavioral health, including executive functioning and self-regulation and (b) to address mental illness stigma; and
- (4) information to parents on methods to address and cope with mental, emotional, and behavioral health issues at various stages of a (a) child's development and (b) parent's work and family life.

The act requires OEC, by October 1, 2014 and to the extent private funding is available, to begin reporting annually to the Children's and Public Health Committees on the status of the public information and education campaign.

§ 3 — BIRTH-TO-THREE PROGRAM

The Birth-to-Three program administered by the Department of Developmental Services provides early intervention services as defined by federal regulation (CFR 303. 12) to children eligible under Part C of the Individuals with Disabilities Education Act (IDEA). The act requires the program to provide mental health services to any child eligible for early intervention services under Part C of IDEA. The program must refer any child not eligible for services under the act to a licensed mental health care provider for evaluation and treatment, as needed.

§ 4 — MENTAL, EMOTIONAL, OR BEHAVIORAL HEALTH SERVICES REIMBURSEMENT

The act requires the state to seek existing public and private reimbursement for mental, emotional, and behavioral health services (1) delivered in the home and in elementary and secondary schools and (2) offered through DSS under the federal Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program. It does not specify what agent of the state must seek the reimbursement.

§ 7 — JUVENILE JUSTICE AND CORRECTIONS REFERRALS

The act allows the Judicial Branch, in collaboration with DCF and the Department of Correction, to seek public and private funding to perform a study:

- (1) disaggregated by race, to determine whether children and young adults whose primary need is mental health intervention are placed into the juvenile justice or corrections systems instead of receiving mental health treatment;
- (2) to determine the (a) consequences of inappropriate referrals to the juvenile justice or correctional systems, including the impact on children and young adults' mental, emotional, and behavioral health and the cost to the state and (b) programs that would reduce inappropriate referrals; and
- (3) to make recommendations to ensure proper treatment is available for children suffering from mental, emotional, or behavioral health issues.

The act requires the Judicial Branch, upon completing the study, to report the results to the Appropriations, Children's, and Judiciary Committees.

§ 8 — CHILDREN'S MENTAL HEALTH TASK FORCE

The act establishes a task force to study the effects of nutrition, genetics, complementary and alternative treatments, and psychotropic drugs on Connecticut children's mental, emotional, and behavioral health. The task force must also (1) gather and maintain current information on those effects and (2) advise the Governor and General Assembly on how to coordinate and administer state programs to address the impact of those effects on children's mental, emotional, and behavioral health using a RBA framework.

The task force members must serve without compensation but must, within the limits of available funds, be reimbursed for necessary expenses incurred performing their duties. The members must include the Children's Committee Chairpersons and Ranking Members and the following:

- (1) a state licensed (a) psychologist, (b) child psychiatrist appointed by the House Speaker, (c) pediatrician appointed by the Children's Committee Senate Chairperson, and (d) dietitian-nutritionist appointed by the Children's Committee Senate Ranking Member;
- (2) a licensed and board-certified physician specializing in genetics, appointed by the Senate Majority Leader;
- (3) a public health expert in children's health issues, appointed by the Senate Minority Leader;
- (4) an educator with expertise providing mental health services in collaboration with community-based mental health service providers, appointed by the House Minority Leader;
- (5) a complementary and alternative medicine or integrative therapy expert specializing in the treatment of physical, mental, emotional, and behavioral health issues in children, appointed by the Children's Committee House Chairperson;
- (6) a psychotropic pharmacologist, appointed by the Children's Committee House Ranking Member; and
- (7) a pharmacologist appointed by the Governor.

All task force appointments must be made by July 31, 2013. The appointing authority must fill any vacancy. The Children's Committee Chairpersons must Chair the task force and schedule the first meeting by August 30, 2013 and the Committee's administrative staff must serve as the task force's administrative staff.

The act requires the task force to report its findings and recommendations to the DCF Commissioner and Children's Committee by September 30, 2014. It terminates on the date it submits the report or September 30, 2014, whichever is later.

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LEGAL

PUBLIC ACT 13-81 - S.B. No. 984 - AN ACT CONCERNING PROBATE COURT OPERATIONS.

This act makes various revisions to probate statutes. Section 21 repeals statutes which: (1) allowed the DCF Commissioner or a child-placing agency to consider the sexual orientation of the prospective adoptive or foster parent or parents when placing a child for adoption or in foster care (CGS § 45a-726a); and (2) provided that the recruitment of minority families may not be a reason to delay placement of a child with an available family of a different race or ethnicity from that of the child (CGS § 45a-727b).

EFFECTIVE DATE: § 21 is effective July 1, 2013 (*Signed by Governor Malloy June 5, 2013*)

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PUBLIC ACT 13-194 - H.B. No. 6387 - AN ACT CONCERNING COURT OPERATIONS.

This act:

- (1) clarifies the courts' authority over civil unions performed in foreign jurisdictions (§§ 1 & 3);
- (2) extends the validity of an ex parte restraining order until the day a hearing is held if the court is closed on the date of a scheduled hearing on the order (§ 2);
- (3) creates a procedure for an emergency ex parte order of child custody in a dissolution of marriage case or later proceeding regarding custody (§ 4);
- (4) requires court clerks to send the original of certain paternity acknowledgements to the Department of Public Health (DPH)(§ 5);
- (5) requires a parent seeking to regain legal guardianship of a child in certain cases to do so by filing a motion instead of a petition (§ 6);
- (6) eliminates a voluntary alternative dispute resolution program for parties to civil actions involving ownership, maintenance, or use of a private car (§§ 7 & 15);
- (7) allows attorneys who hear small claims cases to sign documents by computer, fax, or other technology (§ 9);
- (8) specifies that court support enforcement officers and support services investigators can serve all process related to cases where the Department of Social Services is providing child support enforcement services (the law already allows them to serve motions for modification or contempt and wage withholdings in child support matters) (§ 12);
- (9) specifies the methods court clerks may use to record or copy certain documents and requires the person requesting the recording or copying to pay the associated fees regardless of the method the clerk used (§§ 13-14);
- (10) establishes a fee payable to the court clerk for applications to dissolve certain liens and substitute a surety bond (§§ 13-14); and
- (11) makes technical changes.

EFFECTIVE DATE: October 1, 2013, except the provisions (1) on court clerks' methods of recording or copying and the \$350 fee for dissolution of lien applications are effective July 1, 2013 and (2) reducing the fee for dissolution of lien applications to \$300 are effective July 1, 2015. (*Signed by Governor Malloy July 2, 2013*)

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PUBLIC ACT 13-226 - S.B. No. 709 - AN ACT CONCERNING THE SILVER ALERT SYSTEM AND MAINTAINING THE PRIVACY OF A MISSING PERSON'S MEDICAL INFORMATION.

This act requires the state's missing children information clearinghouse to establish procedures to maintain the confidentiality of the medical information of any missing person, including adults with mental impairment, that is collected, discovered, or otherwise obtained. The procedures must provide that no such medical information is disseminated to the public without the consent of the parent, guardian, or legal custodian of a missing child or, in the case of other missing persons, the person's spouse, parent, sibling, child, or next of kin. (It is unclear whether mental impairment would be considered medical information subject to the act's prohibition.)

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy June 25, 2013*)

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PUBLIC ACT 13-274 - H.B. No. 6362 - AN ACT CONCERNING THE TRANSPARENCY AND ACCESSIBILITY OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

Public Act 12-92 requires that, on and after July 1, 2013, state agency regulations be available to the public on the Secretary of the state's and regulating agency's Internet websites, rather than published in the *Connecticut Law Journal*. It establishes the same requirement for notices of proposed regulations and their accompanying documents.

This act modifies several of the provisions in Public Act 12-92. It delays, from July 1, 2013 until a date no later than October 1, 2014, a requirement that online regulations posted by the Secretary of the State be the "official version" of the regulations of state agencies for "all purposes, including all legal and administrative proceedings." It requires the Commission on Official Legal Publications (COLP) to continue publishing regulations in the *Connecticut Law Journal* until this time.

The act names the electronic regulations compilation as the "eRegulations System" and requires (1) agencies, and not the Secretary, to post to the system notices of proposed regulations and regulation-related documents and (2) the Secretary to post the final regulations. It eliminates requirements for agencies to post regulations and regulation-related documents (e.g., notices of a proposed action) on their own websites.

The act eliminates several provisions that require a regulation to be submitted in hard copy. However, it requires the Secretary, by January 1, 2014, to develop and implement a plan to maintain at her office a paper copy of all regulations posted on the eRegulations System.

The act revises the requirements for selecting the legislative Regulation Review Committee's Co-Chairpersons to conform the law to practice. It also requires that several manuals published by the Department of Social Services (DSS) be posted on the eRegulations System. Lastly, it repeals requirements, due to take effect on July 1, 2013, that agencies (1) post all manuals and guidance documents online and (2) post on their websites policies that are implemented before being adopted in regulation form (§ 12, effective upon passage).

The act also makes numerous technical and conforming changes.

EFFECTIVE DATE: Various. (*Signed by Governor Malloy July 11, 2013*)

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PUBLIC ACT 13-279 - S.B. No. 1006 - AN ACT REQUIRING STATE AGENCIES TO CITE SPECIFIC STATUTORY AND REGULATORY AUTHORITY FOR THEIR ACTIONS.

This act requires all state agencies taking certain regulatory actions under the Uniform Administrative Procedure Act (UAPA) to cite the legal authority for the action. The agencies must do this when

rendering final decisions or taking actions against a license under that act. In either case, an agency must identify the statutes or its regulations supporting the decision or authorizing the action.

The act requires an agency to also provide this information to a person or business affected by other specified regulatory actions if these parties request it. These actions include those involving applications, permits, or requests for permits, licenses, approvals, or other permissions to conduct business or use private property. The act specifies no deadline by which the agencies must respond to the request or consequences for failing to do so.

UAPA DECISIONS AND ACTIONS

The act requires state agencies to cite the legal authority for decisions they render under the UAPA. It specifically requires them to do so when rendering a proposed final decision, which by law they must do in writing, specifying the reasons for the decision and separate findings of fact and conclusions on each issue of fact or law upon which the decision rests. Under the act, the findings and conclusions must include the specific provisions of the law or the agency's regulations upon which the agency based its findings. By law, agencies must render proposed final decisions instead of adverse final decisions when a majority of the agency members who must render the final decision have not heard the matter or read the record. In these situations, the agency must allow the affected parties to file exceptions and present briefs and oral arguments to the agency's decision makers (CGS § 4-179).

Existing law also requires agencies to specify their findings of fact and conclusions of law supporting a decision in contested cases (CGS § 4-180). Under the act, the conclusions of law must also specify the provisions of the law or the agency's regulations on which the agency based its decision.

Lastly, the act requires agencies to provide this information when revoking, suspending, annulling, or withdrawing a license. By law, they must notify a licensee before they start a process that could potentially result in one of these outcomes. In doing so, they must notify the licensee by mail about the facts or the conduct that warrants the agency's intended action (CGS § 4-182).

ACTIONS AFFECTING BUSINESS ACTIVITIES OR PROPERTY USES

The act requires state agencies to specify the legal authority for an action that could affect a business activity or the use of private property when the affected party requests this information. Agencies must do this when: (1) acting on an individual's or business's application, petition, or request for a permit, license, approval, or other permission to conduct business or use private property; (2) restricting or imposing conditions on any business activity or use of private property; or (3) bringing an enforcement action, issuing a cease and desist order, or otherwise requesting the affected party to modify or stop any business activity or use of private property.

In these situations, the agency must specify the provisions of the law, its regulations, or the general permit that authorize its actions.

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In these situations, the agency must specify the provisions of the law, its regulations, or the general permit that authorize its actions.

EFFECTIVE DATE: October 1, 2013. *(Signed by Governor Malloy July 11, 2013)*

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PUBLIC ACT 13-287 - S.B. No. 1137 - AN ACT CONCERNING THE SCHOOL-BASED HEALTH CENTER ADVISORY COMMITTEE AND A STUDY ON THE PROVISION OF BEHAVIORAL HEALTH SERVICES AT SCHOOL-BASED HEALTH CENTERS.

This act expands, from seven to 17, the membership of the School-Based Health Center (SBHC) Advisory Committee and adds to its responsibilities. It requires the Committee to advise the Department of Public Health (DPH) Commissioner on matters relating to (1) minimum standards for the provision of services in SBHCs to ensure that high quality health care services are provided and (2) statutory and regulatory changes to improve health care through access to SBHCs. Current law instead requires the Committee to assist the Commissioner in developing recommendations for the latter.

The act also requires the DPH Commissioner to study and report to the Public Health Committee by February 1, 2014 on the provision of behavioral health services by SBHCs in the state. She must do this (1) in consultation with the SBHC Advisory Committee and Department of Children and Families Commissioner and (2) only if DPH receives private or federal funds to conduct the study.

EFFECTIVE DATE: Upon passage, except that the provision regarding the DPH School-Based Health Center Advisory Committee takes effect October 1, 2013. *(Signed by Governor Malloy July 12, 2013)*

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SPECIAL ACT 13-24 - H.B. No. 6685 - AN ACT ESTABLISHING A TASK FORCE TO STUDY LEGAL DISPUTES INVOLVING THE CARE AND CUSTODY OF MINOR CHILDREN.

The act establishes a 7-member task force to study (1) the role of a guardian ad litem and the attorney for a minor child in any action involving the custody, care and upbringing of a child, (2) actions involving the custody, care and upbringing of a child in which one party alleges that he or she has been subjected to parental alienation and the role of a court when considering such allegations, and (3) whether the state should adopt a presumption that shared custody is in the best interest of a minor child in any action involving the custody, care and upbringing of a child. Such study shall include, but not be limited

to, an examination of (A) state statutes applicable to an action involving the custody, care and upbringing of a child, and (B) the costs associated with contested divorce actions, including, but not limited to, expert witness fees and attorneys' fees including the fees of guardians ad litem and attorneys for the minor children. Such study may include recommendations for legislation on matters studied by the task force.

The Chief Administrative Judge of the Family Division of the Superior Court shall serve as the Chairperson of the task force. The task force shall submit a report on its findings and recommendations to the General Assembly's Judiciary Committee by February 1, 2014.

EFFECTIVE DATE: Upon passage (*Signed by Governor Malloy July 12, 2013*)

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BUDGET AND BONDING

PUBLIC ACT 13-184 - H.B. No. 6704 - AN ACT CONCERNING EXPENDITURES AND REVENUE FOR THE BIENNIUM ENDING JUNE 30, 2015.

The act contains spending and revenue for the FY 14 - FY 15 biennium and includes spending adjustments for FY 13. The act includes appropriations in ten funds totaling \$18.6 billion in FY 14 and \$19 billion in FY 15. DCF appropriations total \$811,397,854 in FY 14 and \$827,548,883 in FY 15.

The budget act also includes: (1) provisions concerning certain accounts; (2) the use of carry forward funding; and (3) implementing language pertaining to various appropriations.

Other provisions of interest to DCF include:

- § 11(a) - requires the Office of Policy and Management to recommend reductions of \$13.8 million in executive branch expenditures for each fiscal year (FY 14 & FY 15).
- § 12 - requires the Office of Policy and Management to recommend reductions of \$5.5 million in FY 14 and \$16.7 million in FY 15 for expenditures for Personal Services (PS).
- § 15 - single cost accounting - Suspends the rate adjustments for DCF-funded private residential treatment centers in FY 14 and FY 15. The savings of \$4.5 million in FY 14 and \$7 million in FY 15 are reflected in Section 1 of the act in DCF's budget.
- § 17 - permits OPM to transfer from agencies' PS to the Reserve for Salary Adjustment (RSA) account to reflect accurate impact of collective bargaining costs.
- § 18 - carries forward the FY 13 unexpended funds related to collective bargaining agreements and related costs into FY 14 and FY 15.
- § 22 - Allows for the transfer of funds between agencies via the use of the Finance Advisory Committee (FAC) to maximize federal matching funds. This allows any General Fund appropriation to be transferred between agencies to maximize federal funding with FAC approval. Funds generated through transfer may be used to reimburse GF expenditures or expand programs as determined by the Governor and with FAC approval.
- § 23 - Allows for the adjustments to appropriations, with the approval of FAC, to maximize federal funding available to the state. This allows any General Fund appropriation to be adjusted by the Governor with FAC approval in order to maximize federal funding. The Governor shall present a plan for any such transfer.
- § 49(a) - requires OPM to recommend reductions in executive branch expenditures in Other Expenses by \$3,312,000 in both FY 14 and FY 15. Savings are anticipated to be achieved by curtailing and delaying purchases, where possible, in addition to other savings initiatives.
- § 56 - Waives the provision requiring each agency to submit a requisition for allotment to the Office of Policy and Management for funds budgeted to comply with Generally Accepted Accounting Principles (GAAP) prior to them becoming available for expenditure. Across all appropriated funds, the budget provides agencies \$55.9 million in FY 14 and \$76.7 million to recognize liabilities in the year in which they occur.

EFFECTIVE DATE: Various. (*Signed by Governor Malloy June 18, 2013*)

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PUBLIC ACT 13-234 - H.B. No. 6705 - AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS FOR HOUSING, HUMAN SERVICES AND PUBLIC HEALTH.

This act makes changes to laws governing state housing, human services, and public health programs. Concerning housing, Public Act 12-1, June Special Session, established the Department of Housing (DOH) and made it the lead state agency responsible for all housing matters, including housing and

neighborhood policy, development, redevelopment, preservation, maintenance, and improvement. The act completes DOH's establishment by transferring to it various housing-related responsibilities from the Department of Economic and Community Development (DECD), the Office of Policy and Management (OPM), and the Department of Social Services (DSS).

Concerning human services, the act makes changes in programs that the Departments of Social Services (DSS) and Children and Families administer. The major revisions include:

- (1) requiring DSS to reimburse acute care hospitals for providing inpatient, outpatient, and emergency room care based on the severity of the patient's diagnosis;
- (2) eliminates the ConnPACE program, which currently provides pharmacy assistance to elders and individuals with disabilities who do not qualify for Medicare;
- (3) repeals the Medicaid for Low-Income Adults program;
- (4) expands the state's False Claims Act to all state programs, not just DSS medical assistance programs;
- (5) requires a pilot program to improve the educational outcomes of children in state custody;
- (6) requires DSS to administer a medication step therapy program for Medicaid recipients; and
- (7) makes it easier for nursing homes to recover debt and requires these facilities to report certain information to DSS.

Concerning public health, the act makes changes affecting various health care facilities and professions regulated by the Department of Public Health (DPH), including physicians, surgeons, nurses, nurse-midwives, dentists, home health care agencies, assisted living services agencies, community health centers, nonprofit hospitals, and health care facilities' certificate of need applications.

It also makes changes affecting tattoo artists, DPH technical assistance fees for certain construction projects, the Connecticut Vaccine Program, neonatal intensive care unit transport services, cremation certificate fees, the Tobacco and Health Trust Fund, and the study of high school students' athletic injuries.

Finally, the act makes several technical and conforming changes.

EFFECTIVE DATE: Various, see below. (*Signed by Governor Malloy June 19, 2013*)

§§ 71 & 72 — DCF POST MAJORITY SERVICES (DCF LEGISLATIVE PROPOSAL)

Under current law, DCF is the guardian of a child or youth committed to its care for the duration of the commitment, or until another guardian is legally appointed, (a) until age 18 or (b) by the child's consent, until age 21 if he or she is attending a secondary or technical school, college, or state-accredited job training program full-time. The act instead allows a youth committed to DCF prior to age 18 to remain in Department custody up to age 21 if he or she consents and is:

- (1) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential;
- (2) enrolled full time in an institution that provides postsecondary or vocational education; or
- (3) participating full time in a program or activity approved by the DCF Commissioner that is designed to promote or remove barriers to employment.

The act allows the Commissioner, in her discretion, to waive the full-time enrollment or participation requirement based on compelling circumstances. It requires DCF, within 120 days after the youth's 18th birthday, to file a motion in juvenile court to determine whether continuation of care is in the youth's best interest and, if so, whether there is an appropriate permanency plan i.e. a plan stating what permanent outcome DCF feels is in the child's best interest and the facts on which DCF bases that position. The act allows the court, in its discretion, to hold a hearing on the motion.

Permanency Plans

The law gives the Commissioner nine months from the time a child or youth under age 18 is placed to file a motion for the court to review the permanency plan. Once the court approves the plan, the law

requires the Commissioner to file another motion for review within nine months. A hearing must be held within 90 days after the filing. After the initial hearing, subsequent hearings must be held at least once every 12 months. The act extends this review process to permanency plans for youths age 18 through 20 in voluntary DCF custody.

EFFECTIVE DATE: October 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§ 104 — ASO SERVICE AUTHORIZATION

Currently, the ASO must authorize services based solely on the BHP Clinical Management Committee's guidelines. It may make exceptions when a member or the member's legal guardian or service provider requests one and the ASO determines the exception is in the member's best interest. The act instead (1) requires the ASO to authorize services based solely on "medical necessity," as defined by statute and (2) allows it to use the Clinical Management Committee guidelines to inform and guide the authorization decision.

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§ 105 & 118 — BEHAVIORAL HEALTH PARTNERSHIP

The Behavioral Health Partnership (BHP) is an integrated behavioral health system currently operated by DCF, DMHAS, and DSS. BHP's goal is to provide access to complete, coordinated, and effective community-based behavioral health services and supports. The partnership maintains a contract with an ASO, ValueOptions.

The law requires the DCF, DMHAS and DSS Commissioners to implement the BHP for HUSKY Plan A and B members and children enrolled in voluntary DCF services. The act requires, instead of permits, the Commissioners to implement the BHP for all Medicaid recipients, not just those in HUSKY Plan Part A. In practice, the BHP already provides assistance to all Medicaid recipients. The act also eliminates BHP assistance for Charter Oak Health Plan (COHP) members on January 1, 2014 to conform with the provisions eliminating COHP.

EFFECTIVE DATE: July 1, 2013 for the provision requiring the Commissioner to implement the BHP for all Medicaid recipients and January 1, 2014 for the provision eliminating BHP assistance for COHP members. *(Signed by Governor Malloy June 19, 2013)*

§ 109 — DCF COST ANALYSIS

The act requires the DCF Commissioner, by October 1, 2013, to (1) publish on its website an independent cost analysis of full implementation of the federal Fostering Connections to Success and Increasing Adoption Act of 2008 and (2) report the analysis results to the Children and Human Services Committees. The Commissioner must analyze costs, federal reimbursements, and off-setting savings for DCF to provide post-majority foster care services to all youth who:

- (1) are age 18 up to age 21;
- (2) were in foster care when they turned 18 or exited foster care after turning 18 but wish to reenter; and
- (3) are (a) completing secondary education or a program leading to an equivalent credential, (b) enrolled in a post secondary or vocational education institution, (c) participating in a program or activity designed to promote employment or remove barriers to employment, (d) employed for at least 80 hours per month, or (e) incapable of participating in any of these activities due to a medical condition.

The analysis must consider all available reimbursements as current costs to other state agencies for serving those foster or former foster youth through age 21.

EFFECTIVE DATE: Upon passage *(Signed by Governor Malloy June 19, 2013)*

§ 120 — CHILDREN'S MENTAL HEALTH TASK FORCE APPOINTMENT

SB 972 of the current session, as amended, establishes a Children's Mental Health Task Force. The act requires the House Majority Leader, instead of the Children's Committee House Chairperson, to appoint to the task force a complementary and alternative medicine or integrative therapy expert specializing in the treatment of physical, mental, emotional, and behavioral health issues in children.

EFFECTIVE DATE: July 1, 2013 (*Signed by Governor Malloy June 19, 2013*)

123 — RAISE THE GRADE PILOT PROGRAM

The act requires DCF, in consultation with the State Department of Education (SDE), to establish a two-year, Raise the Grade pilot program in Hartford, Bridgeport, and New Haven to increase the academic achievement of children and youth who are in DCF custody or are being served by the Court Support Services Division (CSSD) of the Judicial Department in these cities.

The program must use full-time coordinators to (1) assist with identifying children or youth who are performing below grade level and are in state custody or under juvenile justice supervision and (2) develop plans, in collaboration with the child's or youth's legal guardian, education surrogate, or advocate to improve the child's academic performance. The coordinators must help facilitate the prompt transfer and review of educational records and report to DCF and the educational surrogate critical educational information, including (1) progress monitoring, (2) absenteeism, and (3) discipline. The coordinators must also help support educational stability for children placed in out of home care by DCF under an emergency order, an order of temporary custody, or a commitment order.

At the end of the pilot, DCF, in coordination with CSSD and SDE, must report to the Achievement Gap Task Force the number and educational profile of children the program serves and the program's impact on their educational performance, including achievement, absenteeism, and adverse disciplinary measures.

EFFECTIVE DATE: July 1, 2013 (*Signed by Governor Malloy June 19, 2013*)

§ 124 — ACADEMIC PROGRESS OF CHILDREN IN STATE CUSTODY

The act requires SDE and DCF to (1) annually track the academic progress of children and youth in state custody from prekindergarten through grade 12 and (2) submit a progress report to the Achievement Gap Task Force. CSSD, in collaboration with SDE, must create an annual aggregate report on the progress of youth in its custody.

For each child or youth in state custody, DCF must include a description of the child's educational status and academic progress in his or her treatment plan. The description must include information regarding the child's current educational performance level, including absenteeism and grade level performance, and the support or services that will or are being provided to improve academic performance.

For children committed to DCF, the educational status information must be included in reports to the Juvenile Court. The court must review the report when making decision regarding the child's well-being in care.

Youth who are in a secure facility run or contracted for by CSSD must have a case plan describing the youth's educational needs and grade-level performance and identifies support and services that are, or will be, provided to support academic performance.

DCF and CSSD must develop a plan to ensure that all facilities and school programs they run or they contract for can meet the academic and related service needs of enrolled children and youth. The plan must ensure the ability to provide:

- (1) the development of effective practices for acquiring and reviewing the student's educational records, including assessment of his or her present level of academic performance;
- (2) the youth's identified educational and related service needs;

- (3) appropriate and ongoing professional development on providing educational and related services to abused, neglected, and juvenile just-involved youth;
- (4) research-based instruction and standards-based core curriculum for all enrolled youth; and
- (5) administrative review of all program that DCF and CSSD run.

The plan must be finalized by July 1, 2014 and submitted to the Achievement Gap Task Force.

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§ 154 — DCF SCREENINGS FOR DEVELOPMENTAL AND SOCIAL-EMOTIONAL DELAYS

The act requires DCF to ensure that children age thirty-six months or younger are screened for developmental and social-emotional delays if they are (1) substantiated abuse and neglect victims or (2) receiving DCF differential response program services. The Department must do this starting October 1, 2013 for the former and July 1, 2015 for the latter.

The Department must refer any child found, through the screening, to exhibit such delays to (1) the Birth-to-Three Program or if ineligible for this program (2) the Children's Trust Fund's Help Me Grow prevention program or a similar program.

Starting by July 1, 2014, the act requires DCF to begin submitting annual reports on the screenings and referrals to the Children's Committee for inclusion in the Committee's annual report card on state policies and programs affecting children.

EFFECTIVE DATE: October 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

Screenings

The act requires DCF, within available appropriations, to ensure eligible children age 36 months or younger who are substantiated abuse and neglect victims are screened twice annually, unless the child is found to be eligible for the Birth-to-Three program.

It also requires DCF to ensure eligible children receiving DCF differential response program services are screened, unless the child is found to be eligible for the Birth-to-Three program. But, it does not specify how often these screenings must occur.

The act requires all screenings to be conducted using validated assessment tools, such as the Ages and Stages and the Ages and Stages-Social/Emotional Questionnaires, or their equivalents.

Report

Starting July 1, 2014, DCF must annually report, for the preceding 12 months, the number of Connecticut children age three or younger who (1) were substantiated abuse and neglect victims or (2) received differential response program services. Of these children, DCF must also report the number who:

- (1) were screened for developmental and social-emotional delays by DCF or a contracted provider;
- (2) were (a) referred to the Birth-to-Three program for evaluation, (b) actually evaluated by the program, (c) found eligible for program services and the types of services they were eligible for; and
- (3) received evidence-based developmental support services through the Birth-to-Three program or a DCF-contracted provider.

EFFECTIVE DATE: October 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§ 155 — Repealers

The act repeals a pilot project to provide affordable housing and support services to families with children who have ongoing healthcare service needs (CGS § 17a-54a).

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

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PUBLIC ACT 13-239 - S.B. No. 842 - AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION, ELIMINATION OF THE ACCUMULATED GAAP DEFICIT AND OTHER PURPOSES.

This act authorizes new state general obligation bonds for FY 14 and FY 15 for state capital projects and grant programs. Section 2 (n) authorizes \$1,230,900 to DCF in FY 14 for alterations, renovations and improvements to buildings and grounds. Section 21 (n) authorizes \$1,515,000 to DCF in FY 15 for alterations, renovations and improvements to buildings and grounds.

EFFECTIVE DATE: § 2 July 1, 2013, § 21 July 1, 2014. *(Signed by Governor Malloy July 1, 2013)*

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PUBLIC ACT 13-247 - H.B. No. 6706 - AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2015 CONCERNING GENERAL GOVERNMENT.

A brief section-by-section analysis appears below.

EFFECTIVE DATE: Various, see below. *(Signed by Governor Malloy June 19, 2013)*

§§ 1-2 — BUDGET PROVISIONS

Sections 1 and 2 repeal Section 1 and Section 4 of HB 6704, which results in a net change to General Fund appropriations of \$2.6 million in FY 14 and (\$7.23) million in FY 15. The act also eliminates the appropriation of \$3.1 million to the Soldiers, Sailors, and Marines' Fund in FY 15.

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§§ 26-36 & 388 — E-REGULATIONS

- Delays, from July 1, 2013 up until October 1, 2014, a requirement that online regulations posted by the Secretary of the State be the “official version” of the regulations of state agencies for “all purposes, including all legal and administrative proceedings.”
- Names the electronic regulations compilation as the “eRegulations System” and requires (a) agencies, and not the Secretary, to post to the system notices of proposed regulations and regulation-related documents and (b) the Secretary to post the final regulations.
- Eliminates requirements for agencies to post regulations and related documents on their own websites.
- Eliminates several provisions that require a regulation to be submitted in hard copy, but requires the Secretary of the State, by January 1, 2014, to develop and implement a plan to maintain at her office a paper copy of all regulations posted on the eRegulations System.
- Revises the requirements for selecting the legislative Regulation Review Committee's Co-Chairpersons to conform the law to practice.
- Requires that several manuals published by the Department of Social Services be posted on the eRegulations System.
- Repeals requirements, due to take effect on July 1, 2013, that agencies (a) post all manuals and guidance documents online and (b) post on their websites policies that are implemented before being adopted in regulation form.
- Makes numerous technical and conforming changes.

EFFECTIVE DATE: Various; dates include July 1, 2013, July 1, 2014, and October 1, 2014 *(Signed by Governor Malloy June 19, 2013)*

§ 40 — YOUTH VIOLENCE INITIATIVE DISTRIBUTION

Specifies that \$500,000 of the Judicial Branch Youth Violence Initiative appropriations must be distributed with \$375,000 going to the Greater Hartford YMCA and \$125,000 to the Blue Hills Civic Association Inc., in both FY 14 and FY 15.

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§§ 46-50 — CHILDREN'S TRUST FUND COUNCIL

Eliminates this council and makes conforming changes.

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§ 52 — OFFICE OF THE CHILD ADVOCATE

Reduces the number of candidates that the office's advisory committee must submit to the Governor when a vacancy in the position of advocate occurs (from between five and seven to between three and five).

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§§ 53-54 — JUDICIAL BRANCH AND DOC PROGRAMS RELATED TO FAMILY VIOLENCE

Requires the Chief Court Administrator and the Commissioner of the Department of Correction (DOC) to (1) assess the effectiveness of family violence training or intervention programs provided by the Court Support Services Division (CSSD) and DOC by May 31, 2014 and (2) report to the Judiciary and Appropriations Committees by June 30, 2014.

EFFECTIVE: Upon passage *(Signed by Governor Malloy June 19, 2013)*

§ 58 — OFFICE OF FISCAL ANALYSIS FISCAL NOTE REVIEWS

Eliminates the requirement that the Office of Fiscal Analysis, every second and fourth year after the effective date of an enacted act, review the act's fiscal note and compare it to the original fiscal note prepared when the act was enacted.

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§ 60 — SUPPORTIVE HOUSING SERVICES

Authorizes the DSS, DMHAS, and Corrections Commissioners, the OPM Secretary, and the Executive Director of the Judicial Branch's Court Support Services Division to (1) develop a plan to provide supportive housing services, including housing rental subsidies during FY 14 and FY 15 for an additional 160 individuals and families who frequently use expensive state services and (2) enter into memoranda of understanding to reallocate, within existing appropriations, the necessary support and housing resources for this purpose.

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§ 76 — OPM YOUTH SERVICES PREVENTION

Specifies grant amounts of the OPM Youth Services Prevention appropriations must be distributed to certain governmental and non-governmental entities, in both FY 14 and FY 15.

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§ 130 — BEHAVIORAL HEALTH PARTNERSHIP (BHP) COUNCIL OVERSIGHT OF BHP RATES

Eliminates the council's to make recommendations to the legislature, and for the legislature to hold a hearing on them, if it does not accept BHP rate proposals. Beginning in FY 14, requires BHP council, in consultation with DCF, DSS, and DMHAS, to identify a \$1 million savings, presumably through the BHP rates.

EFFECTIVE DATE: Upon passage (June 19, 2013) *(Signed by Governor Malloy June 19, 2013)*

§§ 161-163 — CAPS ON EDUCATION GRANTS

The act maintains existing caps on certain state education formula grants for two more fiscal years, through June 30, 2015, including: (1) special education costs and excess costs, other than certain state-placed students (CGS § 10-76d & 10-76g) (§§ 161 & 162); and (2) excess regular education costs for state-placed children educated by local and regional boards of education (CGS § 10-253) (§ 163).

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§ 194 — APPROPRIATIONS FOR NEIGHBORHOOD YOUTH CENTERS

Makes the following grants available to centers for FY 14 and 15:

Grant Recipient	Grant Amount
Boys and Girls Clubs of Southeastern Connecticut	\$ 70,586
Boys and Girls Clubs of Bridgeport	94,115
Bridgeport Housing Authority	70,000
Catholic Family Services	80,468
Connecticut Alliance of Boys and Girls Clubs	804,685
Central Connecticut Coast YMCA	71,057
Rivera Memorial Foundation Incorporated	20,117
Saint Margaret Willow Plaza	20,117
Valley Shore YMCA Incorporated	40,234

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§§ 195-230 — MERGER OF DEPARTMENT OF ADMINISTRATIVE SERVICES AND DEPARTMENT OF CONSTRUCTION SERVICES (DAS)

The act dissolves the Department of Construction Services (DCS) and transfers its powers and duties to DAS. It makes numerous technical and conforming changes to implement the merger.

DCS's duties and responsibilities that the act transfers include:

- administering most state capital improvement construction and planning projects;
- selecting consultants to assist on such projects;
- providing technical advice and services to agencies planning to improve their physical space;
- assisting with the development of a capital program and budget for the state;
- enforcement of the state's building and fire safety codes; and
- administering the school construction grant process, with assistance from SDE.

EFFECTIVE DATE: July 1, 2013 *(Signed by Governor Malloy June 19, 2013)*

§§ 234-235 — GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP)

Requires the state to pay off the accumulated GAAP deficit in equal annual increments over 13 years, starting in FY 16, rather than over 15 years, starting in FY 14. The act also makes technical changes to the GAAP statutes to reflect GAAP reporting requirements.

EFFECTIVE DATE: Upon passage *(Signed by Governor Malloy June 19, 2013)*

§ 327 — REGIONAL HUMAN SERVICES COORDINATING COUNCILS

Starting January 1, 2015, requires each state planning region to establish regional human services coordinating councils to encourage collaborations fostering the development and maintenance of a client-focused structure for each region's health and human services system.

§§ 331-375 & 391 STATE EMPLOYEES

- Comptroller, not DAS, issues employee statements on employee benefits (§ 331).
- Allows appointing authorities to designate their appointing powers; allows DAS to deem people who meet class requirements eligible for positions without taking an exam (§ 333).
- Limits elective officers and department heads to four non-classified executive assistants each. Eliminates provision allowing a classified employee who becomes personal secretary to an administrative head, Undersecretary, or Deputy (a non-classified position) to retain his or her classified status (§ 339).
- Requires DAS to evaluate, at least every five years, (1) classified and (2) unionized non-classified, positions to determine if they are in an appropriate compensation plan (§ 344).
- Deletes an obsolete provision requiring wage inequities in state service to be eliminated by July 1995. Requires (1) DAS to consider any further wage inequities identified during the five-year review classification compensation review process and (2) the legislature, at DAS's request with OPM approval, to appropriate sufficient funds to modify compensation plans accordingly (§ 346).
- Limits non-union state employees' appeals to the Employees' Review Board (ERB) for alleged discrimination to alleged "unlawful" discrimination. Prohibits these employees from appealing to the ERB for discrimination if they also file a complaint with CHRO. Prohibits these employees from filing an appeal with ERB over unhealthy working conditions if they also file a complaint with state or federal OSHA. Prohibits parties from waiving transcript fees. Allows parties to mutually agree to waive appeals process deadlines (§ 347).
- Puts additional limits on certain automatic compensation increases of non-union managerial employees (§ 348).
- Requires DAS approval for overtime pay to employees working for multiple agencies (§ 349).
- Shortens time limit for (1) a candidate list to remain effective, from six to three months, and (2) maximum extensions for a list to remain effective, from two to one year. Removes the extension limit on continuous recruitment lists (§ 352).
- Prohibits any agency other than DAS from giving civil service exams (§ 353).
- Allows DAS to charge a fee for taking a civil service exam. It can waive the fee if the applicant is financially unable to pay (§ 354).
- Changes the time in which someone can appeal his or her rejection from taking an exam, from 10 days from receiving notice of the rejection, to 12 days from the notice's mailing. Reduces time for a decision from 30 to 15 days (§ 357).
- Reduces the time in which someone can inspect their exam markings after failing an exam, from 30 days after receiving the results to 30 days after the results are issued. Reduces the time in which someone can appeal their exam results, from 30 to 10 days after inspecting the record (§ 358).
- Allows DAS to waive the need for any appointment or promotional exam if (1) a professional license, degree, or accreditation is a mandatory requirement; (2) the position is for a job classification (a) used by a single state agency, (b) is limited in number, and (c) and has few vacancies in the professional or managerial series; (3) the qualifications for a position in the managerial class are so specialized or unique that an examination for a generic job classification would not (a) produce a list of qualified candidates and (b) be cost effective; or (4) there are five or less applicants qualified to take a promotional exam. Establishes a procedure for hiring under these circumstances (§ 359).
- Allows appointing authorities to dismiss more than one employee every three months during the same position's working test period. Allows non-classified employees to take civil service exams regardless of their prior classified status (§ 360).
- Limits DAS' power to authorize provisional appointments (§ 363).
- Allows a former state employee who is rehired by the state less than one year later to reinstate his or her sick leave by repaying the amount he or she received for unused sick time. (§ 368).

- Requires long term leaves of absence to be renewed every two years (§ 369).
- Requires veterans returning to state service to be reinstated with at least the level of benefits required by the federal Uniformed Services Employment and Reemployment Rights Act (§ 371).
- Requires, rather than allows, the Executive Branch to negotiate with unionized CLC employees (§ 374).
- DESPP Commissioner, rather than DAS, holds hearings on state police dismissals from DESPP (§ 375).
- Repeals obsolete provisions (§ 391).

EFFECTIVE DATE: July 1, 2013 (*Signed by Governor Malloy June 19, 2013*)

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PUBLIC ACT 13-294 - H.B. No. 6515 - AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING MAXIMIZING ALTERNATIVE REVENUE.

This act requires the Office of Policy and Management (OPM), within available resources, to (1) develop a system for tracking the state's federal and alternative grant funding and (2) work with state agencies to maximize federal revenue. The OPM Secretary must identify the state agencies that must designate a federal and alternative funding liaison to OPM. These liaisons must ensure OPM has access to any grant application information needed to track grant funding.

The act also requires OPM to annually report on its efforts to maximize alternative revenues to the Finance, Revenue and Bonding and Appropriations Committees. The first report must be submitted on or before November 15, 2014. OPM must also annually submit this report to the Program Review and Investigations Committee and post it on its Internet web site.

EFFECTIVE DATE: July 1, 2013 (*Signed by Governor Malloy July 12, 2013*)

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OTHER ACTS OF INTEREST

PUBLIC ACT 13-47 - H.B. No. 6641 - AN ACT CONCERNING THE SEXUAL ASSAULT OF A PERSON WHO IS PHYSICALLY HELPLESS OR WHOSE ABILITY TO CONSENT IS OTHERWISE IMPAIRED.

This act adds to and updates certain factors for determining guilt in cases of 2nd and 4th degree sexual assault involving a person with a physical or mental disability.

Under existing law, it is 2nd degree sexual assault to have sexual intercourse, or 4th degree sexual assault to have intentional sexual contact, with someone who is physically helpless. The act expands the definition of "physically helpless" for these purposes to include someone who is physically unable to resist an act of sexual intercourse or sexual contact.

Existing law also includes within the definition of "physically helpless" someone who is unconscious or otherwise physically unable to communicate unwillingness to engage in the act. As recently interpreted by the state Supreme Court, even total physical incapacity does not necessarily render someone physically helpless under that provision.

Under prior law, it was also 2nd degree sexual assault to have sexual intercourse, or 4th degree sexual assault to have intentional sexual contact, with someone who is "mentally defective" and consequently unable to consent. The act eliminates references to "mentally defective" in these statutes and instead refers to "impaired because of mental disability or disease." It defines this term in a similar manner as the prior definition for "mentally defective," except for updated terminology. Thus, under the act, a person is "impaired because of mental disability or disease" if such a condition renders him or her incapable of appraising the nature of his or her conduct.

The act also makes a conforming change.

Penalties and Affirmative Defense

The table below describes the penalties for 2nd and 4th degree sexual assault.

Penalties for 2nd and 4th Degree Sexual Assault

<i>Crime</i>	<i>Penalty</i>
2 nd degree sexual assault	Victim age 16 or older: class C felony Victim younger than age 16: class B felony In either case, the law requires a mandatory minimum of nine months in prison
4 th degree sexual assault	Victim age 16 or older: class A misdemeanor Victim younger than age 16: class D felony

For sexual assault prosecutions based on the victim's mental or physical condition as described above, it is an affirmative defense that the defendant did not know of the victim's condition at the time of the offense. A defendant has the burden of proving an affirmative defense by the preponderance of the evidence.

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy May 28, 2013*)

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PUBLIC ACT 13-76 - S.B. No. 366 - AN ACT REQUIRING LICENSED SOCIAL WORKERS, COUNSELORS AND THERAPISTS TO COMPLETE CONTINUING EDUCATION COURSE WORK IN CULTURAL COMPETENCY.

This act requires Department of Public Health (DPH)-licensed social workers, professional counselors, alcohol and drug counselors, and marital and family therapists to complete one contact hour (i.e., at least 50 minutes) of continuing education coursework in cultural competency during each license registration period. (A registration period is the 12-month period for which a license is renewed.)

By law and DPH regulation, each of these professionals must complete at least 15 contact hours of continuing education during each registration period, except for alcohol and drug counselors, who must complete at least 20 contact hours.

EFFECTIVE DATE: October 1, 2013 and applicable to license registration periods starting on and after October 1, 2014. *(Signed by Governor Malloy June 5, 2013)*

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PUBLIC ACT 13-80 - S.B. No. 898 - AN ACT CONCERNING CHANGES TO CERTAIN STATUTES AFFECTING THE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION.

This act: (1) reduces, from 15 to five days, the deadline by which DCF must ask the State Police to conduct fingerprint-based state and national criminal history record checks on anyone living in a home in which DCF places a child on an emergency basis (*Note: § 5 of Public Act 13-40 includes identical language*); (2) establishes a two-year deadline by which a person must apply for a security guard license after completing the required eight-hour licensure training; and (3) starting January 1, 2014, requires local police departments to submit certain fingerprints electronically to the State Police Bureau of Identification (SPBI) if they have the technology to take fingerprints electronically.

EFFECTIVE DATE: July 1, 2013 for the fingerprinting provision; October 1, 2013 for the remaining provisions. *(Signed by Governor Malloy June 5, 2013)*

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PUBLIC ACT 13-91 - S.B. No. 111 - AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE IMPLEMENTATION OF E-GOVERNMENT.

This act modifies the membership of the information and telecommunication systems executive steering committee. It (1) removes the Comptroller, Treasurer, and the Chairpersons of the UConn Board of Trustees and the Board of Regents for Higher Education and (2) adds the Secretary of the State (or a designee) and up to four Commissioners (or their designees) of executive branch agencies, jointly appointed by the Office of Policy and Management (OPM) Secretary and Department of Administrative Services (DAS) Commissioner. By law, the committee, among other things, must (1) advise DAS on its organization and functions regarding information and telecommunications systems and (2) review and approve the state's information and telecommunications system strategic plan. The DAS Commissioner or a designee Chairs the committee.

Under existing law, the DAS Commissioner must annually submit a report by October 1 to the Governor, OPM Secretary, and legislature on technology projects, information and telecommunication system expenditures, and opportunities for efficiencies or cost reductions. The act requires the report to also identify the efforts of DAS's Division of Information Technology and executive branch agencies in using e-government solutions to deliver state services and conduct state programs, including (1) feedback and demands from the agencies' clients and (2) plans to address these concerns with online solutions, when determined to be feasible by the agencies. It requires agencies to submit to the DAS Commissioner all plans, documents, and other information he requests for developing the report. The act also specifies that the report must be submitted to the Appropriations, Government Administration and Elections, and Program Review and Investigations Committees, rather than the legislature as a whole.

Lastly, the act makes technical changes.

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy June 6, 2013*)

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PUBLIC ACT 13-114 - H.B. No. 6465 - AN ACT CONCERNING ANIMAL THERAPY.

This act requires the Department of Children and Families, by January 1, 2014 and within available appropriations, to:

- (1) develop and implement training for certain DCF staff and mental health care providers on the (a) healing value of the human-animal bond for children, (b) value of therapy animals in dealing with traumatic situations, and (c) benefit of an animal-assisted therapy program and
- (2) consult with the Department of Agriculture Commissioner to identify a coordinated volunteer canine crisis response team.

It also requires DCF, by July 1, 2014 and within available appropriations, to consult with the Governor's Prevention Partnership and the animal-assisted therapy community to develop a crisis response program using the response team to provide animal-assisted therapy to children and youths living with trauma and loss.

VOLUNTEER CANINE RESPONSE TEAMS

These teams must (1) consist of various handlers and dogs who have been trained, evaluated, and registered by an animal-assisted activity organization to provide aid to people during and after traumatic events; (2) operate on a volunteer basis; and (3) be available to provide animal-assisted therapy within 24 hours of receiving notice to do so.

DEFINITIONS

The act defines:

- (1) "animal-assisted therapy" as goal-directed intervention in which animals are used as an integral part of the crisis response process to aid people who have experienced mental, physical, or emotional trauma;
- (2) "animal-assisted therapy community" as the local or regional entities capable of providing animal-assisted therapy to people within the state; and
- (3) "animal-assisted activity organization" as any entity involved in training, evaluating, and registering members of the animal-assisted therapy community.

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy June 6, 2013*)

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PUBLIC ACT 13-142 - H.B. No. 6482 - AN ACT CONCERNING BIRTH CERTIFICATES FOR HOMELESS YOUTH.

This act allows certified homeless youth and emancipated minors to access or receive their birth certificates. It sets conditions for how youth are certified as homeless for this purpose.

Existing law does not allow minors to access or receive their birth certificates (but their parents, guardians, and certain other family members can obtain birth certificates for them).

CERTIFIED HOMELESS YOUTH

Under the act, a certified homeless youth is a 15- to 17-year old person, not in the physical custody of a parent or legal guardian, who is a homeless child or youth as defined in specified federal law, and certified as homeless by one of the following:

- (1) a school district homeless liaison;

- (2) the director of an emergency shelter program funded by the U. S. Department of Housing and Urban Development, or the director's designee; or
- (3) the director of a runaway or homeless youth basic center or transitional living program funded by the U. S. Department of Health and Human Services, or the director's designee.

Under the act, when a certified homeless youth requests his or her birth certificate, he or she must appear in person and be accompanied by the person certifying him or her as homeless. The youth must present a written request to:

- (1) the registrar's office of the town where the youth was born;
- (2) the registrar's office of the town where the youth's mother resided at the time of birth;
- (3) if the birth certificate was filed electronically, any registrar of vital statistics in the state with access to the electronic vital records system, as authorized by the Department of Public Health (DPH); or
- (4) DPH's Vital Records Office.

The act requires the certified homeless youth to present to DPH or the registrar sufficient identifying information as DPH regulations may require. The person certifying the youth as homeless must also present sufficient identifying information to indicate that he or she meets the certification requirements.

Federal Definition of Homeless Youth

In the federal public health and welfare statute, "homeless children and youths" are defined, for purposes of certain education programs, as individuals who lack a fixed, regular, and adequate nighttime residence and meet certain criteria, including:

- (1) children and youths who are (a) sharing other people's housing due to loss of housing, economic hardship, or a similar reason; (b) living in motels, hotels, trailer parks, or camp grounds due to the lack of alternative adequate accommodations; (c) living in emergency or transitional shelters; (d) abandoned in hospitals; or (e) awaiting foster care placement;
- (2) children and youths with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation;
- (3) children and youths living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (4) migratory children (such as children of certain migratory agriculture workers or fishers who are living in the circumstances described above) (42 USC § 11434a).

EFFECTIVE DATE: October 1, 2013 (*Signed by Governor Malloy June 21, 2013*)

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PUBLIC ACT 13-173 - H.B. No. 6525 - AN ACT CONCERNING CHILDHOOD OBESITY AND PHYSICAL EXERCISE IN SCHOOLS.

This act requires public schools to include a total of 20 minutes of physical exercise in each regular school day for all elementary school students, rather than just those in kindergarten through grade five.

The act requires each local and regional board of education, by October 1, 2013, to adopt policies it deems appropriate concerning any school employee being involved, during the regular school day, in (1) preventing, as a form of discipline, an elementary school student from participating in the required period of physical exercise or (2) requiring any student in grade kindergarten through twelve to engage in physical activity as a form of discipline.

The act also establishes a 19-member Task Force to study the effects of obesity on children's health and report its finding to the Children's Committee by October 1, 2014. The DCF Commissioner, or designee is a member of the Task Force.

EFFECTIVE DATE: July 1, 2013 except for the task force provision, which is effective on October 1, 2013.
(Signed by Governor Malloy June 21, 2013)

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PUBLIC ACT 13-187 - S.B. No. 1070 - AN ACT CONCERNING A SCHOOL NURSE ADVISORY COUNCIL AND AN ADVISORY COUNCIL ON PEDIATRIC AUTOIMMUNE NEUROPSYCHIATRIC DISORDER ASSOCIATED WITH STREPTOCOCCAL INFECTIONS.

This act requires the State Department of Education (SDE) Commissioner to create a School Nurse Advisory Council. The council must advise the SDE and Department of Public Health (DPH) Commissioners on matters affecting school nurses, including their professional development, staffing levels, and delivery of health care services. The act requires the advisory council to annually report to the SDE and DPH Commissioners and the Public Health and Education Committees, with the first report due February 1, 2014.

The act also establishes an advisory council on pediatric autoimmune neuropsychiatric disorder associated with streptococcal infections (PANDAS) and pediatric acute neuropsychiatric syndrome (PANS). This council must advise the DPH Commissioner on research, diagnosis, treatment, and education relating to these conditions. Starting January 1, 2014, it must annually report to the Public Health Committee.

EFFECTIVE DATE: July 1, 2013 for the school nurse advisory council provisions; upon passage for the PANDAS/PANS advisory council provisions. (Signed by Governor Malloy June 24, 2013)

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PUBLIC ACT 13-207 - H.B. No. 6623 - AN ACT CONCERNING STUDENT ASSESSMENTS.

This act:

- (1) allows students to take their final mastery examination in grade 11 as an alternative to grade 10 beginning in the 2013-14 school year;
- (2) changes all references to the testing system in existing law from "state-wide mastery examination" to "mastery examination," except for science;
- (3) eliminates testing requirements for endowed or incorporated high schools, but permits such schools to base promotion or graduation on a student achieving a satisfactory score;
- (4) requires the State Department of Education (SDE) to approve, rather than supervise, the provision and administration of all mastery exams;
- (5) requires SDE to conduct a study on the use of standardized testing in public schools;
- (6) extends, from October 1, 2007 to April 1, 2014, the deadline for the Education Commissioner to develop and implement an assessment tool for measuring a child's kindergarten readiness and no longer requires that this be done within available appropriations; and
- (7) eliminates the statutory requirement that mastery testing conform with the testing requirements of the federal No Child Left Behind Act.

The act also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2013, except for the provision on the study of standardized testing, which takes effect upon passage. (Signed by Governor Malloy June 25, 2013)

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PUBLIC ACT 13-244 - S.B. No. 900 - AN ACT CONCERNING REVISIONS TO THE STATE CODES OF ETHICS.

This act makes several changes to the State Codes of Ethics for Public Officials and Lobbyists. It expands the codes' exemption for gifts to the state to include goods or services that support participation by a public official or a state employee at an event that furthers a state or quasi-public agency function.

With respect to the Citizen's Ethics Advisory Board (CEAB), the act (1) expands the board's administration and enforcement of the code, (2) reconfigures board members' terms of office, and (3) allows people who sought or held positions as justices of the peace and notaries public to serve on the board.

The act also requires that a public official or state employee act with specific intent before he or she may be found to violate the Code of Ethics for counseling, authorizing, or otherwise sanctioning actions that the code prohibits. It expands the grounds for contractor disqualification by the State Contracting Standards Board (SCSB) and makes contractors, consultants, and certain other people liable for damages if they violate the law on unethical bidding or contracting practices to advance their own financial interests.

Lastly, the act (1) revises certain financial and Office of State Ethics (OSE) reporting requirements, (2) exempts OSE attorneys from paying court fees when acting in their official capacity, and (3) makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2013; except that provisions relating to CEAB member terms, counseling or sanctioning a violation of the code, and certain technical changes are effective upon passage. (*Signed by Governor Malloy July 2, 2013*)

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PUBLIC ACT 13-263 - H.B. No. 5598 - AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND THE DISPOSITION OF SURPLUS STATE PROPERTY, SHORT TERM EMERGENCY LEASES, THE DEFINITION OF EXECUTIVE SESSION AND DUPLICATIVE STATEMENTS OF FINANCIAL INTEREST.

This act modifies the process for disposing of surplus state property. Among other things, it:

- (1) requires state agencies to give the Office of Policy and Management (OPM) Secretary and affected municipality at least six months' notice of property that is expected to become surplus;
- (2) requires various Commissioners, within 30 days of receiving notice from OPM, to advise the Secretary of the property's potential use for their agencies' purposes;
- (3) requires the Secretary, if the property is declared surplus, to hold a public hearing in the affected municipality;
- (4) gives the affected municipality a one-time opportunity to receive the property (presumably for no cost), but removes the municipality's ability to match later offers made by other parties;
- 5) requires that notice of available property also be given to the Connecticut Economic Resource Center and the applicable regional planning organization;
- (6) requires that municipalities receive more frequent updates on a property's status; and
- (7) repeals a separate process for disposing of certain surplus Department of Correction (DOC) property.

Additionally, the act allows the Department of Administrative Services (DAS) to enter into leases of up to one year in certain emergency situations without OPM or State Properties Review Board (SPRB) approval. It extends to state agencies a Freedom of Information Act (FOIA) provision that allows political subdivisions to hold executive sessions to discuss real estate transactions or site selections.

The act eliminates a requirement that SPRB members and nonclerical employees in DAS's unit that acquires, leases, and sells real property file a statement of financial interests with SPRB or DAS as appropriate. It maintains the requirement that these members and employees file such a statement with the Office of State Ethics (§ 8).

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2013, except that the FOIA and leasing provisions are effective upon passage.
(Signed by Governor Malloy July 11, 2013)

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PUBLIC ACT 13-283 - S.B. No. 1065 - AN ACT CONCERNING LICENSED ALCOHOL AND DRUG COUNSELORS.

This act reinstates a requirement that alcohol and drug counselor licensure applicants complete 360 hours of education approved by the Department of Public Health (DPH) Commissioner, including at least 240 hours relating to the knowledge and skill base associated with the practice of such counseling. Public Act 12-197 had eliminated the requirement.

The act also requires such licensure applicants to have a master's degree in social work, marriage and family therapy, counseling, psychology, or a related field the Commissioner approves that includes at least 18 graduate semester hours in counseling or counseling-related subjects. Under current law, applicants must have a master's degree in an unspecified field, and the 18 graduate hours in counseling or related subjects need not be part of the master's degree program. Public Act 12-197 had removed the requirement that the 18 graduate hours be completed as part of the master's degree program.

The act specifies that on and after passage, applicants for an initial license to engage in alcohol and drug counseling must meet the requirements under law and the act. But this does not apply to people licensed on and after June 15, 2012 (the date the Governor signed Public Act 12-197) and before the act's passage. (In other words, someone licensed before the act's passage under the requirements of Public Act 12-197 need not meet the act's requirements.)

By law, to become a licensed alcohol and drug counselor, an applicant must also:

- (1) complete 300 hours of supervised practical training in such counseling that the Commissioner deems acceptable,
- (2) complete three years of supervised paid work or an unpaid internship that the Commissioner deems acceptable that involves working directly with alcohol and drug clients (a master's degree can be substituted for one year of such experience), and
- (3) pass a DPH-prescribed examination.

EFFECTIVE DATE: Upon passage (Signed by Governor Malloy July 12, 2013)

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PUBLIC ACT 13-299 - H.B. No. 6363 - AN ACT STREAMLINING STATE GOVERNMENT AND INCREASING EFFECTIVENESS.

This act eliminates 32 state boards and commissions and designates a successor agency for, or transfers the duties of, three of them. Of interest to DCF is the elimination of the Child Day Care Council and the Nurturing Families Network Advisory Commission.

Additionally, the act makes minor changes to several other entities (e.g., revising their membership or reporting requirements). Lastly, it makes technical changes and repeals obsolete language.

EFFECTIVE DATE: July 1, 2013 (Signed by Governor Malloy July 12, 2013)

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