



General Assembly

January Session, 2023

Raised Bill No. 1012

LCO No. 4017



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

AN ACT CONCERNING CERTAIN BACKGROUND CHECKS AND HOME VISITS REQUIRED BY THE DEPARTMENT OF CHILDREN AND FAMILIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-114 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) As used in this section, (1) "approval" or "approved" means that a
4 person has been approved to adopt or provide foster care by a child-
5 placing agency licensed pursuant to section 17a-149, (2) "licensed"
6 means a person holds a license to provide foster care issued by the
7 Department of Children and Families, (3) "fictive kin caregiver" means
8 a person who is twenty-one years of age or older and who is unrelated
9 to a child by birth, adoption or marriage but who has an emotionally
10 significant relationship with such child or such child's family amounting
11 to a familial relationship, and (4) ["regular unsupervised access" means
12 periodic interaction with a child in the home for purposes of
13 unsupervised child care, medical or other services to the child]
14 "emergency placement" has the same meaning as provided in section

15 17a-115a.

16 (b) (1) No child in the custody of the Commissioner of Children and
17 Families shall be placed in foster care with any person, unless (A) (i)
18 such person is licensed for that purpose by the department or the
19 Department of Developmental Services pursuant to the provisions of
20 section 17a-227, [or] (ii) such person's home is approved by a child
21 placing agency licensed by the commissioner pursuant to section 17a-
22 149, or (iii) such person has received approval as provided in this
23 section, and (B) on and after January 1, 2017, for a child twelve years of
24 age or older, such child has received a foster family profile in accordance
25 with the provisions of section 17a-114e. Any person licensed by the
26 department may be a prospective adoptive parent. The commissioner
27 shall adopt regulations, in accordance with the provisions of chapter 54,
28 to establish the licensing procedures and standards.

29 (2) [The] (A) Except as provided in subparagraph (B) of this
30 subdivision, the commissioner shall require each applicant for licensure
31 or approval pursuant to this section and any person [sixteen] eighteen
32 years of age or older living in the household of such applicant to submit
33 to state and national criminal history records checks prior to issuing a
34 license or approval to such applicant to accept placement of a child for
35 purposes of foster care or adoption. Such criminal history records
36 checks shall be conducted in accordance with section 29-17a. The
37 commissioner shall check the [(A)] (i) state child abuse and neglect
38 registry established pursuant to section 17a-101k for the name of such
39 applicant and for the name of any person [sixteen] eighteen years of age
40 or older living in the household of such applicant, and [(B)] (ii) child
41 abuse and neglect registry in any state in which such applicant or person
42 resided in the preceding five years for the name of such applicant or
43 person.

44 (B) If an applicant for licensure or any person eighteen years of age
45 or older living in the household of such applicant has submitted to the
46 state and national criminal history records checks described in
47 subsection (c) of this section within the previous twelve-month period,

48 the commissioner shall not require such applicant or person to submit
49 to the state and national criminal history records checks described in
50 subparagraph (A) of this subdivision.

51 (3) The commissioner shall require each individual licensed or
52 approved pursuant to this section and any person [sixteen] eighteen
53 years of age or older living in the household of such individual to submit
54 to state and national criminal history records checks prior to renewing
55 a license or approval for any individual providing foster care or
56 adopting. Such criminal history records checks shall be conducted in
57 accordance with section 29-17a. Prior to such renewal, the commissioner
58 shall check the (A) state child abuse and neglect registry established
59 pursuant to section 17a-101k for the name of such applicant and for the
60 name of any person [sixteen] eighteen years of age or older living in the
61 household of such applicant, and (B) child abuse and neglect registry in
62 any state in which such applicant or person resided in the preceding five
63 years for the name of such applicant or person.

64 (4) The commissioner shall comply with any request to check the
65 child abuse and neglect registry established pursuant to section 17a-
66 101k made by the child welfare agency of another state.

67 (c) (1) Notwithstanding the requirements of subsection (b) of this
68 section, the commissioner may [place a child with a relative or fictive
69 kin caregiver] make an emergency placement with an individual who
70 has not been issued a license or approval, when such placement is in the
71 best interests of the child, provided a satisfactory home visit is
72 conducted [.] and a basic assessment of the family is completed. [and
73 such relative or fictive kin caregiver attests that such relative or fictive
74 kin caregiver and any adult living within the household has not been
75 convicted of a crime or arrested for a felony against a person, for injury
76 or risk of injury to or impairing the morals of a child, or for the
77 possession, use or sale of a controlled substance.] When the
78 commissioner makes such a placement, the commissioner shall (A)
79 request a criminal justice agency to perform a federal name-based
80 criminal history search of each person residing in the home, and (B)

81 check the state child abuse and neglect registry established pursuant to
82 section 17a-101k for the name of each person eighteen years of age or
83 older residing in the home. The results of such name-based search shall
84 be provided to the commissioner.

85 (2) Not later than fifteen calendar days after a name-based search is
86 performed pursuant to subdivision (1) of this subsection, the
87 commissioner shall request the State Police Bureau of Identification to
88 perform a state and national criminal history records checks of any
89 person residing in the home, in accordance with section 29-17a. Such
90 criminal history records checks shall be deemed as required by this
91 section for the purposes of section 29-17a and the commissioner may
92 request that such criminal history records checks be performed in
93 accordance with subsection (c) of said section. The results of such
94 criminal history records checks shall be provided to the commissioner.
95 If any person refuses to provide fingerprints or other positive
96 identifying information for purposes of such criminal history records
97 checks when requested, the commissioner shall immediately remove the
98 child from the home.

99 (3) If the commissioner denies emergency placement or removes a
100 child from such child's home based on the results of a federal name-
101 based criminal history search performed pursuant to this section, the
102 person whose name-based search was the basis for such denial or
103 removal may contest such denial or removal by requesting that state and
104 national criminal history records checks be performed in accordance
105 with subdivision (2) of this subsection.

106 (4) Any such relative or fictive kin caregiver who accepts emergency
107 placement of a child shall be subject to licensure by the commissioner,
108 pursuant to regulations adopted by the commissioner in accordance
109 with the provisions of chapter 54 to implement the provisions of this
110 section or approval by a child-placing agency licensed pursuant to
111 section 17a-149. The commissioner may grant a waiver from such
112 regulations, including any standard regarding separate bedrooms or
113 room-sharing arrangements, for a child placed with a relative or fictive

114 kin caregiver, on a case-by-case basis, if such emergency placement is
115 otherwise in the best interests of such child, provided no procedure or
116 standard that is safety-related may be so waived. The commissioner
117 shall document, in writing, the reason for granting any waiver from
118 such regulations.

119 (d) Any individual who has been licensed or approved to adopt or
120 provide foster care and any relative or fictive kin caregiver shall apply
121 a reasonable and prudent parent standard, as defined in subsection (a)
122 of section 17a-114d, on behalf of the child.

123 Sec. 2. Subsection (b) of section 17a-101g of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective July 1,*
125 *2023*):

126 (b) The Commissioner of Children and Families shall establish
127 protocols for the investigation of and response to reports of child abuse
128 or neglect of children from birth to three years of age. Such protocols
129 shall include, but need not be limited to, (1) appropriate supervision of
130 the case, (2) appropriate visitation by department personnel to such
131 children, (3) documentation of case activities relevant to the safety and
132 well-being of such children, and (4) a case supervision tool specific to
133 the unique needs and risk status of children from birth to three years of
134 age. All investigations of a report of child abuse or neglect pursuant to
135 this section shall include a home visit at which the child and any siblings
136 are observed, if appropriate, a determination of the nature, extent and
137 cause or causes of the reported abuse or neglect, a determination of the
138 person or persons suspected to be responsible for such abuse or neglect,
139 the name, age and condition of other children residing in the same
140 household and an evaluation of the parents and the home. In the event
141 of a pandemic or outbreak of a communicable disease resulting in a
142 declaration of a public health emergency by the Governor pursuant to
143 section 19a-131a, or a declaration of a national emergency by the
144 President of the United States, such home visit may be conducted by
145 video or other conferencing platform in lieu of an in-person visit, for the
146 duration of any such declaration. The report of such investigation shall

147 be in writing. The investigation shall also include, but not be limited to,
148 a review of criminal conviction information concerning the person or
149 persons alleged to be responsible for such abuse or neglect and previous
150 allegations of abuse or neglect relating to the child or other children
151 residing in the household or relating to family violence. After an
152 investigation into a report of abuse or neglect has been completed, the
153 commissioner shall determine, based upon a standard of reasonable
154 cause, whether a child has been abused or neglected, as defined in
155 section 46b-120. If the commissioner determines that abuse or neglect
156 has occurred, the commissioner shall also determine whether: (A) There
157 is an identifiable person responsible for such abuse or neglect; and (B)
158 such identifiable person poses a risk to the health, safety or well-being
159 of children and should be recommended by the commissioner for
160 placement on the child abuse and neglect registry established pursuant
161 to section 17a-101k. If the commissioner has made the determinations in
162 subparagraphs (A) and (B) of this subsection, the commissioner shall
163 issue notice of a recommended finding to the person suspected to be
164 responsible for such abuse or neglect in accordance with section 17a-
165 101k. If the child is represented by an attorney or guardian ad litem, the
166 commissioner shall notify the child's attorney or guardian ad litem in
167 writing not less than five days prior to the date of any meeting in which
168 the department is considering removing the child from the household,
169 except, if the commissioner, or the commissioner's designee, has
170 authorized the immediate removal of a child from his or her household
171 pursuant to the provisions of subsection (e) of this section, the
172 commissioner, or the commissioner's designee, shall not be required to
173 provide advance written notice of such removal to the child's attorney
174 or guardian ad litem.

175 Sec. 3. Section 17a-115a of the general statutes is repealed. (*Effective*
176 *July 1, 2023*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	17a-114

Sec. 2	<i>July 1, 2023</i>	17a-101g(b)
Sec. 3	<i>July 1, 2023</i>	Repealer section

Statement of Purpose:

To (1) exempt certain applicants for foster care licensure and individuals eighteen years of age or older living in such applicants' homes from submitting to criminal history records checks requirements under certain circumstances, and (2) increase the age upon which an individual living in the home of an applicant for foster care licensure must submit to criminal history records checks and child abuse registry checks from sixteen to eighteen.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]