



General Assembly

Substitute Bill No. 1012

January Session, 2023



AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' RECOMMENDATIONS FOR REVISIONS TO STATUTES CONCERNING CHILDREN.

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 Section 17a-114 of the general statutes is repealed and the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
4 a 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
11 amounting to a familial relationship, and (4) ["regular unsupervised
12 access" means periodic interaction with a child in the home for
13 purposes of unsupervised child care, medical or other services to the
14 child] "emergency placement" means the placement of a child by the
15 Department of Children and Families in the home of an individual,
16 including, but not limited to, a neighbor, friend or relative of a child, as
17 a result of the sudden unavailability of the child's primary caretaker.

18 (b) (1) No child in the custody of the Commissioner of Children and

19 Families shall be placed in foster care with any person, unless (A) (i)
20 such person is licensed for that purpose by the department or the
21 Department of Developmental Services pursuant to the provisions of
22 section 17a-227, [or] (ii) such person's home is approved by a child
23 placing agency licensed by the commissioner pursuant to section 17a-
24 149, or (iii) such person has received approval as provided in this
25 section, and (B) on and after January 1, 2017, for a child twelve years of
26 age or older, such child has received a foster family profile in
27 accordance with the provisions of section 17a-114e. Any person
28 licensed by the department may be a prospective adoptive parent. The
29 commissioner shall adopt regulations, in accordance with the
30 provisions of chapter 54, to establish the licensing procedures and
31 standards.

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

47 (B) If an applicant for licensure or any person eighteen years of age
48 or older living in the household of such applicant has submitted to the
49 state and national criminal history records checks described in
50 subsection (c) of this section within the previous twelve-month period,
51 the commissioner shall not require such applicant or person to submit

52 to the state and national criminal history records checks described in
53 subparagraph (A) of this subdivision.

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

68 (4) The commissioner shall comply with any request to check the
69 child abuse and neglect registry established pursuant to section 17a-
70 101k made by the child welfare agency of another state.

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

85 residing in the home, and (B) check the state child abuse and neglect
86 registry established pursuant to section 17a-101k for the name of each
87 person eighteen years of age or older residing in the home. The results
88 of such name-based search shall be provided to the commissioner.

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

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

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

118 child placed with a relative or fictive kin caregiver, on a case-by-case
119 basis, if such emergency placement is otherwise in the best interests of
120 such child, provided no procedure or standard that is safety-related
121 may be so waived. The commissioner shall document, in writing, the
122 reason for granting any waiver from such regulations.

123 (d) Any individual who has been licensed or approved to adopt or
124 provide foster care and any [relative or fictive kin caregiver] individual
125 caring for a child pursuant to an emergency placement shall apply a
126 reasonable and prudent parent standard, as defined in subsection (a)
127 of section 17a-114d, on behalf of the child.

128 Sec. 2. Subsection (b) of section 17a-101g of the general statutes is
129 repealed and the following is substituted in lieu thereof (*Effective July*
130 *1, 2023*):

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

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

181 Sec. 3. Subsection (i) of section 17a-126 of the general statutes is
182 repealed and the following is substituted in lieu thereof (*Effective July*
183 *1, 2023*):

184 (i) In the case of the death, severe disability or serious illness of a
185 caregiver who is receiving a guardianship subsidy or an adoptive
186 parent who is receiving a subsidy pursuant to section 17a-117 or 17a-
187 118, the commissioner may transfer [the guardianship] such subsidy to
188 a successor guardian who meets the department's foster care safety
189 requirements and who is appointed as legal guardian by a court of
190 competent jurisdiction. For purposes of maximizing federal
191 reimbursement for the costs of the subsidized guardianship program,
192 the commissioner shall request that the caregiver or adoptive parent
193 identify such successor guardian in the subsidy agreement and any
194 addendum thereto.

195 Sec. 4. Subsection (b) of section 19a-179f of the general statutes is
196 repealed and the following is substituted in lieu thereof (*Effective July*
197 *1, 2023*):

198 (b) On or before January 1, 2024, the Office of Emergency Medical
199 Services shall develop protocols for a licensed or certified emergency
200 medical services organization or provider to transport a pediatric
201 patient with mental or behavioral health needs by ambulance to an
202 urgent crisis center. As used in this subsection, "urgent crisis center"
203 means a center [licensed by] operated under the oversight of the
204 Department of Children and Families that is dedicated to treating
205 children's urgent mental or behavioral health needs.

206 Sec. 5. Subsection (a) of section 38a-477aa of the general statutes is
207 repealed and the following is substituted in lieu thereof (*Effective July*
208 *1, 2023*):

209 (a) As used in this section:

210 (1) "Emergency condition" has the same meaning as "emergency
211 medical condition", as provided in section 38a-591a.

212 (2) "Emergency services" means, with respect to an emergency
213 condition, (A) a medical screening examination as required under
214 Section 1867 of the Social Security Act, as amended from time to time,

215 that is within the capability of a hospital emergency department,
216 including ancillary services routinely available to such department to
217 evaluate such condition, and (B) such further medical examinations
218 and treatment required under said Section 1867 to stabilize such
219 individual that are within the capability of the hospital staff and
220 facilities.

221 (3) "Health care plan" means an individual or a group health
222 insurance policy or health benefit plan that provides coverage of the
223 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
224 469.

225 (4) "Health care provider" means an individual licensed to provide
226 health care services under chapters 370 to 373, inclusive, chapters 375
227 to 383b, inclusive, and chapters 384a to 384c, inclusive.

228 (5) "Health carrier" means an insurance company, health care center,
229 hospital service corporation, medical service corporation, fraternal
230 benefit society or other entity that delivers, issues for delivery, renews,
231 amends or continues a health care plan in this state.

232 (6) (A) "Surprise bill" means a bill for health care services, other than
233 emergency services or urgent crisis center services, received by an
234 insured for services rendered by an out-of-network health care
235 provider, where such services were rendered by (i) such out-of-
236 network provider at an in-network facility, during a service or
237 procedure performed by an in-network provider or during a service or
238 procedure previously approved or authorized by the health carrier and
239 the insured did not knowingly elect to obtain such services from such
240 out-of-network provider, or (ii) a clinical laboratory, as defined in
241 section 19a-490, that is an out-of-network provider, upon the referral of
242 an in-network provider.

243 (B) "Surprise bill" does not include a bill for health care services
244 received by an insured when an in-network health care provider was
245 available to render such services and the insured knowingly elected to

246 obtain such services from another health care provider who was out-
247 of-network.

248 (7) "Urgent crisis center" means a center [licensed by] operated
249 under the oversight of the Department of Children and Families that is
250 dedicated to treating children's urgent mental or behavioral health
251 needs.

252 (8) "Urgent crisis center services" means pediatric mental and
253 behavioral health services provided at an urgent crisis center.

254 Sec. 6. Section 17a-102a of the general statutes is repealed and the
255 following is substituted in lieu thereof (*Effective July 1, 2023*):

256 (a) Each birthing hospital shall provide education and training for
257 nurses and other staff who care for high-risk newborns on the roles
258 and responsibilities of such nurses and other staff as mandated
259 reporters of potential child abuse and neglect under section 17a-101.

260 (b) The Department of Children and Families shall coordinate with
261 each birthing hospital in the state to disseminate information
262 regarding (1) procedures for the principal providers of daily direct care
263 of high-risk newborns in birthing hospitals to participate in the
264 discharge planning process, and (2) ongoing department functions
265 concerning high-risk newborns.

266 (c) Not later than January 1, [2019] 2024, the Commissioner of
267 Children and Families shall, in consultation with other departments,
268 agencies or entities concerned with the health and well-being of
269 children, develop guidelines for the safe care of newborns who exhibit
270 physical, neurological or behavioral symptoms consistent with
271 prenatal substance exposure, withdrawal symptoms from prenatal
272 substance exposure or fetal alcohol spectrum disorder. Such guidelines
273 shall include, but are not limited to, instructions to providers
274 regarding such providers' participation in the discharge planning
275 process, including the creation of written [plans of safe care] family
276 care plans, which shall be developed between such providers and

277 [mothers] birth parents of such newborns as part of such process.

278 (d) A provider involved in the delivery or care of a newborn who, in
279 the estimation of such provider, exhibits physical, neurological or
280 behavioral symptoms consistent with prenatal substance exposure,
281 withdrawal symptoms from prenatal substance exposure or fetal
282 alcohol spectrum disorder shall notify the Department of Children and
283 Families of such condition in such newborn. Such notice shall be made
284 in a form and manner prescribed by the Commissioner of Children
285 and Families and in addition to any applicable reporting requirements
286 pursuant to chapter 319a. On and after January 15, 2019, such notice
287 shall include a copy of the plan of safe care created pursuant to the
288 guidelines developed pursuant to subsection (c) of this section.

289 (e) For purposes of this section:

290 (1) "Birthing hospital" means a health care facility, as defined in
291 section 19a-630, operated and maintained in whole or in part for the
292 purpose of caring for [women] pregnant parents during delivery of a
293 child and for [women] postpartum parents and their newborns
294 following birth;

295 (2) "High-risk newborn" means any newborn identified as such
296 under any regulation or policy of the Department of Children and
297 Families; and

298 (3) "Provider" means any person licensed pursuant to chapter 370,
299 377 or 378.

300 Sec. 7. Subdivision (30) of subsection (g) of section 17a-28 of the
301 general statutes is repealed and the following is substituted in lieu
302 thereof (*Effective from passage*):

303 (30) The Department of Public Health for (A) the purpose of
304 notification when the Commissioner of Children and Families places
305 an individual licensed or certified by the Department of Public Health
306 on the child abuse and neglect registry established pursuant to section

307 17a-101k, and (B) purposes relating to the licensure of the Albert J.
 308 Solnit Children's Center and the administration of licensing
 309 requirements established pursuant to or set forth in sections 19a-134
 310 and 19a-498;

311 Sec. 8. Section 17a-115a of the general statutes is repealed. (*Effective*
 312 *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>	17a-126(i)
Sec. 4	<i>July 1, 2023</i>	19a-179f(b)
Sec. 5	<i>July 1, 2023</i>	38a-477aa(a)
Sec. 6	<i>July 1, 2023</i>	17a-102a
Sec. 7	<i>from passage</i>	17a-28(g)(30)
Sec. 8	<i>July 1, 2023</i>	Repealer section

Statement of Legislative Commissioners:

In Section 1(c)(1)(A), "each person residing in the home" was changed to "each person eighteen years of age or older residing in the home" for consistency, in Section 1(c)(2), "perform state and national" was changed to "perform a state and national" for clarity, in Section 1(c)(3), "denies emergency placement" was changed to "denies an emergency placement" for clarity, and in Section 6(e)(1), "pregnant parents" was changed to "postpartum parents" for accuracy.

KID *Joint Favorable Subst.*