



## Acts Affecting Children

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## Notice to Readers

This report provides brief highlights of new laws affecting children enacted during the 2018 regular session. Each summary indicates the Public Act (PA) number and effective date. This report does not include all of the acts' provisions. The report does not include vetoed acts unless the veto was overridden. Complete summaries of all 2018 public acts will be available on OLR's webpage: <https://www.cga.ct.gov/olr/actsaffecting.asp>.

Readers are encouraged to obtain the full text of public acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov/>.

A number of new laws affect schools and students. Please refer to Acts Affecting Education for these new laws.

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## **Children's Health and Safety**

### ***Helmets for Children on Bicycles, Skateboards, Skates, and Scooters***

A new law requires children under age 16 to wear protective headgear whenever they use a bicycle, skateboard, roller skates, in-line skates, or non-motorized scooter on a public road or at any park. Under prior law, helmets were only required when children bicycled on a public road. The new law also requires the Department of Consumer Protection commissioner to post information on the department's website promoting the use of protective headgear during these activities and about the dangers of not doing so ([PA 18-167](#), § 12 effective October 1, 2018).

### ***Insurance Coverage for Children's Health Care Services***

A new law requires certain health insurance policies to cover 10 essential health benefits, including pediatric services. It also requires policies to cover immunizations and preventive care services for children and youths ([PA 18-10](#), effective January 1, 2019).

### ***Safe Care of Substance Exposed Newborns***

By January 1, 2019, a new law requires the Department of Children and Families (DCF) commissioner, in consultation with other departments, agencies, or entities concerned with the health and well-being of children, to develop guidelines for the safe care of newborns who exhibit (1) symptoms consistent with prenatal substance exposure; (2) related withdrawal symptoms; or (3) fetal alcohol syndrome. The guidelines must include instructions to providers on participation in the discharge planning process, including creating written plans of safe care, which must be developed between the providers and mothers of the newborns as part of that process.

Under the new law, a provider involved in the delivery or care of a newborn who, in the provider's estimation, exhibits symptoms consistent with prenatal substance exposure, associated withdrawal symptoms, or fetal alcohol spectrum disorder must notify DCF of these conditions in the newborn. Providers for these purposes include the following licensed health professionals: physicians, surgeons, homeopathic physicians, physician assistants, nurse-midwives, practical nurses, registered nurses, and advanced practice registered nurses ([PA 18-111](#), § 5, effective July 1, 2018).

### ***Services for Children with Intellectual and Developmental Disabilities***

A new law requires the DCF commissioner, in collaboration with the early childhood, developmental services, and social services commissioners, to develop investigation, assessment, and case-planning procedures that are responsive to the needs of children with intellectual and

developmental disabilities. By February 1, 2019, the new law requires the DCF commissioner to report to the Children's Committee on the procedures and include any legislative recommendations ([PA 18-71](#), effective July 1, 2018).

### ***Sports Helmet Safety Working Group***

A new law requires the Department of Public Health to convene a working group to develop recommendations for creating a system for rating the safety of youth athletic protective headgear and for public disclosure of the safety ratings. The group must report its findings and recommendations to various legislative committees by January 1, 2019 ([SA 18-15](#), effective October 1, 2018).

## **Child Protection and Welfare**

### ***Child Abuse and Neglect Registry Check***

Under existing law, before issuing a license or approval to provide foster care, DCF has to run state and national criminal history and state child abuse registry records checks on the applicant and anyone living in the applicant's household who is age 16 or older. The foster care provider and anyone age 16 or older living in the household must again submit to a criminal history check at the time of license and approval renewal. For renewal purposes, a new law requires DCF to once again check the child abuse and neglect registry for those individuals.

The new law also eliminates provisions that permit the commissioner to (1) run criminal history and child abuse registry checks, when someone applies for a license or approval to provide foster care, on anyone over age 16 who does not live in the applicant's house but who has regular unsupervised access to children in the home and (2) conduct criminal background checks on such individuals at the time of license or approval renewal ([PA 18-111](#), § 6, effective July 1, 2018).

### ***Fee Increase for Child Support Services***

The Department of Social Services' Office of Child Support Services must provide child support services (e.g., establishing paternity, locating non-custodial parents, and collecting child support) to certain public assistance recipients. By law, the office must also provide services to those who do not receive such assistance and, for these individuals, charge an application fee and assess costs incurred. A new law raises the annual fee for child support services for these individuals, in compliance with federal legislation passed in 2018, from \$25 to \$35 and limits the families that have to pay the fee from those who receive at least \$500 in child support to those who receive at least \$550 ([PA 18-98](#), effective April 1, 2019).

## ***Fictive Kin Caregiver***

Existing law permits DCF to place a child in its custody with a fictive kin caregiver and makes such caregivers, if licensed or approved, eligible for guardianship subsidies while they are caring for a child. Prior law defined a fictive kin caregiver as a person age 21 or older who is unrelated to a child by birth, adoption, or marriage but who has an emotionally significant relationship with the child amounting to a familial relationship. A new law broadens the definition to also include a person who has an emotionally significant relationship with the child or the child's family amounting to a familial relationship ([PA 18-67](#), § 9, effective July 1, 2018).

## ***Mandated Reporters***

By law, people in certain professions and occupations (e.g., teachers, physicians, social workers) who have regular contact with children must report suspected child abuse or neglect. A new law adds licensed behavior analysts to the statutory list of mandated reporters ([PA 18-17](#), effective July 1, 2018). Generally, a mandated reporter must initially report suspected abuse or neglect orally (by phone or in person) to the DCF commissioner or law enforcement, followed by a written report to the DCF commissioner within prescribed timeframes.

Another new law permits DCF, within existing appropriations, to establish a pilot program from July 1, 2018 to September 30, 2019, to permit certain mandated reporters to fulfill their responsibilities by submitting a report of suspected abuse or neglect electronically to DCF or law enforcement, as appropriate. Starting October 1, 2019, it allows all mandated reporters of child abuse or neglect to electronically file their reports in a manner the commissioner prescribes, provided the reporter must respond to further inquiries the department makes within 24 hours of the report ([PA 18-67](#), §§ 4-7 & 12, effective July 1, 2018, except the provisions that allow mandated reporters statewide to file reports electronically are effective October 1, 2019).

## ***Safe Haven Law***

Under the state's safe haven law, a parent may voluntarily surrender custody of an infant to a hospital within 30 days of the infant's birth. Under prior law, if a mother wished to voluntarily surrender the infant under this law while she was still in the hospital following childbirth, she had to provide written notice on a DCF-prescribed form to a health care provider at the hospital. A new law eliminates the requirement that the notice be given in writing. It also makes conforming changes by eliminating (1) the requirement that the hospital retain the written notice in the mother's file and (2) a prohibition against the provider disclosing the notice without the mother's consent ([PA 18-67](#), § 3, effective July 1, 2018).

## **Courts and Criminal Law**

### ***Children’s Matters in Probate Court***

A new law makes changes to various unrelated laws that govern probate court operations. Among other things, the new law:

1. expands eligibility for the Kinship and Respite Grant Programs to guardians who are not related to the children in their care;
2. authorizes the probate court to transfer cases on children’s matters to a probate court that already has an open case related to the same child; and
3. shortens, from six months to 45 days, the window for parents to petition the court for involuntary conservatorship before a child turns age 18 ([PA 18-45](#), various effective dates).

### ***Court-Ordered Evaluation in Family-Relations Matters***

A new law establishes a process for selecting qualified, licensed health care providers in family relations matters involving court-ordered treatment or evaluation of parents and children. The new law requires the court to (1) permit the parent to select his or her own treatment provider and (2) allow the parent or legal guardian to do so for the child. When the child’s parents do not agree on a provider within a specific timeframe, the new law requires the court to select the provider. In doing so, the court must consider the parents’ insurance coverage and financial resources ([PA 18-177](#), effective October 1, 2018).

### ***Driver’s License Penalties for Minors***

By law, the motor vehicles commissioner must suspend or delay the issuance of minors’ (under age 21) driver’s licenses for certain violations (e.g., using another person’s license to buy alcohol). Under a new law, these penalties apply if the person was under 21 at the time of the violation, rather than the date of conviction ([PA 18-164](#), § 11, effective July 1, 2018).

### ***Immunity from Liability for Providing Medical Assistance in a Child Abuse or Neglect Case***

A new law provides immunity from civil and criminal liability to any person, institution, or agency that, in good faith, provides professional medical intervention or assistance in any proceeding involving child abuse or neglect. The new law’s immunity applies to liability that might otherwise arise from, or is related to, certain specified actions (e.g., performing a medically relevant test).

The new law also eliminates immunity from civil or criminal liability for any person, institution, or agency that, in good faith, does not report suspected child abuse or neglect or alleged sexual assault of a student to DCF or law enforcement in compliance with the state's mandated reporter laws ([PA 18-57](#), effective July 1, 2018 and applicable to any civil action pending or filed on or after that date).

### ***Special Immigrant Juvenile Status***

Existing law permits a party in a probate court case involving guardianship, parental rights, or adoption to petition the court to make certain findings that someone may use to apply to the U.S. Citizenship and Immigration Services for special immigrant juvenile status (SIJS). Under federal law, an immigrant child under age 21 who (1) has been abused, neglected, or abandoned and (2) meets certain other criteria, may apply for SIJS. If granted by the federal court, SIJS allows the child to legally remain in the United States.

For proceedings involving guardianship appointment or removal, a new law allows the probate court to issue those findings for certain SIJS applicants under age 21, instead of under age 18 as under prior law. This change enables 18-, 19-, and 20-year-olds who are eligible to apply for SIJS under federal law, in certain circumstances, to petition the probate court for the findings they need to make that application (i.e., that they are dependent on the court) ([PA 18-92](#), effective July 1, 2018).

## **Early Childhood and Childcare Programs**

### ***Care 4 Kids and Background Checks***

A new law excludes relatives who provide child care and are Care 4 Kids recipients from certain background check requirements, including state and national criminal history records checks, and instead requires them to submit to other types of background checks, including the Connecticut Online Law Enforcement Communication Teleprocessing System ([PA 18-172](#), § 7, effective July 1, 2018).

### ***Child Care Services Licensing Exemption***

A new law exempts from licensing requirements child care services administered by Organized Parents Make a Difference, Inc., a Hartford-based nonprofit organization ([PA 18-169](#), § 1, effective upon passage).



### ***Homeless Children and Child Care***

A new law allows homeless children and youths to attend a child care center, group child care home, or family child care home for up to 90 days without meeting physical exam and immunization requirements. It also requires the centers and homes to keep a record on file of all homeless children and youths who attended under the physical exam or immunization exemption for at least two years after the child leaves ([PA 18-172](#), §§ 1 & 2, effective July 1, 2018).

### ***License Exempt Child Care Providers***

A new law removes a child care licensing exemption for individuals who are formally or informally providing child care in their own homes to the children of an aunt or uncle (i.e., their cousins) and adds an exemption for great-grandparents. It also grants the licensing exemption to individuals providing such care who are related to a child per court order as a grandparent, great-grandparent, sibling, aunt, or uncle ([PA 18-172](#), § 4, effective July 1, 2018).

### ***Limits for Family Child Care Homes***

A new law allows (1) family child care homes to accept up to three additional school-aged children during the summer months if an Office of Early Childhood (OEC)-approved assistant or substitute staff member is present and assisting the provider and (2) all of the child care provider's children to be present without requiring additional staff ([PA 18-172](#), § 4, effective July 1, 2018).

### ***Precertification for Prospective Childcare Employees***

Existing law prohibits unsupervised access to children in child care centers or group child care homes by a prospective employee until (1) a comprehensive background check is completed and (2) permission to work in such childcare setting is granted to the employee by the OEC commissioner. By January 1, 2019, a new law requires the OEC commissioner to make recommendations to the Education Committee on how to implement a precertification process for prospective employees of day care centers or group day homes in lieu of the background check requirement ([PA 18-137](#), § 25, effective upon passage).

## **Juvenile Justice**

### ***Bail Bond Termination and Release***

A new law adds to the circumstances under which a posted bail bond in a criminal proceeding must be automatically terminated and released to include when the defendant is granted admission to a diversionary program for young people charged with certain motor vehicle or alcohol-related offenses. Such a bond must be terminated and released for a variety of reasons under existing law, such as if the defendant is acquitted or is granted accelerated rehabilitation ([PA 18-75](#), § 14, effective upon passage.)

### ***Transfer of Juvenile Services from DCF to Court Support Services Division (CSSD)***

Starting on July 1, 2018, a new law transfers legal authority from DCF to the judicial branch over any child who was committed to DCF as a delinquent pursuant to a juvenile court order entered before that date. The branch's CSSD must, in turn, assume responsibility for supervising the children. Under existing law, the juvenile court is prohibited, starting July 1, 2018, from committing a child to DCF as a result of a delinquency adjudication.

The new law also makes numerous other changes to the juvenile justice statutes. For example, it makes changes to laws related to education for individuals involved in the juvenile justice system (e.g. it requires certain schools to designate a liaison to facilitate transitions between school districts and the juvenile justice system), limits and modifies the ways that the juvenile court may dispose of a delinquency adjudication, modifies the probation conditions the court may order, and makes numerous conforming changes ([PA 18-31](#), most sections are effective on July 1, 2018).

## **Schools and Education**

### ***Institutional Aid for Undocumented Students***

A new law allows certain students without legal immigration status access to institutional aid to attend a state public higher education institution (i.e., UConn and the Connecticut State Colleges and Universities). The act extends eligibility to these students if they meet certain residency, age, and criminal history requirements and file with the institution an affidavit stating that they applied to legalize their immigration status or will do so when eligible. Among other things, students must have been age 16 or younger upon arrival in the United States and have continuously lived in the country since that time. Eligibility begins the earlier of January 1, 2020, or when Congress provides a “pathway to citizenship” for students without legal immigration status ([PA 18-2](#), effective upon passage).

## ***Life-Threatening Food Allergies in Schools***

This session, the legislature made several changes to education laws addressing food allergies in schools. A new law allows any student with a medically diagnosed life-threatening allergic condition to (1) possess, (2) self-administer, or (3) possess and self-administer his or her medication. Correspondingly, it requires the State Department of Education (SDE) to adopt implementing regulations.

Among other things, the new law requires school transportation carriers to provide related training to all school bus drivers. Additionally, it extends the protections of the “Good Samaritan” law to cover school bus drivers rendering certain emergency first aid in response to a student's allergic reaction ([PA 18-185](#), effective July 1, 2018, except the provisions relating to SDE's curriculum revisions and funding applications (§ 2) take effect upon passage).

## ***School Oral Health Assessments***

A new law requires local and regional boards of education to request that students have an oral health assessment prior to public school enrollment, in grade 6 or 7, and in grade 9 or 10. The assessment may be conducted by a:

1. dentist or dental hygienist or
2. physician, physician assistant, or an advanced practice registered nurse, if he or she is trained in conducting such assessments as part of a DPH-approved training program.

If a dentist conducts the assessment, it must include a dental examination. If another such provider conducts the assessment, it must include a visual screening and risk assessment.

The new law also establishes related requirements on parental consent, assessment forms, notification, and records access ([PA 18-168](#) §§ 539-540, effective July 1, 2018).

## **Other**

### ***Commission on Women, Children, and Seniors Membership***

A new law reduced the total membership of the Commission on Women, Children, and Seniors from 63 to 21 by reducing, from nine to three, the total (1) appointments by each of the six legislative leaders and (2) joint appointments by the House speaker and Senate president pro tempore. Under existing law and the act, current members' two-year terms expire on June 30, 2018. The next term begins on July 1, 2018, which is when the reduction in membership occurs ([PA 18-133](#), effective upon passage).

## ***Inmate Visitation Policy***

A new law establishes various requirements that apply to the treatment of inmates. Among other things, the new law requires the Department of Corrections to establish visitation policies for inmates with children under age 18, with rules regarding physical contact, convenience and frequency of visits, and access to child-friendly visiting areas ([PA 18-4](#), § 4, effective October 1, 2018).

## ***Notice of Placement Changes***

Two new laws impose certain notice requirements on DCF before it takes certain actions involving a child represented by an attorney or guardian ad litem (GAL). Starting July 1, 2018, one of the new laws requires DCF to provide written notice to any child being transferred to a new out-of-home placement and his or her attorney at least 10 days before the transfer unless immediate transfer is necessary due to a risk to the child's well-being ([PA 18-58](#), effective July 1, 2018). Starting October 1, 2018, another new law additionally requires DCF, when it makes an emergency transfer, to provide notice to the attorney and GAL within two business days after the transfer.

This new law also requires DCF to provide written notice within certain prescribed timeframes to an attorney or GAL representing a child (1) before any meeting in which the department is considering removing a child from his or her home on the basis of abuse or neglect (2) before any administrative or permanency team meeting to review the child's permanency plan, and (3) when a child absconds from care ([PA 18-186](#), effective October 1, 2018).

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