

Summary of 2011 Public and Special Acts

Contents:

CIVIL RIGHTS	1
CONSUMER.....	3
DISABILITY	5
EDUCATION AND TRAINING	
K-12 Education.....	6
Post-Secondary Education.....	9
Special Education.....	9
ELDERLY	
ConnPACE/Medical Savings Programs	10
Nursing Homes/Long-Term Care.....	11
Other Elderly	14
EMPLOYMENT/UNEMPLOYMENT COMPENSATION	
Employment	14
Unemployment Compensation.....	18
FAMILY AND CHILDREN	
Child Protection	19
Child Support.....	23
Children	25
Domestic Violence.....	26
Other Family And Children	28
HEALTH CARE, HEALTH INSURANCE, AND MEDICAL ASSISTANCE	
Health Care Reform	30
Medicaid/SAGA/HUSKY B	32
Medical Assistance Programs - General	35
Nursing Homes and Long-Term Care.....	37
Prescription Drugs.....	38

[Continued on inside front cover]

HOUSING

Landlord-Tenant and Foreclosure 38
Property Taxes 42
Public Housing 43
Other Housing 47

PUBLIC BENEFITS AND SOCIAL SERVICES

Public Benefits..... 50
Social Services..... 53

UTILITIES..... 53

OTHER..... 55

INDEX OF PUBLIC AND SPECIAL ACTS..... 57

CIVIL RIGHTS

P.A. 11-55 ENDING GENDER IDENTITY AND EXPRESSION DISCRIMINATION
(eff. October 1, 2011)

This act ends gender identification discrimination in all matters under the jurisdiction of the Commission on Human Rights and Opportunities (CHRO) and in various other contexts, including urban homesteading, public schools, boards of education, public libraries, electric suppliers, telephone or telecommunication providers, the employment codes that tribes must adopt to receive state services or funds, and discriminatory boycotts.

The act defines “gender identity or expression” as a person’s gender-related identity, appearance, or behavior, whether or not that identity, appearance, or behavior differs from the traditional gender role associated with that person’s physiology or assigned sex at birth (Sec. 1 (21)).

The act specifically exempts from its non-discrimination mandate any religious corporation, entity, association, educational institution, or society with respect to (1) employment of people to perform work for such organization and (2) matters of discipline, faith, internal organization, or ecclesiastical rules, customs, or laws (Sec. 37).

P.A. 11-237 COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES (eff.
October 1, 2011)

This bill makes changes in CHRO procedures with the general goal of streamlining them. Most provisions apply to all types of discrimination complaints but, because of the special rules concerning housing discrimination complaints, some do not apply to housing discrimination.

- Merit assessment reviews: The act codifies and accelerates a system of “merit assessment” review of complaints filed with CHRO. A merit assessment must be conducted by CHRO within 90 days after the filing of the respondent’s answer to the complaint.
- Preliminary review by legal staff: Under existing law, CHRO can dismiss a complaint after merit assessment review if it fails to state a claim or is frivolous, if there is no reasonable possibility that investigation will result in a reasonable cause finding, or if the respondent is exempt from the discrimination statute. If the complainant does not request a release to sue at that time, the act requires CHRO legal counsel automatically to conduct a legal review of the complaint and either confirm the dismissal or reinstate the complaint within 60 days after the sending of the notice of dismissal. If the legal review confirms the dismissal, the complainant may at that time request a release to sue.
- Mandatory mediation: If the complaint is not dismissed, then CHRO must assign an investigator or commission legal counsel to hold a mandatory

mediation session within 60 days of the sending of notice of the merit assessment or legal review. This session may be combined with a fact-finding session.

- Early legal intervention: If the complaint is not resolved by mediation, either party or the Commission may request “early legal intervention.” If such a request is made, the executive director or the director’s designate must, within 90 days of the request, decide (presumably based on legal review) whether to (a) certify the complaint for hearing, (b) refer the complaint to a CHRO investigator for full investigation, or (c) release the complainant to sue. The director or designee may make a referral with a recommendation for a no reasonable cause finding. In such a case, the investigator must follow the recommendation unless it is based on an error of fact, in which case the investigator must consult with the director or designee before making a finding of reasonable cause.
- Investigation: If the case is not resolved by the mandatory mediation conference or referred for formal hearing, it must be assigned to an investigator within 15 days. The act makes explicit that this investigation may include witness interviews, requests for voluntary disclosure of information, subpoena of witnesses or documents, requests for admission, interrogatories, and site visits.
- Dismissal: The act permits dismissal of the complaint for failure to attend a fact-finding conference without good cause. Under existing law, a complaint can be dismissed for failure to attend a mandatory mediation conference.
- Reconsideration: The act requires that a request for reconsideration state specifically the reasons for reconsideration.
- Release to sue: The act reduces the time which a complaint must be pending before the complainant can request a release to sue to the earlier of the completion of the merit assessment review or 180 days from the date the complaint was filed. Under existing law, the complainant had to wait for 210 days to pass. The act also requires that the conduct of the merit assessment review be accelerated if a release request is filed before the 180 days have expired.
- Attorney’s fees: The act makes clear that the amount of attorney’s fee awards in both administrative and court hearings is not contingent on the amount of damages requested by or awarded to the complainant.
- Enforcement of CHRO orders:
 - Procedural matters: The act allows CHRO, the Attorney General, or the complainant to bring a petition to enforce a hearing officer’s decision to the Superior Court in J.D. Hartford, without regard to where the violation occurred or the parties are located. It also eliminates the requirement that CHRO file a transcript of the entire agency proceedings.
 - Finality of hearing officer’s decision: The act effectively provides that a hearing officer’s decision can be challenged only by appeal and not through the defense of an enforcement proceeding. Thus, it repeals the

provision of existing law that allows the respondent in extraordinary circumstances to raise issues in a judicial enforcement proceeding that were not raised at the CHRO hearing and provides explicitly that an enforcement proceeding “shall not be deemed an appeal of or collateral attack on the order of the presiding officer.” It also repeals the existing provision allowing the court to modify the orders of the hearing officer, providing instead that, unless the court remands to obtain clarification of an ambiguity in the hearing officer’s decision, the court must order the respondent to comply immediately. It also repeals an existing provision that would allow the court to order the hearing officer to take additional evidence on remand and authorizes the award of the costs of enforcement, including reasonable attorney’s fees, to CHRO or the complainant.

- Certified mail: The act eliminates the requirement that certain CHRO notices be sent by certified mail, allowing instead the use of first-class mail, fax, email, or other electronic mail.

See also: Conforming to Federal Dodd-Frank Wall Street Reform and Consumer Protection Act (P.A. 11-110, Sec. 18), p. 3
Strengthening School Bullying Laws (P.A. 11-232), p. 8

C O N S U M E R

P.A. 11-110 CONFORMING TO FEDERAL DODD-FRANK WALL STREET
and REFORM AND CONSUMER PROTECTION ACT (eff. July 21, 2011 (P.A.
P.A. 11-119 11-110) and July 1, 2011 (P.A. 11-119))

These two acts adjust Connecticut law in order to accommodate the Dodd-Frank Wall Street Reform and Consumer Protection Act.

P.A. 11-119 gives the Attorney General the authority to enforce any provision of the Dodd-Frank Wall Street Reform and Consumer Protection Act and seek any related relief that the Act allows a state attorney general to seek.

P.A. 11-110 adds references to the new federal Bureau of Consumer Financial Protection to state banking laws, the Uniform Commercial Code, and other consumer credit transaction statutes. It also recognizes that the authority of several different federal agencies with regard to these matters has been transferred to the Bureau of Consumer Financial Protection. Section 1 declares that the Bureau is a supervisory agency with respect to banking laws, and sections 3 and 4 allow the Bureau to classify anyone the bureau determines needs to be licensed under the SAFE Act as a mortgage loan originator. In section 5-8, specified provisions of banking law (including the Connecticut truth-in-lending act) are subject to the Consumer Credit Protection Act and to any rules that the Bureau creates under that act. The act

also extends a criminal penalty to anyone who consistently understates a loan's annual percentage rate determined under specified banking laws on charts and tables provided by the Bureau. Section 9 notes that consumers may access their credit scores and predictors as dictated by any commentary adopted and enforced by the Bureau. Section 10 states that regulations promulgated by the Bureau are a part of the state and federal versions of the Home Mortgage Disclosure Act, and sections 12 and 13 similarly state that regulations promulgated by the Bureau are a part of the state consumer leases act and the federal Consumer Leasing Act.

Sections 14 through 17 concern changes to the UCC, such as adding that regulations promulgated by the Bureau (along with those promulgated by the Federal Reserve) supersede any inconsistent provisions with respect to negotiable instruments (checks) and the UCC's fund transfer provisions. These sections also provide that Bureau regulations apply in situations where parties agree to vary the effect of the UCC's bank deposits and collections provisions and that action or non-action pursuant to Bureau regulations or operating circulars constitutes the exercise of ordinary care. Bureau regulations or operating circulars are also added to the definition "agreement for electronic presentment."

Section 18 states that actions or omissions that conform to the Bureau's regulations or declaratory rulings also preclude liability for sexual orientation discrimination in credit transactions.

Section 11 provides that the banking commissioner may exempt any person or class of people from certain requirements of the Uniform Securities Act, as long as the exemption is (a) in the public's interest and (b) consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Uniform Securities Act. Requirements which may be exempted include (a) registration requirements that apply to broker-dealers, agents, certain investment advisers, and investment adviser agents; (b) requirements that apply to issuers, broker-dealers, and investment advisers concerning the employment of agents; (c) requirements concerning branch offices, including registration, acquisition, and relocation of such offices; (d) required notice for broker-dealers or investment advisers who cease to transact business at a branch or main office; and (e) related matters.

P.A. 11-201 GENERAL-USE PREPAID CARDS (eff. October 1, 2011)

Sections 9 through 12 of this act permit the issuance of general-use prepaid cards without an expiration date, as long as certain conditions are met. Such cards, which are similar to debit cards, are sold by banks. Unlike gift cards, they are not limited to use at any particular retail outlet but can be used for any purchase that a debit card can be used. Prior to the effective date of this bill, their use in Connecticut is prohibited by state law because they are

considered gift cards, which cannot have an expiration date. National banks in Connecticut, however, issue such cards because the National Banking Act preempts state regulation. Expiration dates are apparently required for bank cards as a protection against fraud.

This act permits the issuance of such cards with an expiration date, as long as (a) the funds do not expire; (b) there is no charge for a replacement card that has expired; (c) the seller of the card offers the option of a card with an expiration date of at least five years; and (d) the card itself contains both a notice that the funds do not expire and a toll-free phone number and internet address at which a replacement card may be obtained after the card expires. A general-use prepaid card remains subject to the prohibition on inactivity and dormancy fees that applies to gift cards. The principal effect of the act will be to allow state-chartered banks to issue these cards.

DISABILITY

P.A. 11-16 RESPECTFUL LANGUAGE WHEN REFERRING TO PERSONS WITH INTELLECTUAL DISABILITY (effective from passage)

In keeping with recently passed federal legislation, as well as with scheduled changes to the Diagnostic and Statistical Manual of Mental Disorders (DSM-V), this act substitutes the term “intellectual disability” for “mental retardation” and an “individual with an intellectual disability” for “mentally retarded individual”. It also replaces the term “autism” with “autism spectrum disorder”.

P.A. 11-44 BUREAU OF REHABILITATIVE SERVICES ESTABLISHED (eff. July 1, 2011)

Sections 1 through 69 of this act create the new Bureau of Rehabilitative Services, housed in DSS for administrative purposes only. This new Bureau merges the previous responsibilities of the Commission on the Deaf and Hearing Impaired, the Board of Education and Services for the Blind (BESB) and the Bureau of Rehabilitation Services of DSS. BESB is converted from “the central policy making authority” for services to the blind and visually impaired to “an advisor to the Bureau of Rehabilitative Services in fulfilling its responsibilities in providing services to the blind and visually impaired.” (Sec. 7). Similarly, the state commission which served as the “state-wide coordinating agency to advocate, strengthen and implement state policies affecting deaf and hearing impaired individuals” is converted to the Commission on the Deaf and Hearing Impaired with the mandate to “advocate, strengthen and advise the Bureau of Rehabilitative Services concerning state policies affecting deaf and hearing impaired individuals” (Sec. 35).

The newly created Bureau of Rehabilitative Services also takes over, (1) from the Department of Motor Vehicles, responsibility for evaluating and training drivers with disabilities and, (2) from the Workers' Compensation Commission, responsibility for providing rehabilitation programs for employees suffering from compensable injuries.

P.A. 11-176 SPECIAL NEEDS TRUSTS: DSS DETERMINATION OF DISABILITY
(eff. from passage)

Section 3 of this act requires DSS to make an independent disability determination when someone who claims to have a disability and is a beneficiary of a special needs trust has not received such a determination from the Social Security Administration.

See also: SPECIAL EDUCATION, p. 9
NURSING HOME/LONG-TERM CARE, p. 11
Conservator Access To Vital Records (P.A. 11-242), p.13
Criminal History and Patient Abuse Background Search Program (P.A. 11-242), p. 18
Medicare Part D Supplemental Needs Fund (P.A. 11-44), p. 38

EDUCATION AND TRAINING

K – 12 EDUCATION

PA 11-115 REENTRY OF JUVENILES INTO THE LOCAL EDUCATION SYSTEM
(eff. July 1, 2011)

Section 1 of this act requires boards of education to immediately enroll a student who transfers from Unified School District #1 (run by DOC) or Unified School District #2 (run by DCF). If the student is transferring into the district in which the student attended school prior to enrolling in one of the Unified School Districts, the student must be enrolled in the school s/he previously attended if that school has an appropriate grade level.

Section 3 of this act permits a board of education to expel a student who commits an expellable offense and is committed to a juvenile detention center, the Connecticut Juvenile Training School or other residential placement. The period of expulsion runs concurrently with the period of commitment. If a student is not expelled by the board of education, the student must be allowed to enroll according to the provisions of Sec. 1, described above, and the board may not expel the student for an additional period of time.

P.A. 11-126 ADULT EDUCATION AS AN ALTERNATIVE EDUCATIONAL OPPORTUNITY FOR EXPELLED STUDENTS (eff. July 1, 2011)

According to section 1 of this public act, a student who is at least 16 years old and has been expelled from a school is not required to withdraw from that school in order to participate in an adult education program during the expulsion period. Section 2 changes the existing statute to allow expelled students who are at least 16 years old to participate in an adult education program without permission from their school principal.

PA 11-136 ABSENTEEISM/TRUANCY (eff. July 1, 2011)

Section 16(b) of this act requires notification of a child's parent or other person having control of the child by mail of an unexcused absence. Existing law requires reasonable efforts to notify by telephone. The mailed notice must include a warning that two unexcused absences in a month or five in a school year may result in a complaint in Superior Court alleging that the child's family is a family with service needs.

Existing law requires that a meeting be scheduled with the parent or other person having control of a child after a series of unexcused absences and also requires the filing of a complaint that the child's family is a family with service needs if the parent or other person having control of a child does not attend the scheduled meeting or otherwise does not cooperate in attempting to solve a truancy problem. Sec. 16(c) of this act requires that this filing occur not later than 15 calendar days after the failure to attend the meeting or otherwise cooperate.

Section 18 of this act requires SBE to define "excused absence" and "unexcused absence" by July 1, 2010.

P.A. 11-157 EDUCATIONAL RECORDS PROVIDED TO DETENTION FACILITIES (eff. Oct. 1, 2011)

Section 20 of this act requires boards of education to provide a student's educational records to a detention facility where a student is being confined on request and without the parent's written permission. If the records are supplied without parental permission, the school must notify the parent or guardian at the same time it releases the records. The records are to be used only to provide the student with educational services. These records may not be further disclosed without a court order or the written consent of the student's parent or guardian.

PA 11-177 WATERBURY PILOT TRUANCY CLINIC (eff. from passage)

This act permits the establishment of a pilot truancy clinic within the regional children's probate court for the Waterbury district. Parents or guardians of truant children from any Waterbury elementary or middle school may be referred to this clinic. The purpose of the clinic is to resolve the cause of the child's truancy "using nonpunitive procedures". After an appearance in response to the initial summons, participation by the parent or guardian is voluntary. A report on the effectiveness of the clinic is to be filed with the Probate Court Administrator by September 1, 2012 and the Probate Court Administrator shall report on the effectiveness of the clinic to the appropriate committees of the General Assembly by January 1, 2015.

P.A. 11-232 STRENGTHENING SCHOOL BULLYING LAWS (eff. July 1, 2011)

This act addresses the problem of bullying in schools by redefining the term and by creating new notice, investigation, and reporting requirements for schools. Bullying is defined as the repeated use of any form of communication, including electronic communication, or a physical act or gesture by a student directed at another student in the same school that:

- causes physical or emotional harm to the targeted student or damage to that student's property
- places the targeted student in reasonable fear of such harm or damage
- creates a hostile school environment for the targeted student
- infringes on the rights of the targeted student at school or
- substantially disrupts the education process or the operation of the school.

Communications or acts based on a "differentiating characteristic", broadly defined to include, but not be limited to, race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association, are specifically included in the definition of bullying.

Under section 1(b), boards of education are required to adopt a safe school climate plan to address bullying. Students and their parents must be notified annually how to report bullying to school employees, and all school employees, rather than just teachers and administrators, are required to accept student bullying reports. School employees who receive these reports or who witness bullying are required to notify the safe school climate specialist orally within one school day of the incident and must file a written report within two days of the incident. The safe school climate specialist must then promptly investigate the incident, and within 48 hours of the completion of that investigation, the school must invite the parents or guardians of the students involved in the incident to a meeting to discuss measures to ensure the safety

of the bullied student and efforts to prevent bullying. The school must then develop a plan to keep the bullied student safe and notify law enforcement if the bullying incident constitutes a criminal act. Schools are also required to document and maintain records of bullying and are prohibited from retaliating against anyone who reports an incident or aids in the investigation of bullying. Bullying must be prohibited from schools, school-sponsored and -related events and messages transmitted through electronic mobile devices owned by a school. Bullying outside the school that infringes on the rights of a student at school or that causes a substantial disruption of the education process is also prohibited. School employees must be provided with a written or electronic copy of the safe school climate plan and must complete related training annually.

POST-SECONDARY EDUCATION

P.A. 11-43 IN-STATE TUITION RATES FOR UNDOCUMENTED STUDENTS AT STATE POST-SECONDARY SCHOOLS (eff. July 1, 2011)

This act allows people without legal immigration status to qualify for in-state tuition rates at public state institutions of higher learning. Any person who is not a nonimmigrant alien (a person with a specific, limited visa) may attend a public state postsecondary institution at the in-state student rate under certain conditions. In order to qualify, a person must:

- reside in the state,
- have attended an educational institution in the state and completed four years of high school level education in state,
- have graduated from a high school or equivalent in the state, and
- have registered or enrolled in a public institution of higher education in state.

The act also requires that any person seeking to qualify for the in-state tuition rate who is without legal immigration status must file an affidavit with the relevant institution of higher education stating that s/he has filed an application to legalize his/her immigration or will file an application as soon as s/he is eligible to do so. (Current federal law allows illegal immigrants who apply for legal immigration status to be deported, so no students will be eligible to file such an application until this federal policy has been changed.)

SPECIAL EDUCATION

P.A. 11-235 DELAYS IN SPECIAL EDUCATION EVALUATIONS (eff. July 1, 2011)

Section 1 of this act requires that boards of education determine if a child requires special education “without delay” and incorporates the standards for timely evaluation set out in federal law. Under federal law, evaluation must be take place within 60 days of receiving parental consent for the evaluation

P.A. 11-235 ADVISORY COUNCIL FOR SPECIAL EDUCATION (eff. from passage)

Section 2 of this act adds three members to the Advisory Council for Special Education which advises the General Assembly, SBE and SDE. The three additional members are representatives from the Office of Protection and Advocacy for Persons with Disabilities, from the Parent Leadership Training Institute and from DSS.

Sp.A. 11-9 REVIEW OF COSTS OF SPECIAL EDUCATION REQUIREMENTS (eff. from passage)

This act requires SDE to conduct a review of state-mandated special education requirements, including who is best suited to bear the burden of proof in determining student eligibility for services, and report to the relevant committees of the General Assembly by February 1, 2012.

See also: Ending Gender Identity and Expression Discrimination (P.A. 11-55), p. 1

ELDERLY

CONNPACE/MEDICAL SAVINGS PROGRAMS

P.A. 11-44 CONNPACE CHANGES (eff. July 1, 2011)

Sections 88 and 89 of this act eliminate most of the ConnPACE prescription drug program. ConnPACE remains available only to people who are elderly or disabled, meet the income guidelines and are not eligible for Medicare or have insurance that covers prescription drugs. This change eliminates the wrap-around coverage previously available to people enrolled in the Medicare Part D prescription drug program. Since changes made to the Medicare Savings Programs in Connecticut, almost all of the prescription drug needs of ConnPACE participants can be met through Medicare Part D and the low-income subsidies available in that program.

P.A. 11-44 MEDICAID SAVINGS PROGRAMS ADJUSTMENTS (eff. July 1, 2011)

Section 91 of this act requires that DSS increase income disregards used to determine eligibility for the Medicaid Savings Programs (SLMB, QMB and QID) so as to ensure that the income levels and deductions used to determine eligibility for the Medicaid Savings Programs are equal to the income levels and deductions used to determine eligibility for ConnPACE. Prior law had only required that the income levels be equivalent.

NURSING HOMES/LONG-TERM CARE

P.A. 11-44 PERSONAL NEEDS ALLOWANCES (eff. July 1, 2011)

Sec. 78 and 79 of this act reduce the personal needs allowance for residents of long-term care facilities from \$69 to \$60 and eliminate the cost of living adjustment to the personal needs allowance.

P.A. 11-44 COST-SHARING IN HOME CARE (eff. July 1, 2011)

Sec. 86 of this act increases the amount that a person whose income is at or below 200% of the federal poverty level must pay for services under the state-funded portion of the Connecticut Home Care Program for Elders from 6% to 7% of the cost of the care provided.

P.A. 11-44 HOME AND COMMUNITY-BASED WAIVERS (eff. July 1, 2011)

Section 93 of this act reduces the number of people served by the planned waiver for home and community-based services from 100 to 50.

P.A. 11-44 SMALL NURSING HOME PILOT (eff. July 1, 2011)

Section 95 of this act makes the authorized “small nursing home” pilot program permissive rather than required and limits it to one home of not more than 280 beds.

P.A. 11-44 TRANSFER OF ASSETS RULES WHEN APPLYING FOR MEDICAID (eff. from passage)

Under the provisions of sec. 104 of this act, an individual in a nursing home or receiving home and community-based services who applies for Medicaid will not be subject to a penalty based on the transfer of assets if a transferred asset is returned in full to the individual. However, if DSS determines that the transfer and subsequent return of the asset was planned to alter the start of a penalty period or shift nursing facility costs to Medicaid, the amount of the transferred assets will be considered available to the individual from the date of the transfer.

P.A. 11-44 ELIGIBILITY FOR MEDICAID FOR LONG-TERM CARE SERVICES (eff. July 1, 2011)

Sec. 178 of this act repeals the provision, adopted in 2010, which allowed the community spouse of a person using Medicaid to pay for institutional care to retain the maximum amount of assets allowed by federal law. The rule now reverts to the provisions of C.G.S. 17b-261(g), under which the community

spouse can keep half of the couple's combined assets up to the maximum amount allowed by federal law.

P.A. 11-176 UNDUE HARDSHIP DETERMINATIONS IN MEDICAID (eff. July 1, 2011)

This act prohibits DSS from imposing a penalty for certain asset transfers when determining Medicaid eligibility if such a penalty would create an undue hardship for the person who transferred the asset. The act specifies the circumstances under which DSS must impose the penalty even if doing so will result in such a hardship.

Section 1 of this act defines "undue hardship" as when:

- (a) the life or health of the applicant would be endangered by the deprivation of medical care or when the applicant would be deprived of the necessities of life,
- (b) the applicant is eligible for Medicaid but for the imposition of a penalty period,
- (c) the applicant is receiving long-term care services and the provider of these services has notified the applicant that the provider will discontinue services because of nonpayment, or the applicant is not receiving care and a provider has refused to provide such services because of the penalty period AND
- (d) no other person or organization is willing and able to provide needed services.

Under Section 1(c) of this act, DSS must impose a penalty even if it will cause undue hardship if an applicant (a) made the transfer to intentionally impoverished him/herself so as to be able to be eligible for Medicaid or (b) the transfer was made by the applicant's legal representative or the joint owner of assets. Despite this provisions, DSS may waive the penalty if the applicant suffers from dementia or other cognitive impairment and cannot explain the transfer or suffered from dementia or other cognitive impairment at the time of the transfer, or if the applicant was exploited into making the transfer or did not authorize the transfer.

Section 2 of the act requires DSS to provide an applicant with preliminary notice of intention to impose a penalty. The applicant has 15 days from the postmark of the notice to contest DSS' decision to impose a penalty. The applicant is given one automatic extension which will delay the imposition of the penalty and additional extensions can be requested. Failure to follow this procedure to file a claim of undue hardship does not preclude an applicant from claiming undue hardship at an administrative hearing.

An applicant can initiate a claim of undue hardship during a penalty period if, during a penalty period, an applicant receives notice from a provider of long-

term care services that the provider intends to terminate those services or if the provider refuses to provide services because of the imposition of the penalty period. In this situation, the claim of undue hardship must be initiated within 60 days of receiving notice from the provider.

P.A. 11-236 TRANSFER AND DISCHARGE OF NURSING HOME RESIDENTS (eff. on passage)

This act amends the nursing home transfer, discharge and bedhold laws. Under this act, transfer is now defined as movement of a resident from one facility to another, and includes movement to a hospital emergency department if a resident is either admitted or receives care for more than 24 hours. Discharge is now defined as movement of a resident from a facility to a non-institutional setting.

Additionally, this act provides that if a nursing home receives notice from a hospital that a resident is medically ready for discharge, but the facility has concerns about their ability to meet the resident's level of care needs, the facility has 3 days to request to consult with the hospital, the resident and their legal representatives to develop a care plan and readmission date. This consultation must consider the resident's wishes and the hospital's recommendations. The resident's bed must be reserved until completion of the consultation. A nursing home cannot refuse to readmit a resident except if the home can no longer meet the resident's care needs, the resident's health has improved and nursing home care is no longer needed or readmission of the resident would endanger the health or safety of other individuals in the nursing home. If the nursing home does refuse to readmit, DSS is required to hold a hearing and has the ability to require readmission to the facility to a semi-private, or if medically necessary, a private room.

P.A. 11-242 LONG TERM CARE STRATEGIC PLAN (eff. July 1, 2011)

Section 83 of this act authorizes DSS to develop a strategic plan, consistent with the state's long-term care plan, to rebalance Medicaid long-term care supports and services provided in home, in community-based settings and in institutions. The act permits DSS to contract with nursing homes and providers to carry out the plan and also allows DSS to revise nursing home rates to carry out the plan. The act allows DPH to waive provisions of the Public Health Code in order to carry out the strategic plan as long as it is determined that the waiver will not endanger residents or clients. The act exempts new nursing home beds needed to carry out the strategic plan from the general certificate of need moratorium.

See also: Criminal History and Patient Abuse Background Search Program (P.A. 11-242), p. 18

OTHER ELDERLY

P.A. 11-44 ESTABLISHMENT OF DEPARTMENT ON AGING DELAYED (eff. July 1, 2011)

Section 145 of this act delays the re-establishment of the Department on Aging until July 1, 2013.

P.A. 11-44 ADULT FOSTER CARE PROGRAM ELIMINATED (eff. July 1, 2011)

Section 178 of this act eliminates the requirement that DSS establish an adult foster care program.

P.A. 11-224 INVESTIGATIONS BY PROTECTIVE SERVICES FOR THE ELDERLY (eff. October 1, 2011)

This act establishes a Class A misdemeanor for willfully making a fraudulent or malicious elder abuse report or providing fraudulent testimony in any elder abuse judicial or administrative proceeding. The act also adds to the situations when DSS is not required to interview the alleged victim alone. Current law requires that an alleged victim must be interviewed alone unless s/he does not consent or DSS determines that it would not be in the best interests of the alleged victim. This act prohibits interviewing the victim alone if a physician provides a letter stating that such interview would be medically contraindicated.

P.A. 11-242 CONSERVATOR ACCESS TO VITAL RECORDS (eff. Oct. 1. 2011)

Section 8 of this act adds conservator of a person as one who is eligible to be issued copies of birth and fetal death records.

See also: Medicare Part D Supplemental Needs Fund (P.A. 11-44), p. 38
Special Needs Trusts: DSS Determination of Eligibility (P.A. 11-176),
p. 6

EMPLOYMENT / UNEMPLOYMENT COMPENSATION

EMPLOYMENT

P.A. 11-52 REQUIRED EMPLOYEE PAID SICK LEAVE (eff. January 1, 2012)

This act requires certain employers of service workers to provide paid sick leave for their service workers. Employers with 50 or more employees in any

quarter of the previous year must allow their service workers to accumulate one hour of paid sick leave for every 40 hours worked, for a maximum of 40 hours of paid sick leave each year (Sec. 2(a)(2) and 2(a)(3)). Manufacturing companies and nationally chartered, nonprofit, tax-exempt organizations that provide recreation, child care, and education services are specifically exempted from the definition of employer (Sec. 1(4)).

- “Service Worker” Defined: A “service worker” is defined by the type of work done but is also limited to individuals paid on an hourly basis or not exempt from minimum wage and overtime compensation requirements. Day or temporary workers are specifically excluded from the definition of “service worker” (Sec. 1(7)).
- Availability of Leave: Service workers cannot use accrued leave until they have worked at least 680 hours after the benefit starts accruing and they must have worked an average of at least 10 hours a week for the employer during the most recently completed calendar quarter to use accrued leave (Sec. 2(b)).
- Exemptions: An employer which offers any other paid leave that may be used for the same purposes as the leave required by this act at the same or a greater rate than the leave required by this act is not required to offer additional leave (Sec. 2(c)).
- Carryover: Each service worker is entitled to carry over 40 hours of unused paid sick leave to the next calendar year, but may not use more than 40 hours in any single year (Sec. 2(a)).
- Rate of Pay/Unused Leave: Service workers must be paid for their earned sick leave at a rate greater than or equal to their usual hourly wage or a minimum fair wage under Conn. Gen. Stat. 31-58 for the period during which the leave was taken (Sec. 2(d)). If the employer and employee agree to do so, the employee may agree to work additional hours in lieu of hours missed instead of using sick leave time (Sec. 2(e)).

Unless required by company policy or a collective bargaining agreement, employees are not entitled to payment of unused accrued sick leave upon termination of employment (Sec. 3(d)). If an employee’s employment is terminated and s/he is then rehired, the employee is not entitled to paid sick leave accrued prior to termination (Sec. 4(c)).

- Permitted Uses: An employee may use paid sick leave for a personal illness, injury, health condition, or preventative care; or for a health condition of a spouse or child; or if the employee is a victim of family violence or sexual assault and needs time for medical care, victim services, relocation, or to participate in civil or criminal proceedings (Sec. 3(a)).
- Notice Requirements: If the employee’s need for paid sick leave is foreseeable, the employer may require up to seven days advance notice. If the need is not foreseeable, the employer may require notice

from the employee as soon as practicable (Sec. 3(b)). An employer may also require documentation of the proper use of paid leave taken under this act if three or more days of leave are taken in a row (Sec. 3(b)).

- Non-Retaliation: Employers may not retaliate against employees for using paid sick leave or for filing a complaint alleging the employer's violation of this act (Sec. 5(a)).
- Employer Duties/Penalties: Employers who violate this act may be fined in addition to being forced to pay used sick leave, rehire terminated employees, and pay back wages (Sec. 5(c)). Employers are required to inform new employees that they are entitled to paid sick leave, that the employer cannot retaliate against the employees for requesting or using sick leave, and that employees have the right to file a complaint with the Labor Commissioner for violations of this act (Sec. 6).

P.A. 11-93 DCF REGISTRY AND SDE CERTIFICATES AND BOARDS OF EDUCATION (eff. July 1, 2011)

Section 1 of this act requires applicants for positions in public schools and those applying to SBE for a certificate or renewal of a certificate, to submit to a check of the DCF registry. If the applicant is listed on the registry, the board will deny an application for a certificate, authorization or permit and can revoke a certificate. The requirement that applicants for positions in public schools submit to a check of the DCF registry is extended to positions that do not require a certificate as of July 1, 2012.

Section 2 expands the situations in which DCF records can be disclosed without the person who is the subject of those records consenting. This expansion allows disclosure of inclusion on the DCF registry to boards of education and superintendents of schools, subject to the protections in 17a-101g and 17a-101k.

Section 4 of this act adds SDE as one of those to be notified by DCF if a school employee is placed on the DCF registry. Once the recommendation to place a school employee on the DCF registry occurs, that individual shall (changed from "may") be suspended with pay pending an appeal under 17a-101k.

P.A. 11-223 USE OF CREDIT SCORES IN HIRING DECISIONS (eff. Oct. 1, 2011)

This act prohibits employers from requiring an employee or prospective employee to consent to a request for a credit report as a condition of employment. The act does not apply if (a) the employer is a financial institution; (b) the employer reasonably believes the employee broke the law related to their job; (c) the report is required by law; or (d) such a report is

substantially related to the job in question. DOL must investigate complaints of violations of this act and hold a hearing if warranted. A \$300 civil penalty can be imposed for each violation of this act.

P.A. 11-242 STAFF IN FAMILY DAY CARE HOMES (eff. Oct. 1, 2011)

Section 17 of this act requires assistants and substitute staff members in family day care homes to submit applications to and be approved by DPH. Applications for such approval must be submitted with a \$20 fee. The act also adds applicants for assistants and substitutes to those who must, within available appropriations, undergo a state and national criminal background check.

Section 46 allows DPH to refuse to approve a person as an assistant or substitute staff member in a family day care home, allows DPH to suspend or revoke an approval or take allowed regulatory action against such individual for reasons including (1) the conviction in any state of a felony involving the use or threatened use of physical force; (2) having a criminal record (in any state) that DPH believes makes that person unsuitable to be an assistant or substitute staff member; or (3) failing to substantially comply with family day care regulations.

If an approval is revoked, an individual must wait one year before reapplying for approval. License suspension or revocation procedures apply to the suspension or revocation of an approval. An aggrieved person can apply in writing for a hearing.

P.A. 11-242 DISCLOSURE OF INFORMATION FROM DCF TO DPH (eff. Oct. 1, 2011)

Section 57 of this act revises the information DCF must report to DPH about child abuse or neglect records that involve a DPH-licensed facility or such a facility's licensee or staff or a household member in a family day care home.

It eliminates the requirement that DCF provide all records of reports and investigations of suspected abuse or neglect and instead requires only the disclosure of records that have been reported to or are being investigated by DCF under the due process requirements outlined in 17a-101g, governing DCF investigations.

This section also limits the circumstances under which DPH may disclose information on the DPH abuse and neglect listing to those instances allowed through the DCF due process requirements outlined in 17a-101g and 17a-101k. Finally, this section requires DPH to immediately remove information from its listing and stop disclosure if DCF finds that its investigation of an incident did not substantiate abuse or neglect or such a finding was reversed

after appeal.

P.A. 11-242 CRIMINAL HISTORY AND PATIENT ABUSE BACKGROUND SEARCH PROGRAM (eff. Jan. 1, 2012)

Section 90 requires long-term care facilities to ensure that potential service providers undergo criminal history and patient abuse background searches before they are allowed direct access to patients or residents. It requires DPH to establish, within available appropriations, a program to facilitate the searches, receive criminal history record check results from the Department of Public Safety and notify facilities of people with disqualifying offenses.

See also: Commission On Human Rights and Opportunities (P.A.11-237), p. 1
Jobs First Employment Services Pilot Program (P.A. 11-44), p. 52
Ending Gender Identity and Expression Discrimination (P.A. 11-55), p. 1

UNEMPLOYMENT COMPENSATION

P.A. 11-36 GOOD CAUSE FOR LATE FILING OF UNEMPLOYMENT COMPENSATION APPEALS (eff. Oct. 1, 2011)

This act allows 21 days for unemployment compensation claimants to appeal a determination that they (a) received more benefits than they were entitled to, (b) received benefits through fraud, or (c) made a false claim for benefits.

This act extends the appeal deadline in such cases if the claimant can show good cause for the delay in appealing or has filed an appeal by mail postmarked prior to the deadline. Good cause is determined through consideration of the following factors:

- whether the claimant was represented;
- the claimant's familiarity with the appeals procedures;
- administrative error or the failure of another party to discharge its responsibilities;
- factors outside the claimant's control that prevented a timely action; and
- whether the claimant acted diligently in filing the appeal once the reason for the late filing no longer existed.

P.A. 11-87 LOOK-BACK PERIOD FOR UNEMPLOYMENT COMPENSATION EXTENDED BENEFITS (eff. from passage)

This act increases the period of time that can be considered when determining eligibility for extended unemployment compensation benefits, from two to three years. The federal government fully funds the extension of these benefits for weeks 79 through 99 for states that can meet the criteria of having an unemployment rate of at least 6.5% and of at least 10% higher than it was at

the same point during the “look-back period”. By extending the look back period to three years, when unemployment rates were lower, Connecticut meets the requirement that unemployment rates are 10% higher during the look-back period.

FAMILY AND CHILDREN

CHILD PROTECTION

P.A. 11-44 PLACEMENT OF YOUNG CHILDREN IN DCF CHILD CARE FACILITIES (eff. July 1, 2011)

Section 164 of this act prohibits DCF from placing a child under six, or a sibling group containing a child under six, in a DCF child care facility unless the facility is designed for children and their parents or the health care needs of the child under six require such placement.

If such a placement is made, DCF must certify to the court, within 96 hours, that specific attempts were made to place the child or sibling group in a family-based placement.

If a placement of a child under six is made to a DCF child care facility and the child remains in the facility for more than 30 days, DCF must petition the court for an emergency placement review hearing to be held within 45 days of the placement to review DCF’s efforts to secure a family-based placement and to determine whether the health care needs of the child continue to require this placement.

PA 11-51 ELIMINATION OF COMMISSION ON CHILD PROTECTION/ TRANSFER OF RESPONSIBILITIES TO PUBLIC DEFENDER SERVICES COMMISSION (eff. July 1, 2011)

This act, beginning at Sec. 1, eliminates the Commission on Child Protection (CCP) and the position of the Chief Child Protection Attorney. It makes the Public Defender Services Commission (PDSC) the successor to the CCP, and transfers all of the CCP’s functions, powers, and duties to the PDSC. The chief public defender assumes the duties currently assigned to the Chief Child Protection Attorney.

- **Representation by Chief Public Defender:** Section 2 of this act adds representation of parents or guardians and children in child protection and family relations matters to the duties of the Chief Public Defender. The Chief Public Defender, according to Section 3 of this act, is required to provide representation and guardians ad litem to children, youth and indigent respondents only in paternity and contempt proceedings in family

relations matters in which the state has been ordered to pay costs and in superior court proceedings for juvenile matters. The Chief Public Defender may provide these services by contracting with not-for-profit legal services agencies, individual lawyers or firms and mental health professionals (as guardians ad litem). Training, practice and caseload standards for this representation must be established.

- Appointment of Counsel: Section 4 of this act establishes procedures for the appointment of counsel to children, youth, parents or guardians who are found to be unable to afford counsel. In the case of a juvenile matter described above, the judicial authority before whom the matter is being heard shall determine eligibility for appointed counsel and appoint counsel from a list of qualified attorneys provided by the Chief Public Defender. In the case of a matter before the superior court for judicial matters, the judicial authority determines eligibility for appointed counsel and notifies the office of Chief Public Defender, which will assign an attorney to provide representation.
- Attorneys for Intervenors: Section 16 of this act specifies that a relative granted intervenor status in a proceeding to determine if a child is neglected is not entitled to court-appointed counsel or representation except that, under existing law, a judge may provide an attorney to a relative having control of the child or youth, if the judge finds that the interests of justice require this.
- Guardians Ad Litem: Section 17 of this act changes existing Connecticut practice under which an attorney for a child in a neglect case serves as both counsel and guardian ad litem. Under this act, an attorney serves only as counsel to the child and advocates for the child's wishes. Such an attorney is assigned by the office of the Chief Public Defender or appointed by the court if there is an immediate need for such an appointment. If a child in a neglect proceeding is represented by an attorney in an ongoing probate or family matter proceeding, the court may appoint that attorney to represent the child in the neglect proceeding if the attorney is knowledgeable about representing children. The court must notify the office of the Chief Public Defender of the appointment.

A guardian ad litem is appointed by the court or assigned by the Chief Public Defender if the court determines that the child cannot adequately act in his or her best interests and the child's wishes could lead to substantial physical, financial or other harm to the child. The attorney for the child can request that the court provide a guardian ad litem if the attorney determines that the child cannot adequately act in his or her best interests and the child's wishes could lead to substantial physical, financial or other harm to the child. In either of these cases, the court can appoint a guardian ad litem to serve on a voluntary basis or can notify the office of the Chief Public Defender which will assign a guardian ad litem. If a child has an appointed guardian ad litem in a probate or family matter

proceeding and it is determined that a guardian ad litem is necessary in the neglect proceeding, a separate guardian ad litem will be appointed.

Under this act, the guardian ad litem in these cases is required to perform an independent investigation of the case. The guardian ad litem must be knowledgeable of relevant court procedures, as well as about the needs and protection of children.

P.A. 11-51 ELIMINATION OF JUVENILE ACCESS PILOT PROGRAM (eff. July 1, 2011)

Section 30 of this act repeals the Juvenile Access Pilot Program, which was designed to increase public access to abuse and neglect proceedings. Subsection (c) gives the judge in a juvenile matter concerning abuse, neglect or the termination of parental rights the power to admit any person with a legitimate interest on the hearing or the work of the court to the hearing. The court may prohibit any person, including a representative of the news media, from disclosing beyond the court information that would identify the child, the custodian or caretaker of the child or members of the child's family involved in the hearing.

P.A. 11-93 SCHOOL EMPLOYEES AS MANDATED REPORTERS (eff. July 1, 2011)

Section 3 of this act amends C.G.S. 17a-101 to expand the school employees who are mandated reporters of child abuse and neglect and requires the development of a model mandated reporting policy for use by boards of education. Section 4 of the act requires refresher trainings for mandated reporters.

P.A. 11-93 MANDATED REPORTERS (eff. July 1, 2011)

Section 7 of this act requires DCF to develop a policy for investigating delayed reports by mandated reporters.

P.A. 11-93 REPORTS OF ABUSE OR NEGLECT (eff. July 1, 2011)

Section 10 of this act authorizes DCF to send a copy of a report made by someone not designated as a mandated reporter and concerning the suspected abuse or neglect by a school employee, to SDE. This mirrors the policy on information sharing in situations involving a report by a mandated reporter.

P.A. 11-93 CROSS-NOTIFICATION OF REPORTS OF ABUSE AND NEGLECT BETWEEN DCF AND EDUCATION OFFICIALS (eff. July 1, 2011)

Section 12 of this act requires boards of education to provide DCF with records kept on file by such boards, regarding a teacher who is the subject of a

complaint of suspected child abuse or neglect, for the purpose of investigating suspected child abuse or neglect. This information-sharing takes place under this act regardless of C.G.S. 10-151c which provides that these records are not subject to disclosure under FOIA.

Section 16 of this act requires DCF to notify SDE when a report of suspected abuse or neglect by a school employee or an employee of an SDE licensed facility (including licensed child care providers), is being investigated.

PA 11-157 ENDING DCF SERVICES AT AGE 20 (eff. Oct. 1, 2011)

Sections 4 through 8, 13, 16 and 17 require that a DCF commitment and the ability to access DCF services cannot begin after a person reaches the age of 20 and, if commenced earlier, end at the age of 20.

Section 20 of this act requires boards of education to provide a student's educational records to a detention facility where a student is being confined on request and without the parent's written permission. If the records are supplied without parental permission, the school must notify the parent or guardian at the same time it releases the records. The records are to be used only to provide the student with educational services. These records may not be further disclosed without a court order or the written consent of the student's parent or guardian.

PA 11-194 CROSS-REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY (eff. Oct. 1, 2011)

Section 1 of this act requires that any animal control officer who has reason to suspect that an animal is being harmed, neglected or treated cruelly and who and files a verified petition asserting the facts of such neglect or cruel treatment with the Superior Court shall also make a written report to the Department of Agriculture.

The report shall contain, among other information, the address where the animal was observed, the name and address of the owner or other person responsible for the care of the animal, the nature and extent of the harm, neglect or cruelty to the animal, and the name and address of every person the officer suspects is responsible for the harm, neglect or cruelty.

Beginning no later than November 1, 2011, and monthly thereafter, the Department of Agriculture shall send a report to DCF containing all the information received in the above-described reports.

Section 2 of the act requires that not later than a week after receiving this report, DCF shall provide relevant information from the report to any DCF investigator investigating allegations of abuse or neglect of a child at any of

the addresses mentioned. This information shall be included in the department's record on the child.

Section 3 of the act requires that DCF employees who suspect animal abuse or neglect must make an oral report to the Department of Agriculture.

P.A. 11-240 DCF DIFFERENTIAL RESPONSE (eff. July 1, 2011)

This act permits DCF to establish a system of differential response to reports of child abuse and neglect. Under Section 1 of the act, a report classified as lower risk may be referred for family assessment and services to appropriate community providers without an investigation. Under this system, such a referral may be made provided that there has been an initial safety assessment of the family's and the child's circumstances and criminal background checks have been conducted on all adults involved in the report. If safety concerns for the child become evident, the report may subsequently be referred for standard child protective services. Conversely, a report referred for standard protective services may be referred for family assessment and services if DCF determines the child is at lower risk.

DCF is required to disclose all relevant information concerning the child and family to the community provider and the community provider is required to disclose to DCF all relevant information gathered. DCF may use this information only to monitor and ensure the safety and well-being of the child.

P.A. 11-240 POVERTY AND DEFINITION OF NEGLECT (eff. July 1, 2011)

Sections 2 and 3 of this act specify that a child cannot be found to be neglected if the evidence of neglect, ie abandonment, denial of proper care and attention or living in injurious conditions, results from impoverishment.

See also: Disclosure of Information from DCF to DPH (P.A. 11-242), p. 17
DCF Registry and SDE Certificates and Boards of Education (P.A. 11-93), p. 16

CHILD SUPPORT

P.A. 11-214 AMENDMENTS TO THE CHILD SUPPORT STATUTES (eff. October 1, 2011)

This act makes a number of minor and technical changes to the child support statutes, including the following:

- Child Support Guidelines Commission: The act codifies current Guidelines regulations that base orders on the incomes of both parents and that separately cover health care and child care contributions, in addition to child support and arrearage payments. It makes clear that the "legal

services” representative on the Commission must represent a legal services agency that “delivers legal services to the poor.” It allows the Connecticut Bar Association (CBA), rather than the Governor, to name the CBA representative on the Commission. It makes explicit that the Commissioner of Social Services is the person who must convene the Commission when a four-year review is required. It provides that actions of the 11-member Commission are valid as long as at least nine of its positions have been filled.

- Foster care cases: The act broadens the responsibility of the DSS Bureau of Child Support Enforcement (BCSE) to include all Title IV-E foster care support cases. It also specifies that parents must help the Department of Children and Families recoup foster care costs and adopts a formula that went into effect on October 1, 2008, for such collections. In addition, it makes clear that the assignment of child support does not extend to support obligations accrued before receipt of IV-E payments.
- Interstate support: The act reinforces the concept that Connecticut is bound by the child support decisions of the courts of other states, if they are the appropriate state of jurisdiction; extends Uniform Interstate Family Support Act rules and procedures to enforcing and collecting wage withholding orders; explicitly excludes such orders from the requirement that the order be reasonable in light of the obligor’s ability to pay and the provision that it be subject to modification for a substantial change in circumstances or deviation from the Child Support Guidelines; explicitly recognizes support orders from another state's administrative agency of competent jurisdiction; and specifies that in cases involving out-of-state obligors and in-state property, court confirmation of a registered order precludes any contest that could have been raised at the time of registration.
- Medicaid: The act makes clear that all Medicaid recipients are entitled to receive Title IV-D services. It also requires motions to modify Medicaid obligations to be filed with the Family Support Magistrate Division of the Superior Court.

P.A. 11-219 PATERNITY AND CHILD SUPPORT (eff. October 1, 2011)

This act makes numerous changes to statutes governing the Bureau of Child Support Enforcement (BCSE) of DSS and the Support Enforcement Services Division (SES) of the Judicial Branch.

- It expands automatic collection of child support through Title IV-D to include parents receiving Medicaid but limits collection in foster care cases to those in which a BCSE referral has been made.
- It eliminates the requirement that recipients of state assistance under TFA or foster care be given notice before redirecting collections on their behalf to the state. If the obligor successfully objects to redirection, any payments made must be refunded.

- It repeals the \$50 fee for amending a birth certificate when paternity is established by court order or paternity acknowledgement.
- It limits retroactive liability for support to three years from the filing of a written agreement to support. This conforms the rule for written agreements to the existing three-year limit on retroactive support when child support is ordered by a court.
- It restricts family support magistrates to approving or disapproving (but not modifying) IV-D agreements, requires a family support magistrate who disapproves an agreement to state the reasons on the record, and requires the clerk to schedule a hearing to determine the support amount. This makes it unnecessary to file a new petition for support. The act also removes from the notice to the obligor in interstate cases any reference to requesting modification of the award, in light of the rule that, in interstate cases, one jurisdiction has full control over support orders.
- It allows wage withholding orders to be served electronically on employers who agree to accept such service.
- It requires DSS, in Title IV-D cases, to disclose information about its clients to representatives of (a) DOC for the purpose of identifying inmates and parolees who may benefit from DOC programs that would significantly increase the obligor's ability to comply with child support orders; (b) the Judicial Branch to assist in IV-D program administration, identify family violence cases, or identify non-custodial parents whose ability to pay child support would benefit from Judicial Branch programs; and (c) the State Treasurer to identify delinquent obligors before making to payment to them for unclaimed or abandoned property. It also allows DSS to disclose information received from the DPH's paternity registry to the Judicial Branch and state and local enforcement agencies with which it has a cooperative agreement.
- In the case of a contested interstate support order, if an out-of-state agency fails to provide necessary documentation of the claim, the act authorizes the family support magistrate to continue the case for up to 45 days, to stay income withholding for up to 45 days, or to sustain the obligor's objection and order the employer to discontinue the wage withholding.
- It allows judicial marshals to serve capiases for contempt of court or failure to appear for a hearing in Title IV-D cases on any person in the custody of the marshal or in a courthouse where the marshal provides courthouse security, if so ordered by a family support magistrate.
- It adds unclaimed or abandoned property to the list of property that can be seized by the Title IV-D system if more than \$500 is owing.

CHILDREN

P.A. 11-116 KINSHIP CARE FOR CHILDREN IN DCF CUSTODY (eff. Oct. 1, 2011)

Section 1 of this act requires DCF to convene a working group to determine how to maximize kinship care for children in DCF custody. The working

group shall present a report by January 1, 2012, to the relevant committees of the General Assembly. The report shall summarize existing practices and policies and make recommendations. The working group is charged with, but not limited to, examining agency regulatory criteria, cultural competence in recruitment of relative homes, outreach practices and family conferencing.

Section 2 of this act allows DCF to waive requirements regarding bedroom sharing arrangements if it is in the best interests of the child and no procedure or standard that is safety-related is waived.

Section 3 requires DCF to report back to the Superior Court, not later than 30 days from the preliminary hearing, once they have completed an investigation regarding the appropriateness of placing a child with a relative, instead of simply making that determination.

DOMESTIC VIOLENCE

PA 11-152 DOMESTIC VIOLENCE (eff. Oct. 1, 2011, except Sec. 19 and 20, eff. from passage)

This act makes numerous changes to various statutes concerned with domestic violence.

- Stalking: Section 1 of this act adds stalking and a pattern of threatening to the acts that can trigger an application for a restraining order.
- Domestic Violence in Dating Relationships: Section 3 extends the requirement that a peace officer arrest a person suspected of the commission of a family violence crime to family violence crimes that occur in a dating relationship.
- Trauma-informed Care: Section 3 adds contact information for a regional family violence organization that can provide or refer the victim to counselors trained in providing trauma-informed care to the information that peace officers must provide family violence victims. Section 4 adds providing trauma-informed care or a referral to a counselor who provides trauma-informed care to the duties of local family violence intervention units.
- Family Violence Response and Intervention Units - Section 4 of this act (a) requires Judicial Department family relations counselors, counselor trainees and family services supervisors to disclose to DCF employees information that a defendant in a family violence case poses a danger or threat to a child or the custodial parent of a child; (b) allows these Judicial Department employees to disclose to a probation officer, for the purpose of preparing a presentence investigation report, information regarding the convicted defendant in a family violence case and information concerning the same defendant provided in any

other case that resulted in the conviction of the defendant; and (c) allows these employees to disclose to an organization providing family violence programs and services, for the purpose of determining program and service needs, information regarding a defendant who is a client of the organization, provided the disclosed information does not identify the victim.

- Fee Increases: A nonrefundable application fee of \$100 is imposed on a defendant who applies to participate in a pretrial family violence education program and the fee for participation in such a program is raised from \$200 to \$300.
- Protective Orders: Section 5 of this act adds risk of injury to a child or impairing the morals of a child to the list of crimes for which a standing criminal protective order can be issued.
- Restitution Services: Section 6 of this act adds victims of domestic violence and their family members to the people for whom the Office of Victim Services or a victim compensation commissioner may order restitution services, except that these services shall not be offered to the person responsible for the child abuse, sexual assault, domestic violence or homicide.
- Guardians Ad Litem: Sections 7 and 8 of this act add guardians ad litem or attorneys in neglect, abuse, termination of parental rights, delinquency or family with service needs proceedings appointed by the Commission on Child Protection or a court to the definition of “state officers and employees” and includes their work in the definition of “scope of employment” in the statutes dealing with claims against the state. This has the effect, among others, of shielding them from personal liability when they are acting within the scope of their employment in these cases.
- Transfer of Firearms: Section 9 of this act limits to whom certain persons subject to restraining or protective orders can transfer firearms if the person is no longer eligible to possess firearms. Under the amended statute, a person subject to a restraining or protective order after a hearing, in a case involving the use or threatened use of force against a person, who chooses to transfer the firearm rather than deliver it to the Commissioner of Public Safety, can only dispose of firearms in his/her possession by selling them to a federally-licensed firearms dealer. This restriction applies whether or not the person was convicted of the offense leading to the restraining or protective order.

Under existing law, a person who is no longer eligible to possess a firearm and disposes of the firearm by delivering it to the Commissioner of Public Safety has the right to transfer the firearm to an eligible recipient within a year. If the person is subject to a restraining or protective order as described above, the person may only transfer the firearm by selling it to a federally-licensed firearms dealer.

- Protected Persons: Sections 11 through 13 of this act specify that a person who is listed as a protected person in a protective order, standing criminal protective order, restraining order or foreign order of protection cannot be held criminally liable for soliciting, requesting, commanding, importuning or intentionally aiding in the order's violation or conspiring to violate the order.
- Spousal privilege: Section 14 of this act permits a spouse to be compelled to testify against his/her spouse in a criminal proceeding involving (1) joint participation in criminal conduct, (2) violence, including sexual assault, attempted, committed or threatened upon the spouse or (3) violence, including sexual assault or risk of injury to a child attempted, committed or threatened upon a minor child of either spouse or a minor child in the care or custody of either spouse.

Section 15 allows the testimony of a spouse regarding a confidential communication to be compelled in a criminal proceeding against the spouse for (1) joint participation in criminal conduct or conspiracy to commit a crime, (2) violence, including sexual assault, attempted, committed or threatened upon the spouse or (3) violence, including sexual assault or risk of injury to a child attempted, committed or threatened upon a minor child of either spouse or a minor child in the care or custody of either spouse.

- Task Force: Section 19 of this act establishes a task force to evaluate policies used by law enforcement agencies when responding to family violence or violations of restraining or protective orders and to develop a model policy for use by law enforcement agencies when responding to family violence and violations of protective orders. The task force will include a representative of the legal aid programs in Connecticut. The task force is to submit a report to the relevant committees of the General Assembly by December 1, 2011, and will terminate by January 1, 2012 or the date it submits its report, whichever is later.
- Studies by Chief Court Administrator: Section 20 of this act requires the Chief Court Administrator to conduct studies of (1) the pretrial family violence program and (2) the domestic violence dockets and related contracted programs using a results-based accountability framework. The studies are to be submitted to the relevant committee of the General Assembly by January 1, 2012.

OTHER FAMILY AND CHILDREN

- P.A. 11-51 EXPANDING JURISDICTION OF JUVENILE JUSTICE SYSTEM (eff. from passage)
 Sec. 34 of this act requires the previously-created Juvenile Jurisdiction Policy and Operations Coordinating Council to submit, by January 1, 2012, to the Governor and the relevant committees of the General Assembly a report on

recommendations on expanding the jurisdiction of the juvenile justice system to people aged 17.

P.A. 11-109 ACCOUNTABILITY REPORT ON STATE CHILDREN'S PROGRAMS (eff. July 1, 2011)

This act requires the legislature's Select Committee on Children to maintain an annual report card on state policies and programs which have the goal of promoting stable, safe, healthy, and productive environments and lives for children. The first report card is due on January 15, 2012, and the Committee must prepare a report annually thereafter. The report card is to be available to the public on the General Assembly website and electronic copies are to be sent to other relevant legislative committees, the Departments of Children and Families, Public Health and Education, the Child Advocate, the Secretary of the Office of Policy and Management, and the Chief Court Administrator.

According to Section 1(b) of the act, the committee must consult with a working group made up of representatives of relevant state agencies, schools, parents, child caretakers, private provider agencies, child advocacy organizations, child and family healthcare professionals, child care providers, and other relevant community organizations.

P.A. 11-167 ACCESS TO DCF RECORDS (eff. Oct. 1, 2010)

This act makes extensive changes to C.G.S. 17a-28, the statute requiring and permitting disclosure of otherwise confidential DCF records without the consent of the person named in those records. This summary attempts to highlight some of the most significant changes in the disclosure statute but does not summarize or identify all the changes in this act. Among the significant changes are:

- Changes to Mandatory DCF Disclosures: DCF is now required to disclose otherwise confidential records to additional parties without the consent of the person named in the records. These additional parties include: the Child Advocate; foster or prospective adoptive parents; employees of DMHAS for the purpose of treatment planning; probate judges as required to perform their official duties; and DDS for limited purposes. In some cases, the act limits the circumstances under which disclosure is required. In other cases, the act expands the circumstances under which disclosure must be made to some parties.

The act also mandates disclosure of these records to parties which previously were eligible only for discretionary disclosures. In some cases, the mandatory disclosures are more limited than the discretionary disclosures were. Among those who are now eligible for

mandatory disclosures are state attorneys general and judges of the Superior Court.

- Changes to Discretionary Disclosures: Parties to which DCF may, under certain conditions, disclose records without the consent of the person named in the record now include DCF employees involved in a relevant court, administrative or disciplinary proceeding; DCF contractors for the purpose of identifying and assessing potential foster and adoptive parents; law enforcement officials; individuals interviewed in a child abuse or neglect investigation who is not otherwise entitled to disclosure; individuals looking for a missing parent or child; a court when a DCF employee is testifying about the records; and non-DCF employees performing functions on DCF's behalf.

HEALTH CARE, HEALTH INSURANCE, AND MEDICAL ASSISTANCE

HEALTH CARE REFORM

P.A. 11-53 STATE HEALTH INSURANCE EXCHANGE ESTABLISHED (eff. from passage)

This act establishes the Connecticut Health Insurance Exchange as a quasi-public agency to implement the health exchange(s) required by the federal Affordable Care Act. Exchanges are required to be in place by January 1, 2014. Under the act, a 14-member board manages the exchange, including operating an online marketplace where individuals and small employers with up to 50 employees can compare and purchase health insurance plans that meet federal requirements.

- Goals: Sec. 5(b) of the act establishes the goals of the exchange as “reduc[ing] the number of individuals without health insurance in this state and assist[ing] individuals and small employers in the procurement of health insurance....”
- Basic Health Program: Sec. 5(c)(17) of this act authorizes the exchange to evaluate, with the SustiNet Health Care Cabinet, the feasibility of implementing a Basic Health Program option in Connecticut to provide coverage for individuals with incomes between 133% and 200% of the federal poverty level.
- Interaction with Medicaid and CHIP: Sec. 6 of this act specifies the duties of the exchange, which include, in Sec. 6(10), informing individuals of the eligibility requirements for Medicaid and CHIP and enrolling individuals in these programs if they are eligible and, in Sec. 6(11), collaborating with DSS to ensure, to the extent possible,

that individuals who lose premium tax credit eligibility and become eligible for HUSKY or another state or federal health care program remain enrolled in a “qualified health plan”, i.e. a plan that includes at least the essential benefits determined under the ACA.

- Stakeholder Participation: Sec. 6(22) requires the exchange to consult with stakeholders, including DSS and advocates for enrolling hard to reach populations.
- “Qualified Health Plan” Definition: Under Sec. 8 of this act, a health benefit plan may be considered a “qualified health plan” in the exchange if:
 - the plan includes at least the essential benefits determined under the federal Affordable Care Act and the coverage requirements set out in Chapter 700c of the Connecticut statutes, except that the plan need not include the minimum benefits of qualified dental plans if at least one qualified dental plan is available to supplement the health benefit plan’s coverage and the health carrier prominently discloses that the plan does not provide the full range of essential pediatric benefits and that qualified dental plans providing those benefits and other dental benefits not covered by the health benefit plan are offered through the exchange;
 - the premium rates and contract language have been approved by the Insurance Department;
 - the plan covers at least 60% of the cost of essential health benefits, unless it is a catastrophic plan and offered only to people eligible for such plans, i.e., people under 30 years old or exempt from the ACA’s requirement to carry health insurance;
 - the plan’s cost-sharing requirements do not exceed federal limits; the carrier offering the plan is licensed and in good standing in the state; agrees to offer at least one qualified plan at higher levels of coverage in components of the exchange offering programs for small employers and individuals; charges the same premium for qualified health plans whether offered inside or outside the exchange; does not charge cancellation fees prohibited by this act; and complies with relevant federal and state regulations;
 - the plan meets the requirements for certification in this act and federal regulations;
 - the exchange determines that making the plan available through the exchange is in the interest of qualified individuals and employers in Connecticut.
- Report to Governor and General Assembly: Sec. 12 of this act requires the chief executive officer of the exchange to report to the

Governor and the General Assembly on a plan to establish a health insurance exchange in the state by January 1, 2012, 2013 and 2014.

- Freedom of Information: Sec. 13 of this act makes the exchange subject to the Freedom of Information Act, except that names and applications of individuals and employers seeking coverage, individual's health information and information shared between the exchange and other state agencies that is subject to confidentiality agreements is not subject to disclosure.

P.A. 11-242 HEALTH INFORMATION TECHNOLOGY (eff. July 1, 2011)

Section 74 of this act requires the Health Information Technology Exchange of Connecticut's board to establish an advisory committee on patient privacy and security. This section outlines the appointment process, committee makeup and charge of the committee. The board must include information provided by the committee in its annual report to the legislature and governor.

See also: Medicaid Health Information Technology Plan and Electronic Health Records (P.A. 11-137), p. 35

MEDICAID/SAGA/HUSKY B

P.A. 11-44 ADULT DENTAL COVERAGE IN MEDICAID (eff. July 1, 2011)

Sec. 81 of this act requires that DSS limit the nonemergency adult dental services available to healthy adults through Medicaid. This section specifically limits periodic dental exams, dental cleanings and bitewing x-rays to one per year as a covered Medicaid service but also authorizes DSS to make other unspecified changes in adult dental services.

This section further permits DSS to implement policies and procedures to administer this program without formally adopting regulations for up to three years. DSS must print notice of its intent to adopt regulations not later than 20 days after implementing policies and procedures. These policies and procedures then remain valid for up to three years without formal regulations.

If DSS has not submitted proposed regulations to the Regulation Review Committee within 3 years, it must, not later than 35 days prior to expiration of the three year period, submit written notice to relevant committees of the General Assembly of the reasons why the proposed regulations have not been submitted and when DSS will submit the proposed regulations. The Regulation Review Committee may require DSS to appear before the Committee to answer questions about the delay and the policy and may request the Human Services Committee to review the issue. The Human

Services Committee may hold a hearing on the issue and make recommendations to the Regulation Review Committee.

P.A. 11-44 FOREIGN LANGUAGE INTERPRETATION IN MEDICAID (eff. July 1, 2011)

Sec. 85 of this act postpones until July 1, 2013 adoption of foreign language interpreter services as a covered service in Medicaid. This section also removes authorization to develop a billing code for foreign language interpreter services for HUSKY B, thereby eliminating the plan to provide foreign language interpreter services in HUSKY B.

P.A. 11-44 PODIATRY AS A COVERED SERVICE IN MEDICAID (eff. July 1, 2011)

Sec. 85 of this act requires that DSS add podiatry as a covered Medicaid service by October 1, 2011.

P.A. 11-44 VISION SERVICES COVERED BY MEDICAID (eff. July 1, 2011)

Section 94 of this act restricts the number of pairs of eyeglasses that will be paid for by Medicaid to one pair every two years. Sec. 1 of P.A. 11-48 permits payment for an additional pair of eyeglasses if required by a change in medical condition.

P.A. 11-44 SMOKING CESSATION AS COVERED MEDICAID SERVICE (eff. Jan. 1, 2012)

Section 106 of this act requires DSS to provide the full range of smoking cessation treatments, including prescription drugs and over-the-counter drugs and counseling, as a covered service under Medicaid.

P.A. 11-44 HUSKY B COST-SHARING (eff. from passage)

Section 109 of this act broadens DSS' power to impose premiums on participants in the HUSKY B program by removing specific limits currently in statute and requiring only that the premiums be in accordance with federal law. In addition, DSS may increase premiums in HUSKY B at the same rate that the Consumer Price Index for medical care services increases for the 2012 and 2013 fiscal years.

P.A. 11-44 MEDICAID FOR LOW-INCOME ADULTS (eff. July 1, 2011)

Section 116 of this act permits DSS to establish an alternative benefit package for participants in the Medicaid program for low-income adults (MLIA). MLIA is a Medicaid coverage group added in April, 2010, which covers low-

income adults who do not otherwise qualify for Medicaid, i.e. they are not elderly, disabled or the parents or caretaker relatives of children in the HUSKY A portion of Medicaid.

DSS may implement policies and procedures to establishing an alternative benefit package in MLIA, without formally adopting regulations for up to three years. DSS must print notice of its intent to adopt regulations not later than 20 days after implementing policies and procedures. These policies and procedures then remain valid for up to three years without formal regulations.

If DSS has not submitted proposed regulations to the Regulation Review Committee within 3 years, it must, not later than 35 days prior to expiration of the three year period, submit written notice to relevant committees of the General Assembly of the reasons why the proposed regulations have not been submitted and when DSS will submit the proposed regulations. The Regulation Review Committee may require DSS to appear before the Committee to answer questions about the delay and the policy and may request the Human Services Committee to review the issue. The Human Services Committee may hold a hearing on the issue and make recommendations to the Regulation Review Committee.

P.A. 11-44 SAGA MEDICAL ELIMINATED (eff. July 1, 2011)

Sections 120 through 141 and Sec. 178 of this act eliminate the SAGA medical program and related statutory references to the program. To a large extent, the SAGA medical program has been replaced by the Medicaid program for Low-Income Adults (MLIA).

P.A. 11-44 PRESCRIPTION DRUG MANAGEMENT PROGRAM (eff. July 1, 2011)

Section 143 of this act, as amended by Sec. 127 of P.A. 61, requires DSS to contract with a patient-centered medical home, health home or pharmacy organization to provide a therapy management program in Medicaid to review and manage participant medications.

P.A. 11-44 MEDICAID STATE PLAN AMENDMENT REVIEW PROCESS (eff. July 1, 2011)

Section 144 of this act requires that a proposed Medicaid state plan amendment which puts forward a change which would have required a waiver but for the legislation adopting federal health care reform must be subject to legislative review similar to the review required prior to submission of a waiver request to the federal government. The reviewing committees may, but, unlike the process for reviewing a waiver proposal, are not required, to hold a public hearing on such proposed state plan amendments. If the committees choose to hold a hearing, the full process for legislative approval

of a waiver submission is triggered. The timeframes for the state plan amendment process are slightly different from the timeframes for the waiver review process.

P.A. 11-44 **MEDICAID OVERSIGHT COUNCIL REVAMPED** (eff. July 1, 2011)

Section 167 of this act redesigns and renames the Council on Medicaid Care Management Oversight to reflect its broader mandate to oversee all state medical assistance programs and particularly to oversee the transition within Medicaid from fee-for-service and capitated managed care programs to management by one or more Administrative Service Organizations (ASOs). The new name of the Council is the Council on Medical Assistance Program Oversight and representatives of Medicaid participants who are dually-eligible for Medicaid and Medicare, who are aged, blind or disabled or who are low-income adults are added to the Council.

P.A. 11-137 **MEDICAID HEALTH INFORMATION TECHNOLOGY PLAN AND ELECTRONIC HEALTH RECORDS** (eff. from passage)

Section 1 of this act requires DSS to develop and implement a Medicaid health information technology plan and an incentive program to encourage hospitals and other health care providers to adopt and use electronic health records.

MEDICAL ASSISTANCE PROGRAMS - GENERAL

P.A. 11-44 **CHARTER OAK HEALTH PLAN COST-SHARING** (eff. Sept. 1, 2011)

Section 80 of this act (a) limits eligibility to the Charter Oak Health Plan (COHP) to residents who have been uninsured for six months, are not eligible for other publicly funded health programs and are ineligible for the high-risk pool established pursuant to the federal ACA; (b) reduces the premium assistance available to low-income COHP participants and (c) eliminates premium assistance for COHP participants who enter the program after May 31, 2010.

P.A. 11-44 **DELAYS IN DEVELOPING REGULATIONS** (eff. from passage)

Section 83 of this act requires DSS to report to the relevant committees of the General Assembly by July 1, 2012 on DSS' regulation process and the status of policies and procedures implemented by DSS for which proposed regulations have not been submitted to the Regulation Review Committee. This report must address policies implemented pursuant to Sec. 81 (adult dental Medicaid services), Sec. 110 (medical home model), Sec. 116 (Medicaid for Low-Income Adults) and Sec. 160 and can include other

policies.

P.A. 11-44 MEDICAL HOMES IN STATE MEDICAL ASSISTANCE PROGRAMS
(eff. from passage)

Section 110 of this act authorizes DSS to establish medical homes as a model for delivering care in medical assistance programs administered by the department and to implement policies and procedures necessary to do this without formally adopting regulations, subject to the procedure described below.

This section also permits DSS to pursue various optional initiatives authorized in federal health care reform legislation, including, among other initiatives, coverage of family planning services, provision of health homes to medical assistance beneficiaries with chronic conditions, establishment of Medicaid payments to institutions for mental disease demonstration project, and establishment of a dual eligible demonstration project, without formally adopting regulations, subject to the procedure described below.

DSS may implement policies and procedures to administer these initiatives, including establishing a medical homes model, without formally adopting regulations for up to three years. DSS must print notice of its intent to adopt regulations not later than 20 days after implementing policies and procedures. These policies and procedures then remain valid for up to three years without formal regulations.

If DSS has not submitted proposed regulations to the Regulation Review Committee within 3 years, it must, not later than 35 days prior to expiration of the three year period, submit written notice to relevant committees of the General Assembly of the reasons why the proposed regulations have not been submitted and when DSS will submit the proposed regulations. The Regulation Review Committee may require DSS to appear before the Committee to answer questions about the delay and the policy and may request the Human Services Committee to review the issue. The Human Services Committee may hold a hearing on the issue and make recommendations to the Regulation Review Committee.

P.A. 11-44 IMMIGRANT HEALTH CARE COVERAGE (eff. from passage)

Section 118 of this act adjusts the statute adopted in 2009 to eliminate health care coverage for most low-income recent legal immigrants who are not children or pregnant women. Under the revisions adopted in this section, continuing health care coverage is provided only to qualified aliens not eligible for Medicaid because they have been in the country for less than five years who are receiving home care or nursing home care as of June 30, 2011

or who are in a nursing home and have applied for state-funded medical assistance before June 1, 2011.

Under existing law, DSS may make payments, within available appropriations, to long-term care facilities for the care of certain illegal immigrants. Sec. 119 of this act restricts these payments to payments for the care of immigrants who were admitted to the facilities before July 1, 2011.

P.A. 11-242 BREAST AND CERVICAL CANCER PROGRAM (eff. Oct. 1, 2011)

Section 29 of this act changes the definition of “unserved or underserved populations” who are eligible for services under the breast and cervical cancer early detection and treatment referral program, by raising the minimum age for eligibility from 19 to 21. The act also eliminates the requirement of a 60-day follow-up pap test for victims of sexual assault.

P.A. 11-242 SCHOOL-BASED HEALTH CENTERS (eff. from passage)

Section 44 of this act establishes a school-based health center advisory committee to assist DPH in developing recommendations to improve health care through access to school-based health centers. The committee must report to the relevant committees of the General Assembly by January 1, 2012.

See also: NURSING HOMES/LONG-TERM CARE, p. 11
CONNPACE/MEDICAL SAVINGS PROGRAMS, p. 10
Medicare Part D Supplemental Needs Fund (P.A. 11-44), p. 38

NURSING HOMES AND LONG-TERM CARE

P.A. 11-242 NURSING HOME WAITING LISTS (eff. Oct. 1, 2011)

Current law allows a nursing home to disregard its waiting list in order to admit an applicant seeking a transfer from a nursing home that is closing. Section 52 of this act also allows the waiting list to be disregarded when the transfer is from a nursing home where the applicant was placed (1) following the closure of a home where they had previously resided or (2) due to the anticipated closure of a home where they had previously resided. However, the transfer permitted by this section must not occur more than 60 days after the date the applicant was transferred to the previous home and the applicant must have submitted an application to the nursing home to which they seek admission at the time of the transfer from the nursing home where they previously resided.

See also: NURSING HOMES/LONG-TERM CARE, p. 11

PRESCRIPTION DRUGS

P.A. 11-44 PRESCRIPTION DRUGS TO PREVENT HIV FOR VICTIMS OF SEXUAL ASSAULT (eff. July 1, 2011)

Section 173 of this act requires DPH to establish a program to provide financial assistance for prescription drugs for the prevention of HIV to victims of sexual assault. DCF must give priority for benefits to uninsured or underinsured victims for whom the program is the payor of last resort. The program will be funded out of AIDS Services funding.

P.A. 11-44 MEDICARE PART D SUPPLEMENTAL NEEDS FUND (eff. July 1, 2011)

Section 178 of this act eliminates the Medicare Part D Supplemental Needs Fund, which was used to purchase prescription drugs not covered by Medicare Part D for eligible individuals. Funding for this program was eliminated earlier and DSS stopped making payments from the Fund in January of 2010.

See also: Prescription Drug Management Program (P.A. 11-44), p. 34

H O U S I N G

LANDLORD-TENANT AND FORECLOSURE

P.A. 11-6 T-RAP (eff. July 1, 2011)

The Transitional Rental Assistance Program (T-RAP) provides a one-year rent subsidy to tenants who are employed at least 12 hours per week at the time that they leave the Temporary Family Assistance Program (TFA) or have income that exceeds the payment standard. The state budget terminates funding for the program.

P.A. 11-44 SECURITY DEPOSIT GUARANTEE PROGRAM (eff. July 1, 2011)

Section 96 of this act tightens the Security Deposit Guarantee Program in several different ways:

- Notice to quit: It limits eligibility for the program based on imminent eviction to tenants who have received a summary process writ, rather than merely a notice to quit.
- Co-payment: If a tenant with an income exceeding 150% of federal poverty level applies for a guarantee, and if that tenant has had a previous guarantee on which DSS paid a claim to a landlord, the act requires the

tenant to contribute 5% of one month's rent to payment of the security deposit in order to receive another guarantee. DSS may waive this requirement for good cause.

- Two-claim lifetime limit: The act allows DSS to eliminate eligibility for a tenant on whose behalf DSS has twice made payouts on claims submitted by landlords.
- Proof of damages: The act heightens the proof required from landlords to support payout on a claim by requiring receipts for repairs made, rather than estimates of repairs not yet made. It gives the landlord a maximum of 45 days after the termination of the tenancy to submit such claims. The act also precludes claims for an apartment which the tenant vacated because substandard conditions made the apartment uninhabitable, as determined by a local, state, or federal agency.

The narrative to the state budget projects that these changes will reduce state expenditures for the Security Deposit Guarantee Program by about \$250,000 per year.

P.A. 11-94 SECURITY DEPOSIT INTEREST RATES (eff. January 1, 2012)

Under existing law, the Banking Commissioner sets the minimum interest rate that landlords must pay on tenant security deposits, which is based on a Federal Reserve Board index. The statute provides, however, that the rate can never be set at less than 1.5%. This act repeals the 1.5% minimum.

P.A. 11-201 FORECLOSURE MEDIATION PROGRAM (eff. Oct. 1, 2011)

Sections 1 through 5 of this act extend the Foreclosure Mediation Program (FMP) two years -- until July 1, 2014. (Section 31 of P.A. 11-51 also contains provisions extending the FMP.) This act also stays proceedings during mediation, extends the mediation period to up to eight months, and makes other changes in mediation procedures:

- Exchange of information: The act requires the foreclosure complaint to include contact information for CHFA-approved consumer counseling agencies and a mediation information form on which to provide financial and other information useful in the mediation process. The form is to be developed by the Chief Court Administrator in consultation with the banking industry and consumer advocates. The mediation information form, along with accompanying documentation, is to be delivered to the mortgagee's counsel at least 15 business days before the first mediation session. Within that same time period, counsel for the mortgagee is required to deliver to the mortgagor an account history of all credits and debits during the preceding 12 months and contact information for a person able to process requests to refinance or modify the mortgage loan

(including a direct phone number, fax number, and email address). The failure by either the mortgagor or the mortgagee to comply with these requirements is not a basis to terminate the mediation period before or after the first mediation session but may become a basis if non-compliance continues to subsequent mediation sessions.

- Notice of first mediation: The act increases the time in which to schedule the first mediation session to 35 days after notice is given (it was previously 15 days). Notice about counseling agencies and the need to return the mediation information form is to be repeated in the notice sent by the court of the first mediation session.
- Stay of proceedings: The act stays proceedings in the foreclosure action, and bars the mortgagee from filing motions to move the action forward, for as long as mediation is active up to a maximum of eight months. Existing law allows the mortgagee to file pleadings, including default motions, during mediation. If the mediation period terminates in less than eight months, the stay continues for only 15 additional days. The mortgagor is allowed to file a motion to dismiss, but any other motions filed by the mortgagor are deemed to waive the stay. Once the stay ends, the mortgagee may simultaneously file a motion for default and a motion for judgment.
- Mediation procedures: The act requires that a mortgagee who is not physically present for a mediation session be available by speakerphone. It requires the attendance of only one mortgagor at mediation sessions after the first session as long as the other mortgagors are available by speakerphone.
- Religious organizations: Under existing law, the FMP covers only mortgage foreclosures against owner-occupants of one- to four-family houses. The act expands the program for most purposes to include mortgage foreclosures against religious organizations.
- Loss Mitigation Task Force: The act creates an 11-person task force to review and evaluate CHFA's loss mitigation programs. The task force report is due by January 1, 2012.

P.A. 11-201 CODIFICATION OF PTFA (eff. on passage)

Sections 7 and 8 of this act adopt the federal Protecting Tenants at Foreclosure Act (PTFA) as state law but with a sunset date that goes three years beyond the federal sunset date. Because the federal protections are greater than existing state protections under C.G.S. 47a-20e, these sections effectively supersede 47a-20e until the end of 2017.

PTFA (and therefore these sections) provide that any immediate successor in interest to the owner of a residential property or dwelling that is foreclosed takes the property subject to the right of a "bona fide" tenant (a) to continue to occupy the premises until the end of the tenant's lease or for 90 days,

whichever is later, and (b) to receive a notice giving at least 90 days to vacate. The act by its terms covers tenants under a written lease, an oral month-to-month lease, or no lease at all (i.e., tenants at sufferance). The immediate successor in interest is also required to assume any Section 8 contract with the prior owner. The lease and Section 8 period may be shortened if the immediate successor in interest sells the property to a purchaser who will occupy the unit as a primary residence, but a 90-day notice is still required. A lease or tenancy is bona fide if (a) it is the result of an arms-length transaction and (b) it requires the receipt of rent that is not substantially less than fair market value (except for government subsidized rents). The mortgagor and the mortgagor's child, spouse, and parents are not considered bona fide tenants and are therefore not protected by the act.

The act provides explicitly that its time limits for vacating are minimums and do not preempt any state, local, or federal laws that require a longer time period or additional protections. It thus does not affect the rights of any tenants, such as those covered by C.G.S. 47a-23c, who are protected by just cause eviction from dispossession based on foreclosure.

The federal PTFA sunsets on December 31, 2014, unless extended. This act does not sunset until December 31, 2017. As a result, the protections of this act, which are identical to those of the federal act, will continue for at least three years beyond the current federal sunset date.

P.A. 11-201 NEIGHBORHOOD PROTECTION ACT (eff. October 1, 2011)

Sections 13 through 15 of this act modify and expand the existing requirement that foreclosing parties register their foreclosures with the municipality and provide the municipality with contact information. In particular:

- Buildings covered: Existing law requires registration only of foreclosures of one- to four-family buildings. This act requires registration of foreclosure of any building with one or more residential units.
- Occupied buildings: Existing law covers only vacant buildings. This act requires registration of all covered buildings, whether occupied or vacant.
- Timing of registration: Existing law does not require registration until title passes at the end of the foreclosure action. This act requires an initial registration at the beginning of the action when the lis pendens is filed and a second registration (or an update if the foreclosing party becomes the owner of the property) within 15 days after title is transferred at the completion of the foreclosure.
- Place of filing: Existing law allows the foreclosing party to file with either the town clerk or the Mortgage Electronic Registration System (MERS). This act eliminates the option of registering with MERS. The act is explicit that registration with the town clerk is to be maintained

separate from the land records. The act also changes the filing fee from \$100 for one registration to a land record filing fee for each registration.

- Civil penalty: Existing law includes no penalty for failure to register. This act establishes a civil penalty of \$100 for each failure to register at the initiation of the foreclosure action (to a maximum of \$5,000 per registrant) and \$250 for each failure to register after transfer of title (to a maximum of \$25,000 per registrant). The civil penalties do not become liens on the property and must be enforced by the municipality by civil action.

The act makes explicit that the foreclosing party is not responsible for maintenance of the property before title passes.

See also: Ending Gender Identity and Expression Discrimination
(P.A. 11-55), p. 1.

PROPERTY TAXES

P.A. 11-96 PROPERTY TAX ASSESSMENTS IN DESIGNATED REHABILITATION AREAS (eff. October 1, 2011)

Existing law allows municipalities to defer an increased property tax assessment on property located in a designated rehabilitation area if the owner agrees to rehabilitate the property or to build new multi-family rental or cooperative housing on it. This act provides that, if the rehabilitation area is a brownfield, the municipality may apply the same assessment deferral if the owner agrees to build a new common interest community, a mixed-use (housing and commercial) development, or a commercial development.

P.A. 11-212 PROPERTY TAX PHASE-IN IN HARTFORD (eff. with assessment years beginning October 1, 2011)

Under existing law, all properties in a town are to be assessed at 70% of their value for purposes of imposing property taxes. By statute, however, the legislature has allowed a specific category of cities -- of which the City of Hartford is the only member -- to assess residential properties at a much lower effective rate, which results in a shift of a portion of the total tax burden to commercial properties. This holds down taxes for homeowners and landlords, which in turn reduces some of the pressure for rent increases. That statute, however, sunsets this year. This act avoids a large increase in property tax bills for homeowners and residential landlords by allowing Hartford to continue to have a special rule but changing the substance of the rule.

- Apartment buildings (buildings with four or more units): Apartment buildings are to be assessed at 50% of fair market value in 2011,

increasing proportionately to 70% of fair market value in 2015.

- Residential property (buildings with one to three units): For 2011, the Hartford residential assessment rate must produce an average increase in property tax attributable to revaluation of 3.5% for residential properties (and must produce an average assessment of at least 23% of fair market value). For each of the next four years, the tax assessor must adjust the assessment rate based on the extent to which Hartford property tax revenues increase beyond the rate of inflation, with no increase if such revenues fall by 0.5% or more but otherwise with graduated increases to a maximum of 5% per year if Hartford's tax revenues increase by more than double the rate of inflation. The act thus produces a phase-in toward a 70% assessment rate for residential properties that could be as high as 23.5% over five years but could be much lower, depending on the extent to which Hartford limits tax revenue growth.

The act also overrides the Hartford charter to allow 1% of Hartford voters to petition for a budget referendum if the budget will produce tax revenues that are more than 2.6% higher than the previous year. Hartford's charter has no provision for referenda. If the budget does not pass, then it must be reduced to bring the increase down to 2.6%.

PUBLIC HOUSING

P.A. 11-57 CORBIN AND PINNACLE HEIGHTS (eff. July 1, 2011)

Section 85 of this act corrects June Special Session Sp.A. 05-1, as amended by P.A. 10-44, to make clear that the state funds for public housing revitalization in New Britain are for Pinnacle Heights Extension and Corbin Heights, rather than Pinnacle Heights and Corbin Heights Extension.

P.A. 11-72 TENANT PARTICIPATION IN PUBLIC HOUSING REVITALIZATION (eff. October 1, 2011)

This act creates a mandatory process to assure that public housing residents will have "meaningful" participation during the planning, implementation and monitoring of any "major physical transformation," sale, lease, or demolition of the public housing in which they live, beginning with the earliest stages of concept and design. A major physical transformation is one for which the estimated cost exceeds 50% of the replacement value of the property. The role for residents is to be reflected in a resident participation plan to be negotiated between the housing authority and its residents and resident organizations. The act specifically requires the housing authority to negotiate in good faith and to make all reasonable efforts to enter into a signed agreement with representatives of the tenants.

A resident participation plan must include at least the following:

- Notice to residents of their right to organize and to participate in tenant organizations without interference from the housing authority;
- Regular and substantial involvement of representatives of an elected tenant organization in implementing the participation plan;
- Provision of information about independent organizations that can assist the tenants on housing policy, resident outreach, training, organizing, and legal rights;
- Inclusion, at the discretion of residents, of tenant advocates or other tenant assistance providers in all resident participation activities;
- Convenient availability of all significant documents;
- Tenant involvement, advice, and recommendations on all aspects of the revitalization, including the details of the project; the design, number, size, and configuration of housing units; architectural design and landscaping; employment of residents and resident-owned businesses; future resident services and enrichment features affecting residents' quality of life; the level of occupancy to be maintained prior to the start of the major transformation; the proposed rent levels and affordability restrictions; home ownership opportunities; displacement and relocation plans and benefits; the degree of replacement of lost public housing units; the extent of the right of displaced tenants to return to the development; and the governance of the development after reconstruction, including grievance procedures and resident participation in management decisions.

The act makes housing authorities ineligible for financial assistance from DECD or CHFA unless they have adopted and implemented a resident participation plan. In awarding financial assistance, the act requires DECD and CHFA to give "full consideration" for funding preference to housing authorities whose tenant representatives signed onto the participation plan agreement.

P.A. 11-168 STATE-ASSISTED HOUSING SUSTAINABILITY FUND (eff. from passage)

In 2007, the General Assembly created a State-Assisted Housing Sustainability Fund to help housing authorities make repairs to state public housing in the State Moderate Rental and State Elderly housing programs. The 2007 law also created an advisory committee to screen and prioritize applications to the fund.

Sections 1 and 2 of this act remove the requirement that DECD consult with the advisory committee on the criteria, priorities, and procedures for awarding financial assistance from the Fund and on its annual report on Fund

operations, and it merges the annual Fund report into DECD's more general annual report. The act also repeals the requirement that the Advisory Committee approve DECD's budget for administering the program. It substitutes the legislature's Housing Committee as the entity with whom the Commissioner consults in the establishment of standards and criteria and the making of awards. The act also repeals the requirement that DECD adopt regulations for the Fund and that loan guidelines permit deferred repayment of principal and interest.

P.A. 11-203 ELECTION OF TENANT COMMISSIONERS (eff. October 1, 2011)

Under existing law, every housing authority board is required to have at least one member who is (or, if a current Section 8 voucher holder, once was) a public housing resident. The tenant commissioner is appointed by the same appointing authority who appoints the other housing authority commissioners -- the chief executive officer in municipalities and the town council or board of selectmen in other towns. This act allows housing authority tenants to elect the tenant commissioner. It also brings the Connecticut statute into compliance with federal requirements that apply to towns with federal public housing.

- Election Process: The act requires the housing authority to notify all housing authority tenants and tenant organizations at least 60 days before the expiration of the term of the tenant commissioner or before the tenant commissioner vacancy is filled. The tenant commissioner must be chosen by the tenants if either (a) 10% of the tenants, or 75 tenants if that is less, petition for an election within 30 days after the notice or (b) a recognized jurisdiction-wide public housing tenants organization makes the selection of the tenant commissioner within 90 days of the notice in accordance with its by-laws. Depending on the by-laws, that selection may be by election by all tenants, by vote of the board of the tenant organization, or by other means. The housing authority is required to give all tenants at least 30 days' written notice of the election and must use its best efforts to secure an impartial entity to administer the election. To the extent practicable, the entity should be chosen with the consent of the recognized jurisdiction-wide tenant organization, if there is one. Any election disputes are to be resolved by the entity that administers the election. If there is no petition and no selection of a tenant commissioner by the tenants within 90 days after the notice, then the appointment is to be made by the appointing authority using the existing procedure, which merely requires the appointing authority to "consider" any tenant recommended by any tenant organization.

The act makes three related changes in the statute in order to avoid

conflict with other laws.

- First, it expands the definition of housing authority tenants to include not only public housing residents but all tenants “receiving housing assistance in a housing program directly administered by the housing authority.” This language, which is intended to match federal law, in practice applies only to tenants in private housing who have tenant-based Section 8 vouchers that are directly administered by the housing authority. This change is necessary to comply with federal requirements for tenants who must be eligible to participate in the election and run for the housing authority board.
- Second, it addresses the situation in which the tenants in a town with both state and federal public housing elect a resident of state public housing. If such a circumstance occurs, the act allows the appointing authority to increase the size of the board from five to seven members, with at least one of the two additional members being a federal tenant. Federal law requires that at least one member of each housing authority with federal public housing be a federal tenant.
- Third, it applies the same board-expansion rule if the elected tenant places the housing authority out of compliance with the state minority representation law, which provides that no more than four members of a five-member board may belong to the same political party.

- Recognition of a jurisdiction-wide tenant organization: The act requires the housing authority to designate a tenant organization as “the recognized jurisdiction-wide tenant organization” only if the organization’s board members are elected through a jurisdiction-wide election and the organization satisfies the federal requirements for elected jurisdiction-wide resident councils (but with state public housing tenants fully eligible to vote and serve on the board of the tenant organization). The act does not preclude the housing authority from recognizing other public housing tenant organizations (e.g., in individual buildings or developments). In practice, however, only one jurisdiction-wide organization can be recognized and only that organization has the right under the act to choose the tenant commissioner in accordance with its by-laws.
- Conflict of interest: The act also conforms Connecticut law to federal law in regard to the voting rights of the tenant commissioner. State law prohibits the tenant commissioner from voting on the establishment or revision of rents. Federal law, however, which applies to towns with federal public housing, requires that the tenant commissioner have the same rights as other commissioners and

specifically provides that such a tenant does not have a conflict of interest unless the issue being voted applies only to that tenant and not to a class of which the tenant is a part. The act, as a result, repeals the prohibition on the tenant commissioner voting on tenant rents.

OTHER HOUSING

- P.A. 11-6 and P.A. 11-57 and P.A. 11-61 and P.A. 11-64 SUPPORTIVE HOUSING INITIATIVES (July 1, 2001)
- Section 9(b) of P.A. 11-57 bonds \$30 million to DECD in fiscal year 2011-2012 for supportive housing initiatives. This is supplemented by new appropriations in P.A. 11-6 for half-year funding in fiscal year 2012-2013 for 150 supportive housing RAP certificates (\$775,850 in the DSS budget) and related supportive services (\$562,000 in the DMHAS budget). The housing is not expected to be on-line until January 1, 2013.

P.A. 11-64 makes language changes in the existing supportive housing statute. That statute required DMHAS, in conjunction with DSS, DCF, DECD, and CHFA, to establish a two-phase "Supportive Housing Initiative." The first phase was the Supportive Housing Pilots Initiative for the production of 650 units of supportive housing, and the second phase was the Next Steps Initiative for the production of an additional 1,000 units of supportive housing. The Supportive Housing Initiative serves persons who are homeless or at risk of homelessness and are affected by psychiatric disabilities or drug dependency, are receiving TFA, are 18- to 23-year-olds transitioning from foster care or residential programs, or are community-supervised criminal offenders.

P.A. 11-64 renames these programs as "permanent supportive housing initiatives" for (a) individuals and families with special needs and (b) families at risk for homelessness. It adds the DOC and CSSD to the agencies with which DMHAS must consult in developing supportive housing programs. It deletes the portion of existing law that explicitly allows supportive housing to include households without special needs in their occupancy mix. It also requires DMHAS and DSS to issue at least one RFP for a scattered site supportive housing model to serve homeless individuals with psychiatric disabilities and substance use disorders.

Section 133 of PA 11-61 contains identical language concerning "permanent supportive housing initiatives".

- P.A. 11-42 RENTAL HOUSING REVOLVING LOAN FUND (eff. October 1, 2011)

Under existing law, DECD manages an account called the Rental Housing Revolving Loan Fund. This is an urban anti-abandonment program intended

to provide low-interest loans to property owners to make modest repairs in buildings with 20 or fewer units located in distressed municipalities. In particular, repairs must be ones which will bring the building into compliance with state and local codes or will otherwise make the building suitable for rental to tenants.

This act requires DECD to establish a priority within the program for loans to owner-occupants of two-, three-, and four-family buildings. DECD is explicitly authorized to use interest-free, deferred-payment, and forgivable loans within this part of the program.

P.A. 11-57 BONDING FOR HOUSING CONSTRUCTION AND REHABILITATION
and
P.A. 11-140 (eff. July 1, 2011)

Sections 9(a) and 28 of P.A. 11-57 authorize the bonding of \$25 million for DECD housing programs in each of the two years of the 2011-2013 biennium. Section 91 of the act adds an additional \$25 million per year for the Housing Trust Fund. The total bonding authority, excluding bonding authority for supportive housing, is thus \$100 million for the two years of the biennium.

These acts also make technical corrections. Section 88 of P.A. 11-57 corrects June Special Session P.A. 07-7 to refer to the DECD bonding authority in 2007-2008 as \$10 million rather than \$9 million. Sections 20 and 21 of P.A. 11-140 make a technical change to place repayments of loans under the Energy Conservation Loan Program directly in the Energy Conservation Loan Fund, rather than initially in the Housing Repayment and Revolving Loan Fund.

P.A. 11-124 CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY
DEVELOPMENT (eff. October 1, 2011)

This act repeals the requirement that DECD and CHFA prepare a long-range state housing plan every five years and that DECD annually supplement each five-year plan with an action plan that assesses whether DECD and CHFA are meeting their goals. The act instead allows DECD's federal five-year Consolidated Plan for Housing and Community Development, which it currently prepares in consultation with CHFA, to substitute for the state Five-Year Housing Plan. The federal plan is submitted to HUD in order to qualify for federal housing program funding. The bill also changes a number of statutory references to the state "housing plan," including references in the planning and zoning act, so that they refer will now refer to the federal Consolidated Plan.

P.A. 11-140 CONSOLIDATION OF DECD AND CHFA LEADERSHIP (eff. July 8, 2011)

Section 8 of this act makes the Commissioner of Economic and Community Development also the chairperson of the board of the Connecticut Housing Finance Authority. The act does not change the separate structures of DECD and CHFA.

P.A. 11-140 LEARN HERE, LIVE HERE PROGRAM (eff. July 1, 2011)

Sections 30 through 32 of this act allow DECD, in consultation with the Departments of Revenue Services (DRS) and Higher Education, to create an incentive program for certain graduates to stay in Connecticut after graduation and buy a first home here. Applicants must have graduated on or after January 1, 2014, from a Connecticut public college or university at which they paid the in-state tuition rate or have graduated from a Connecticut regional vocational-technical school.

Under the program, starting with the 2014 tax year, DRS will segregate up to \$2,500 per year of eligible graduates' state income tax payments, upon their request, into a new Connecticut First-Time Homebuyers Account. The annual total for all program participants cannot exceed \$1 million. A participant may apply to DECD for funds, up to the amount in his or her account, to purchase or make a down payment on a first home. If the participant moves out of Connecticut within five years after receiving a payment, a declining percentage of the funds received must be repaid (the amount is reduced by 20% per year, so that no repayment is required if the graduate moves after five years). Any funds not used by graduates within ten years after graduation will revert to the General Fund.

The act also authorizes DECD to develop a comprehensive program by December 1, 2012, to inform recent graduates about the Learn Here, Live Here Program.

P.A. 11-168 MINOR DECD PROGRAM AMENDMENTS (eff. from passage)

Sections 3 through 9 of this act modify DECD housing programs. In particular:

- Housing partnerships: The act makes housing partnerships eligible recipients of DECD grants and loans to build and operate congregate housing and hire resident service coordinators. Housing partnerships are partnerships between for-profit entities and non-profits or housing authorities.
- Housing Trust Fund: The act allows DECD to contract with a third-party

administrator to manage a revolving loan fund or to carry out the Department's duties under the Fund. It also explicitly allows the Fund to make revolving loans and explicitly allows DECD to place local, state, and federal funds into the Trust Fund.

- Accessible housing database: DECD is required by statute to maintain a database of accessible and adaptable housing. The act makes clear that detailed information on individual apartments need be included only to the extent practicable, but adds that such information should include the date when a waiting list is expected to open. It eliminates the requirement that DECD use information from computer-assisted mass appraisal systems.

P.A. 11-237 INTERVENTION IN HOUSING DISCRIMINATION LITIGATION (eff. October 1, 2011)

Section 6(e)(2) of this act gives the complainant in a housing discrimination case the right to intervene in a civil action without permission of the court. This confirms the decision of the Appellate Court in CHRO v. Litchfield Housing Authority, 117 Conn. App. 30 (2009). The section also (a) reduces the time period for the parties to elect a civil action rather than a CHRO hearing from 20 days from the receipt of the notice of a finding of reasonable cause to 20 days from the sending of such a notice; (b) allows the attorney representing CHRO to seek punitive damages or a civil penalty without obtaining the concurrence of a CHRO commissioner; and (c) allows the attorney for CHRO, upon determining that the interests of the state will not be adversely affected, to require the complainant or the complainant's attorney to present all or part of the case to the court in support of the complaint. Section 9 of the act makes clear that attorney's fee awards in CHRO hearings are not contingent on the amount of damages requested by or awarded to the complainant.

See also: Ending Gender Identity and Expression Discrimination (P.A. 11-55), p. 1
Commission on Human Rights and Opportunities (P.A. 11-237), p. 1
Conforming to Federal Dodd-Frank Wall Street Reform and
Consumer Protection Act (P.A. 11-110), p. 3

PUBLIC BENEFITS AND SOCIAL SERVICES

PUBLIC BENEFITS

PA 11-6 STATE REFUNDABLE EARNED INCOME TAX CREDIT
(eff. from passage; applicable to tax year beginning Jan. 1, 2011 and subsequent years)

Sec. 110 of this act, the initial bill setting the biennial state budget for fiscal years 2012 and 2013, establishes a refundable state earned income tax credit against state income tax liability in the amount of 30% of the federal earned income tax credit. Sec. 110 (d) specifies that, to the extent permitted by federal law, state or federal earned income tax credit payments shall not be counted as income or resources for purposes of calculating eligibility for state or federal benefits or programs or when determining the amount of such benefits for an individual.

P.A. 11-18 **REQUIRED NOTICE OF CHANGES TO CHILD CARE SUBSIDY PROGRAM** (eff. from passage)

Under existing law, DSS is required to notify program participants and service providers in the child care subsidy program if the program is closed to new applicants or if the eligibility requirements or program benefits are changed. This act requires DSS to issue a similar notice on the department's website or in writing to program participants and service providers when any other change to the program's status or terms is made. These program status or term changes cannot take effect until thirty days after effective notice was issued.

P.A. 11-44 **RECOVERY OF PUBLIC ASSISTANCE AND OTHER STATE AID** (eff. July 1, 2011)

Under current law, the state has a claim against property of a public assistance recipient or the recipient's legally liable parent for the value of public assistance received and can seek to recover that claim through a lien on the property. The state can also place a lien on the property of legally liable parents of recipients of Aid to Families with Dependent Children. Sec. 70 of this act extends the state's authority to allow the placement of liens for recovery on the property of legally liable parents of recipients of Temporary Family Assistance and State Administered General Assistance. Under Sec. 71, the state has a lien against the proceeds of lawsuits by legally liable parents of a beneficiary of the state support program, AFDC, TFA or SAGA to the same extent that it has a lien against the proceeds of lawsuits by the beneficiaries themselves.

Under current law, a patient who is receiving or has received care or support in a DMHAS facility or the patient's estate is liable to reimburse the state for any unpaid portion of the per capita cost the institution charges to the same extent as public assistance recipients with respect to property and estate recoveries, but not lawsuits and inheritances. Sec. 72 applies the lawsuit and inheritance recovery provisions to these individuals in DMHAS facilities.

P.A. 11-44 **TFA/SAGA/STATE SUPP COLAS ELIMINATED** (eff. July 1, 2011)

Sec. 77 of this act eliminates the cost of living adjustments in the TFA and SAGA payment standards scheduled for June 30, 2011 and June 30, 2012.

Sec. 78 of this act eliminates the cost of living adjustments in the unearned income disregard for the State Supplement to the federal SSI program scheduled for June 30, 2011 and June 30, 2012.

P.A. 11-44 SNAP REPORTING REQUIREMENTS (eff. from passage)

Section 108 of this act changes the income and asset reporting requirements for participants in SNAP (the supplemental nutrition assistance program) to those established by DSS in order to comply with federal law. Previously, the SNAP reporting requirements were the same as the reporting requirements for health care and income maintenance programs administered by the state.

P.A. 11-44 JOBS FIRST EMPLOYMENT SERVICES PILOT PROGRAM (eff. July 1, 2011)

Section 165 of P.A. 11-44, as amended by Sec. 155 of P.A. 11-61 requires DSS and DOL to implement, within available appropriations, a pilot program serving not more than 100 parents receiving TFA cash assistance and participating in the JFES program. The pilot shall provide (1) intensive case management, (2) assistance in accessing needed support services, training, education and work experience and (3) funding to facilitate participation in necessary training, education or subsidized employment.

DSS shall grant one six-month extension to participants in the pilot program who have made good faith efforts to comply with the requirements of the program, have not exceeded the 60-month limit on cash assistance and have not already received two extensions.

DSS and DOL are required to report on the pilot program not later than October 1, 2012.

PA 11-122 DSS NOTICE OF REPAYMENT OBLIGATIONS (eff. July 1, 2011)

This act clarifies the obligation of DSS to provide, to a person other than an applicant for assistance, notice of an obligation to repay to the state the cost of benefits provided under the State Supplement, medical assistance, TFA or SAGA programs. Under this act, DSS must notify a person other than the applicant who may be liable to repay the state of these obligations within 30 days after the applicant is determined eligible for assistance or within 30 days of DSS identifying the person who may be liable for the repayment.

See also: Security Deposit Guarantee Program (P.A. 11-44), p. 38
T-RAP (P.A. 11-6), p. 38

SOCIAL SERVICES

P.A. 11-242 LICENSING OF RELATIVE CHILD DAY CARE GIVERS (eff. Oct. 1, 2011)

Section 14 of this act specifies that child day care services provided by relatives, whether formal or informal, are exempt from licensure. The act also exempts from licensure drop-in care at retail establishments.

See also: Delays in Developing Regulations (P.A. 11-44), p. 35
Kinship Care for Children in DCF Custody (P.A. 11-116), p. 25
Development of Discounted Rates for Low-Income Electric and Gas Customers (P.A. 11-80), p. 53

UTILITIES

P.A. 11-80 DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION (DEEP) ESTABLISHED (eff. July 1, 2011)

This act establishes a new state Department of Energy and Environmental Protection, while abolishing other state agencies and consolidating various functions from other agencies. Of particular note:

- The Department of Public Utility Control is abolished as an independent department and merged into the new DEEP (Sec. 15).
- The Public Utilities Control Authority continues to exist as part of the new DEEP, with the new name of Public Utilities Regulatory Authority and a revised structure (Sec. 15).
- The Office of Consumer Counsel continues to exist as an independent office housed at DEEP, rather than DPUC, for administrative purposes only (Sec. 16).

P.A. 11-80 DEVELOPMENT OF DISCOUNTED RATES FOR LOW-INCOME ELECTRIC AND GAS CUSTOMERS (eff. July 1, 2011)

Under Section 112 of this act, DEEP must, by June 30, 2012, conduct a proceeding regarding development of discounted rates for electric and gas services for customers with incomes at or below 60% of the state's median income. The proceeding shall include a review of at least the current and future availability of rate discounts for individuals who receive state or federal means-tested assistance, achieved through (a) discounts available through the electricity purchasing pool authorized by this act, (b) Connecticut Energy Assistance Program benefits, (c) assistance funded or administered by DSS or DEEP, (d) other state-funded or state-administered programs, (e) conservation programs assistance, or (6) matching payment program benefits to help electric company customers pay off their arrearages.

DEEP must (a) coordinate resources and programs, to the extent practicable; (b) develop rates that take into account indigency and allow indigent households to meet the costs of essential energy needs; (c) require single family households to have a home energy audit as a prerequisite to qualifying, with the cost subsidized from the Energy Efficiency Fund for low-income homeowners; (d) analyze the benefits and anticipated costs of the discounted rates; and (e) review utility rate discount policies or programs in other states.

DEEP must determine which, if any, of its programs should be terminated, modified, or have their funding reduced because program recipients would benefit more from a low-income rate. It must establish a rate reduction that is equal to the anticipated funds transferred from the programs it terminates, modifies, or reduces and the reduced cost of serving low-income households participating in the program, and other sources. DEEP may issue recommendations regarding programs administered by DSS.

DEEP must order (a) each electric company to file proposed rates consistent with its decision within 60 days after issuing the decision and (b) appropriate modifications to existing low-income programs.

The cost of discounted rates and related outreach activities must be paid (a) from normal rate-making procedures and (b) on a semi-annual basis through the systems benefits charge. The discounts must be funded solely from (a) the savings from the programs that DEEP terminates, modifies, or reduces, plus the reduced cost of providing service to those eligible for the discounted or low-income rates; (b) any available energy assistance; and (c) other sources of coverage for these rates, such as generation available through the electricity purchasing pool operated by DEEP.

By February 1, 2012, DEEP must report to the Energy and Technology Committee on the benefits and costs of the discounted rates and any recommended modifications. If the low-income rate is not at least 10% below the standard service rate, DEEP must include steps to reach this goal in the report.

P.A. 11-80 WEATHERIZATION PROGRAM ADMINISTRATION (eff. July 1, 2011)

Under Section 115 of this act, the administration of the federally-funded weatherization assistance program is moved from DSS to DEEP. DEEP must adopt regulations which (a) establish priorities for determining which households receive weatherization assistance, (b) require that weatherization assistance, other than retrofitting of heating systems, be provided only for a dwelling unit for which an energy audit has been conducted, (c) require that the simple payback period calculated for each energy conservation measure recommended in the audit is the only criterion for determining which measures will be implemented under this program, (d) establish the maximum allowable payback period, and (e) establish conditions for waiving these requirements in an emergency. The program must also include weatherization assistance for emergency shelters for homeless individuals and victims of domestic violence.

P.A. 11-80 UTILITY CUT-OFFS LIMITED (eff. July 1, 2011)

Under Section 120 of this act, suppliers of gas and electric service cannot terminate, deny or refuse to reinstate residential service at any time of year for customers who are “hardship cases”, lack the financial resources to pay their entire account and have a child who is two years old or younger, has been admitted to a hospital and received discharge papers on which the attending physician has indicated that gas or electric service is a necessity for the health and well-being of the child.

OTHER

P.A. 11-3 VETERANS’ AFFAIRS WEB SITE (eff. from passage)

This act requires the Department of Veterans’ Affairs to post on their web site any state or federal benefits, services, or programs which are offered to veterans or their families. Eligibility requirements, application processes, and the name and contact information for the entity offering the benefits, services or programs must be provided. This information must be published on the web site by July 1, 2012 and must be updated annually.

P.A. 11-48 GOVERNMENT ACCOUNTABILITY AGENCIES’ CONSOLIDATION (eff. July 1, 2011)

Sections 58 through 76 of this act establish an Office of Government Accountability (OGA), with an executive administrator as its head, to provide consolidated personnel, payroll, affirmative action, administrative and business office functions, including information technology associated with these functions, for the nine state agencies. It places the agencies in OGA, but retains their current independent decision-making authority, including decisions on budgetary issues and employing necessary staff. The agencies are the: Office of State Ethics, State Elections Enforcement Commission, Freedom of Information Commission, Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, Office of the Child Advocate, Office of the Victim Advocate, and State Contracting Standards Board.

P.A. 11-61 PROCEDURE FOR DOT SETTING BUS AND TRAIN FARES (eff. July 1, 2011)

Section 51 of this act sets up a process for the Department of Transportation’s consideration of proposals for fare increases (or decreases) for land-based mass transportation systems, ie, buses and trains. This section exempts DOT from the process in the UAPA. Instead, DOT is required to give notice of proposed change by advertising in one or more newspapers in affected areas of the state and provide the time and place for a public hearing on the proposed change in this notice. This public hearing must be at a time and place convenient for public attendance.

The notice must be posted at least 15 days prior to the public hearing. DOT must also send a copy of the notice to the chairpersons and ranking members of the Transportation and Finance, Revenue and Bonding Committees of the General Assembly.

P.A. 11-61 SALES TAX ON NEW ITEMS (eff. from passage)

Section 184 of this act imposes the state sales tax on some items that were previously exempted from the tax, including clothing items costing less than \$50, non-prescription drugs and smoking cessation products.

P.A. 11-137 CONFIRMING RECEIPT OF AGENCY DECLARATORY RULINGS AND DECISIONS (eff. from passage)

Currently, the Uniform Administrative Procedure Act (UAPA) requires DSS to send declaratory rulings and final agency decisions by certified or registered mail, return receipt requested. Under Section 2 of this act, other acceptable methods of confirming receipt are: mail, electronic, and digital methods and all methods identified by the U.S. Postal Service. (adds 4-176 and 4-180 to existing list)

This change applies to all types of administrative decisions, not just those issued under provisions of this act, which also requires DSS, in accordance with a provision in the federal American Recovery and Reinvestment Act of 2009 (ARRA, P. L. 111-5 §4201), to develop and implement a Medicaid health information technology plan.

INDEX OF PUBLIC AND SPECIAL ACTS

Public Act

11-3.....	55	11-124.....	48
11-6.....	38, 47, 50	11-126.....	7
11-16.....	5	11-136.....	7
11-18.....	51	11-137.....	35, 56
11-36.....	18	11-140.....	48, 49(2)
11-42.....	47	11-152.....	26
11-43.....	9	11-157.....	7, 22
11-44.....	5, 10(2), 11 (6), 14(2), 19, 32, 33(6), 34(3), 35(3), 36(2), 38(3), 51(2), 52(2)	11-167.....	29
11-48.....	55	11-168.....	44, 49
11-51.....	19, 21, 28	11-176.....	6, 12
11-52.....	14	11-177.....	8
11-53.....	30	11-194.....	22
11-55.....	1	11-201.....	4, 39, 40, 41
11-57.....	43, 47, 48	11-203.....	45
11-61.....	47, 55, 56	11-212.....	42
11-64.....	47	11-214.....	23
11-72.....	43	11-219.....	24
11-80.....	53(2), 54, 55	11-223.....	16
11-87.....	18	11-224.....	14
11-93.....	16, 21(4)	11-232.....	8
11-94.....	39	11-235.....	9, 10
11-96.....	42	11-236.....	13
11-109.....	29	11-237.....	1, 50
11-110.....	3	11-240.....	23(2)
11-115.....	6	11-242.....	13, 14, 17(2), 18, 32, 37(3), 53
11-116.....	25		
11-119.....	3	Special Act	
11-122.....	52	11-9.....	10

EXPLANATION OF ABBREVIATIONS

Two standard abbreviations are ordinarily used in this publication. "P.A." stands for "Public Act." "Sp.A." stands for "Special Act." A public act is one of general applicability and is eventually codified in the Connecticut General Statutes. A special act is one of limited applicability (such as one authorizing a study commission) and is not codified. After adoption, statutes are codified in the Connecticut General Statutes, which is abbreviated "C.G.S."

In addition, the abbreviated names of state agencies often appear in this booklet. The principal ones in this edition are:

CHRO	Commission on Human Rights and Opportunities
CSSD	Court Support Services Division of the Judicial Branch
CHFA	Connecticut Housing Finance Authority
DCF	Department of Children and Families
DDS	Department of Developmental Services
DECD	Department of Economic and Community Development
DEEP	Department of Energy and Environmental Protection
DMHAS	Department of Mental Health and Addiction Services
DOC	Department of Corrections
DPH	Department of Public Health
DSS	Department of Social Services
SBE	State Board of Education
SDE	State Department of Education

Published by: Legal Assistance Resource Center of Connecticut, Inc.
44 Capitol Avenue, Suite 301
Hartford, CT 06106
(860) 278-5688

Written by: Jane McNichol
Sara Parker McKernan
Raphael Podolsky
David Desjardins

© 2011 All rights reserved. Duplication without the express consent of the Legal Assistance Resource Center of Connecticut, Inc., is prohibited by law.