

Summary of 2010 Public and Special Acts

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C O N S U M E R

P.A. 10-07 USE OF CREDIT/FINANCIAL HISTORY IN UNDERWRITING OR SETTING RATES IN PERSONAL INSURANCE (eff. dates vary)

This act sets standards under which insurers can use credit and financial history in determining underwriting standards and setting rates in personal risk insurance products and makes some other changes to automobile and personal risk insurance requirements.

- Use of Credit History: Sec. 2 of this act, effective July 1, 2011, requires that personal risk insurers cannot use an applicant's or an insured's credit history as a factor in underwriting or rating unless the insurer files a description of its financial history measurement program with the Insurance Commissioner. The program cannot unfairly discriminate or produce rates excessive to the risk assumed. Such a filing is considered a trade secret for purposes of the state's Freedom of Information Act.

The insurer is required to demonstrate the correlation between its financial history measurement program and the expected risk of loss and the impact on consumers in urban, as opposed to non-urban, areas and on consumers of different ages.

Financial history measurement programs may be used to underwrite or rate risks only for new insurance policies or, in the case of the renewal of an existing policy, if the use of the financial history measurement program is requested by the insured or results in lower premiums for the insured.

An insurer may not use the following characteristics in its financial history measurement program:

- (a) number of credit inquiries in applicant's or insured's credit report
- (b) use of a particular type of credit, debit or charge card
- (c) total available line of credit
- (d) disputed credit information while the dispute is under review, if the dispute is identified in the credit report
- (e) collection amounts identified with a medical industry code or
- (f) lack of credit history.

Sec. 3 and 4 of this act, effective January 1, 2011, prohibit an insurer from declining to insure or cancelling or not renewing insurance solely on the basis of information in an applicant's or an insured's credit history or the lack of a credit history.

- Notice to Applicant/Insured: The insurer is required to inform applicants for insurance that the applicant's credit history may be used in underwriting or rating of the applicant's policy and that an applicant may request that the insurer consider extraordinary life circumstances which adversely impacted the applicant's credit history within the last three years. The insurer must also provide a written disclosure of how the insurer uses credit information in an application and a written summary of consumer protections regarding the use of credit.

Extraordinary life circumstances are defined as:

- catastrophic illness or injury,
- divorce,
- death of spouse, child or parent,
- involuntary loss of employment for over three months,
- identify theft,
- loss that makes a home uninhabitable,
- other circumstances designated by the Insurance Commissioner by regulation, or
- any other circumstance the insurer chooses to recognize.

If an insurer takes adverse action based on credit history, the insurer must inform the applicant or insured:

- that the action was based on the applicant's or insured's credit report,
- that the applicant or insured is entitled to a free copy of such credit report
- how to obtain a free copy of the report
- of the procedures for informing the insurer of relevant "extraordinary life circumstances" and
- of the type of "extraordinary life circumstances" considered relevant.

- Territorial Rating: Sec. 1 of this act, among other things, codifies current Insurance Department administrative guidelines which require that the base rate for an auto insurance policy must give 75% weight to the territory's loss-cost data and 25% weight to the statewide average loss-cost data.
- Notice to Lienholders: Sec. 5 of this act, effective October 1, 2010, requires that an insurer which cancels a private automobile liability insurance policy must inform any lienholder identified in the records of the insurer of the cancellation in writing.
- Calculation of Value of "Total Loss": Sec. 7 of this act, effective January 1, 2011, requires an insurer, when calculating the value of a damaged

automobile declared a total loss, to use the average of the retail values set by the National Automobile Dealers Association used car guide or any other publicly available automobile industry source approved by the Insurance Commissioner and one other automobile industry source approved by the Insurance Commissioner.

The insurer is required to provide a claimant, on or before the date that a settlement is paid,:

- (a) a copy of the insurer's calculations of total loss value
- (b) a copy of any valuation report that is not publicly available
- (c) written notice of the claimant's right to dispute the settlement amount, including the address and toll-free number of the Consumer Affairs Division of the Insurance Department and the Department's Internet address.

P.A. 10-181 HOMESTEAD EXEMPTION (eff. October 1, 2010)

Section 4 of this act amends C.G.S. 52-352a to make clear that "homestead" includes a cooperative for purposes of Connecticut's homestead exemption. That exemption is generally \$75,000 per person but is \$125,000 per person against hospital debts.

June Sp. Sess. NONPRIME HOME LOANS (eff. June 22, 2010)
P.A. 10-1

Section 47 of this act narrows the applicability of Connecticut's statute on "nonprime" (often called "subprime") home mortgage lending. The existing nonprime loan law applies only to home loans with a principal amount of no more than \$417,000. Under existing law, that maximum would have changed on July 1, 2010, to the current Fannie Mae conforming loan limit. The Fannie Mae conforming loan limit for single-family homes has, since 2006, been \$417,000 except in "high cost" areas, where it is higher. It is also higher for two-, three-, and four-family homes (about \$800,000 for a four-family building). Section 47 of this act extends \$417,000 indefinitely as the maximum principal for a loan subject to the Connecticut act.

See also: Credit Protection for Youth in Foster Care (P.A. 10-157), p. 18.

C O R R E C T I O N S

P.A. 10-14 COMPOSITION OF THE BOARD OF PARDONS AND PAROLES
(eff. from passage)

Under this act, after July 1, 2010, the Board of Pardons and Paroles within the Department of Correction will consist of 20 instead of 18 members

appointed by the governor. Additionally, now 7 members, instead of five, will serve exclusively on the Pardons panel.

DISABILITY

DEVELOPMENTAL DISABILITIES

P.A. 10-117 TUBE FEEDING BY UNLICENSED ASSISTIVE PERSONNEL (eff. October 1, 2010)

Section 42 of this act allows unlicensed assistive personnel to administer jejunostomy and gastrojejunal tube feedings to people who attend DDS day programs or respite centers, live in DDS residential facilities or receive support through DDS when these feedings are authorized by a written order of a physician, an advanced practice registered nurse or a physician assistant.

MENTAL HEALTH

P.A. 10-29 PSYCHIATRIC SECURITY REVIEW BOARD PROCEEDINGS (eff. Oct. 1, 2010)

Under existing law, prior to certain hearings by the Psychiatric Security Review Board concerning a person found not guilty of a crime by reason of mental disease or defect, the Board, the person who is the subject of the hearing and the state's attorney may each choose a psychiatrist or psychologist to examine the person. Section 1 of this act adds hearings concerning temporary leave to the types of hearings prior to which such examinations may occur.

Under Sec. 1(d) of this act, psychiatric or psychological reports concerning a person found not guilty of a crime by reason of mental disease or defect which are in the possession of the Board and are relied on by the Board or used as evidence concerning the discharge, conditional release, temporary leave or confinement of the person who is the subject of the report are not confidential. The provisions of CGS 52-146c-146j concerning privileged communications do not apply to such reports. However, such reports are not considered public records under the Freedom of Information Act.

Similarly, under Sec. 2 of this act, reports by mental health facilities on treatment mandated as a condition of release from a hospital for psychiatric disabilities or from placement with DDS are not confidential and the provisions of CGS 52-146c-146j concerning privileged communications do not apply to such reports. However, such reports are not considered public records under the Freedom of Information Act.

P.A. 10-60 PSYCHIATRIC SERVICES IN HOSPITALS (eff. dates vary)

Section 1 of this act, effective October 1, 2010, adds clinical social workers and advanced practice registered nurses (APRNs) who have received at least 8 hours of training as members of a DMHAS-certified community support program to those authorized to issue emergency certificates directing a person with psychiatric disabilities to be taken to a hospital for evaluation.

Section 3 of this act, effective October 1, 2010, adds obscene mail to the list of communications that psychiatric hospitals may restrict if a patient is sending to a person who complains about the receipt of the mail.

Section 4 of this act, effective July 1, 2010, requires DMHAS to adopt regulations and implement policies to certify intermediate care beds in general hospitals to provide inpatient mental health services for adults with serious and persistent mental illness.

P.A. 10-89 DMHAS and DSS Information Sharing (eff. Oct. 1, 2010)

This act allows DMHAS to enter into a memorandum of understanding with DSS to provide for sharing information concerning admissions to short-term acute care general hospitals and receipt of inpatient services by DMHAS clients who are participants in Medicaid and reside and receive services in the community. This act was promulgated in order to monitor and improve DMHAS case management services funded by Medicaid.

See also: Behavioral Health Partnership Population (P.A. 10-43), p. 22.
DMHAS in Behavioral Health Partnership (P.A. 10-119), p. 22.

SUBSTANCE ABUSE

P. A. 10-30 FEE WAIVERS AND PAYMENT FOR ALCOHOL AND DRUG
PRETRIAL EDUCATION/INTERVENTION AND TREATMENT
PROGRAMS (eff. July 1, 2010)

This act, among other provisions relating to alcohol and drug programs, permits a court to waive all or any portion of the fees for an alcohol intervention program for an indigent person and requires that the costs for participation in a court-ordered substance abuse treatment program by a person who is indigent or unable to pay for the program shall be paid out of the Pretrial Account established in CGS 54-56k.

P.A. 10-60 PROVISION OF SUBSTANCE ABUSE SERVICES NOT COVERED BY MEDICAID (eff. dates vary)

Section 5 of this act, effective upon passage, requires DMHAS, within available appropriations, to operate a behavioral health recovery program providing clinical substance abuse treatment, psychiatric treatment and nonclinical recovery support services not covered under Medicaid.

See also: Visitable Housing (P.A. 10-56), p. 31

EDUCATION AND TRAINING

P.A. 10-76 VOCATIONAL-TECHNICAL SCHOOLS (eff. July 1, 2010)

This act changes the protocol that the State Board of Education (SBE) must follow in order to close or suspend operation of a vocational or technical school (Voc-Tech), including requiring both a public hearing and a vote on the suspension or closure. Prior law set no procedure for closing or suspending a school.

SBE must take a vote at a meeting in order to close or suspend operations at a Voc-Tech school for a period over six months. SBE must hold a public hearing at the school after school hours at least 30 days before taking the vote and develop a comprehensive plan addressing at least 7 issues related to closure or suspension before the hearing: (1) the reasons for closure and a cost benefit analysis; (2) the length of closure; (3) school finances during closure; (4) a description of the transitional phases; (5) an explanation of student status during closure, alternate school options, and alternate transportation options; (6) an explanation of the school personnel's status during closure and alternative employment options; (7) an explanation of the school's use during closure.

SBE must then mail the plan to parents of enrolled students and school employees, and post it on the school's website 14 days before the public hearing. There is an additional 3 step procedure that must be followed if the closure or suspension extends beyond the 6 month period.

Additionally, SBE is responsible for the transportation and associated costs of moving students of the closed or suspended school to other Voc-Tech schools.

P.A. 10-105 LICENSURE AND CERTIFICATION CREDITS FOR MILITARY TRAINING (eff. October 1, 2010)

Under this act, state agencies and boards that issue licenses or certificates

earned through professional training, schooling, or apprenticeship must award credits or exemptions to applicants who received applicable training, schooling, or experience while serving in the armed forces. State agencies may not require applicants to repeat any substantively similar training or schooling required for licensure or certification. The awarding of credits and exemptions by public higher education constituent units must not offend the guidelines established by the American Council on Education, the institution's transfer credit policies, or federal regulations.

P.A. 10-111 EDUCATION REFORM/SCHOOL GOVERNANCE COUNCILS (eff. July 1, 2010)

This act sets higher standards to receive a high school diploma, including increasing the minimum credits necessary to graduate from 20 to 25, starting with the graduating class of 2018. It also provides for the creation of "School Governance Councils," an online credit recovery program for districts with high dropout rates, and a Task Force to analyze and combat cultural and socioeconomic disparities in educational achievement.

School Governance Councils: Section 21 of this act sets a procedure for the establishment of School Governance Councils in low-achieving schools. On and after July 1, 2010, a board of education *may* establish a governance council for any school which has been identified as in need of improvement by the SDE in the accountability plan required by the federal No Child Left Behind Act. However, if the school has been designated as a low achieving school, due to the school's failure to make adequate yearly progress in mathematics and reading at the whole school level, the board *must* establish a council for that school.

If a school is required to establish a School Governance Council and the school's achievement places it among the lowest five per cent of schools in the state must establish a school governance council for the school not later than January 15, 2011.

Other schools required to establish a Council which are not among the lowest five percent of schools in the state based on achievement must establish a school governance council for the school not later than November 1, 2010.

The School Governance Council must consist of: 7 parents or guardians of students attending the school; 2 community leaders; the principal of the school or his/her designee; and 2 students at the school, who are nonvoting members. The board of education is responsible for the training and instruction of members of the School Governance Council.

School Governance Councils are responsible for:

- i. analyzing school achievement data and needs relative to an improvement plan;
- ii. reviewing the fiscal objectives of the school's draft budget and providing advice to the principal prior to the budget's submission to the superintendent of schools for the district;
- iii. conducting interviews of candidates for school principal and administration, and reporting on such interviews to the superintendent of schools for the district, and the local and regional board of education;
- iv. assisting the principal of the school in improving the school's achievement, through program changes, changing school hours and days of operation, and amending enrollment goals for the school;
- v. working with the school administration to develop and approve a school compact for parents, legal guardians, and students outlining the criteria and responsibilities for enrollment and school membership consistent with the school's goals and academic focus, and illustrating how parents and school personnel can build a partnership to improve student learning;
- vi. developing and approving a written parent involvement policy that outlines the role of parents and legal guardians in the school;
- vii. utilizing records relating to information about parents and guardians of students maintained by the local or regional board of education to assist in council election;
- viii. recommending the reconstitution of the school, if the Council determines it necessary. The Council can recommend reconstitution of the school into one of the following models:
 - (1) The turnaround model, as described in the Federal Register of December 10, 2009;
 - (2) the restart model, as described in the Federal Register of December 10, 2009;
 - (3) the transformation model, as described in the Federal Register of 10, 2009;
 - (4) any other model that may be developed by federal law;
 - (5) a CommPact school, pursuant to section 10-74g; or
 - (6) an innovation school, pursuant to section 6 of this act.

The board of education must hold a public hearing to discuss the council's vote within 10 days of receiving the Council's recommendation for the school, and at the board's next meeting or within 10 days (whichever is later), conduct a vote to accept the recommended model, pick an alternative model, or maintain the school's present status.

If an alternative model is chosen, the board and School Governance Council must meet within 10 days after the board's vote to find an alternative on which both parties can agree. If agreement cannot be

reached, SDE will choose an alternative within 45 days of the last meeting.

If the board votes to maintain the current school status, within 45 days SDE must decide whether to implement the model recommended by the School Governance Council or to maintain the current school status.

If one of the aforementioned models is adopted, the board of education must implement the model during the following school year.

SDE must evaluate School Governance Councils established on or before January 15, 2011, and, on or before October 1, 2014, report to the relevant committees of the General Assembly on the evaluation. No more than twenty-five schools can be reconstituted per year.

By July 1, 2011, and biennially thereafter, SDE must report to the relevant committee of the General Assembly on: (1) the number of School Governance Councils that have initiated reconstitution (2) a comparison of School Governance Councils that have initiated such reconstitution and those that have not, and (3) whether parental involvement has increased at those schools with School Governance Councils.

Online Credit Recovery Program: Under Section 28 of this act, a board of education for a school district with a dropout rate of eight per cent or greater in the previous school year must establish an online credit recovery program. This program will provide students in danger of failing to graduate an opportunity to complete on-line coursework for credit toward meeting the high school graduation requirement. An online learning coordinator will be chosen from existing school staff to administer and coordinate this online credit recovery program.

Achievement Gap Task Force: Section 30 of this act establishes a task force to study the academic achievement gap between racial and socioeconomic groups in Connecticut and consider new approaches aimed at closing that gap. The task force shall consider: (1) systematic education planning; (2) best practices in public education; (3) professional development for teachers; and (4) parental involvement in public education.

Task force appointees will have experience in business, education, and philanthropy. All appointments will be made by August 1, 2010 and will reflect the state's cultural and geographic diversity. The task force must submit a report on its findings and recommendations to the relevant committee of the General Assembly by January 1, 2011, and terminate by this date.

Advanced Placement Courses: Under Section 31 of this act, SBE must

develop guidelines to aid boards of education in training teachers for teaching advanced placement courses to a diverse student body, and beginning July 1, 2011, all boards of education must provide an advanced placement course program.

P.A. 10-175 APPLIED BEHAVIOR ANALYSIS SERVICES IN SPECIAL EDUCATION SERVICES (eff. July 1, 2010)

Under Section 2 of this act, boards of education must provide applied behavior analysis services to any such child with autism spectrum disorder, if the individualized education plan or plan pursuant to § 504 of the Rehabilitation Act requires such services. These services must be provided by (a) a person who is licensed by DPH for SDE to provide such services, (b) certified by the Behavior Analyst Certification Board as a behavior analyst, or assistant behavior analyst if the assistant is working under the supervision of a certified behavior analyst, or (c) a teacher or paraprofessional if the teacher or paraprofessional is under the supervision of a person described (a) or (b) above.

If SDE finds that there are insufficient licensed or certified personnel to provide applied behavior analysis services, it can authorize the provision of these services by certain other persons if these other persons are supervised by a board certified behavior analyst.

Behavior analyst services are not mandatory in an individualized education plan or plan pursuant to Section 504 of the Rehabilitation Act of 1973.

See also: In-School Suspension (P.A.10-111), p. 16.
Educational Placement of DCF Children (P.A. 10-160), p. 17.
Study of Individualized Education Programs (Sp. A. 10-09), p. 18.

ELDERLY

P.A. 10-17 SENIOR CENTERS AND THE FREEDOM OF INFORMATION ACT (eff. Oct. 1, 2010)

Under this act, the name, address, telephone number or e-mail address of any person enrolled in any senior center program *or* any member of a senior center administered or sponsored by any public agency is exempt from disclosure under the Freedom of Information Act.

P.A. 10-73 ELIGIBILITY FOR MEDICAID FOR LONG TERM CARE SERVICES (eff. from passage)

This act requires DSS to allow a community spouse to keep the maximum amount of assets allowed by federal law (the Community Spouse Protected Amount or CSPA), when making eligibility determinations. Prior to this change, the community spouse of someone in an institution could only keep half of the couple's combined assets up to that maximum.

This act also requires that funds from reverse annuity mortgages (RAMs) not be treated as income or assets for purposes of Medicaid eligibility. To be excluded from eligibility determinations, RAM funds must be kept in a segregated account and not transferred to another party for less than fair market value.

P.A. 10-126 NOTICE OF CHCPE REDETERMINATIONS (eff. July 1, 2010)

Under this act, DSS must notify the access agency or Area Agency on Aging (AAA) administering the Connecticut Home Care Program for the Elderly (CHCPE) for a client when it sends its annual eligibility redetermination form to the client.

P.A. 10-179 HOME CARE COST SHARING (eff. July 1, 2010)

Under Section 21 of this act, people in the state CHCPE with incomes up to and exceeding 200% of the federal poverty level must now pay 6%, rather than 15%, of the cost of care provided under the program

P.A. 10-179 DEPARTMENT ON AGING (eff. July 1, 2010)

Under Section 24 of this act, a state Department of Aging will be established on July 1, 2011, delaying its implementation by one year.

Sp. A. 10-07 TRANSFER OF MEDICAID PATIENTS FROM HOSPITALS TO NURSING HOMES (eff. from passage)

This act establishes a task force to study the period of time Medicaid recipients remain in acute care hospitals before transfer to a long-term care facility. The task force shall report to the relevant committees of the General Assembly by October 1, 2010 regarding its findings and recommendations on: 1) the reasons a Medicaid patient may remain in an acute care hospital for an extended period of time; 2) the barriers to transfer a Medicaid patient from a hospital to a long term care facility; 3) federal agency approvals and policy and procedure changes that would facilitate a timely transfer; 4) clinical standards and state licensure requirements that may impact such timely transfer. Task force appointees include a legal advocate for the elderly and an

advocate for adults with psychiatric disabilities.

See also: Tube Feeding by Unlicensed Assistive Personnel (P.A. 10-117), p. 4.
Health Care, Health Insurance and Medical Assistance: Nursing Homes
and Long-Term Care, p. 24.

EMPLOYMENT

P.A. 10-142 CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES (eff. Oct. 1, 2010)

Under this act, a state employer may not inquire about a prospective employee's past convictions until the prospective employee has been deemed otherwise qualified for a position, unless a provision of the general statutes bars employment in that position by someone with a prior criminal conviction. Law enforcement agencies, licensing mortgage lenders, correspondent lenders, and brokers are not included in the list of employers covered by the act.

P.A. 10-144 EMPLOYMENT PROTECTIONS FOR VICTIMS OF FAMILY VIOLENCE (eff. Oct. 1, 2010)

Sections 14 and 15 of this act prohibit employers with at least three employees, from terminating, penalizing, threatening, or otherwise coercing an employee because the employee is a victim of family violence or attending or participating in a court proceeding related to the their status as a victim of family violence. The act gives the employee 180 days to bring a civil action against an employer who violates this section.

PA 10-144 also requires employers to allow victims of family violence to take paid or unpaid leave to (1) seek medical care or counseling for physical or psychological injury or disability, (2) obtain services from a victim services organization, (3) relocate, or (4) participate in any civil or criminal proceeding related to the family violence. Leave that can be used under this section includes compensatory time, vacation time, personal days or other time off. An employer is allowed to limit unpaid leave taken to 12 days per calendar year. No more than seven days notice can be required to use leave when the need for leave is foreseeable. Only notice as soon as practicable is required when the need for leave is not foreseeable.

Employees are required, upon request, to provide a signed, written statement certifying that the leave in question is for an authorized purpose. An employer is also allowed to request that the employee provide (1) a police or court record pertaining to the family violence or (2) a signed written statement that the employee is a victim of family violence from an employee or agent of

a victim services organization, an attorney, an employee of the Office of Victim Services or Victim Advocate, a licensed medical professional or other licensed professional from whom the employee has sought assistance. The employer is required to keep any such statement confidential.

Sp. A. 10-02 CONNECTICUT JOBS CORPS TASK FORCE (eff. from passage)

This act establishes the State Jobs Corps Task Force to study implementing a program similar to the Works Progress Administration, created in 1935, to use unemployed workers to construct public works projects. The Task Force shall consist of 16 members appointed by the Governor and various legislative leaders. The Task Force is to report to the relevant committees of the General Assembly by January 1, 2011.

FAMILY AND CHILDREN

CHILD PROTECTION

P.A. 10-43 MANDATED REPORTING AND REPORTERS (eff. Oct. 1, 2010)

Section 12 of this act adds suspected child neglect to the activities which must be reported by mandated reporters and adds “family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Branch” to the list of mandated reporters of child abuse or neglect.

Prior law made information provided to a “family relations officer” in a local family violence intervention unit confidential except under certain circumstances. Section 13 of this act substitutes “family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Branch” for “family relations officer” and adds a provision that these individuals shall disclose information as necessary to fulfill their duties as mandated reporters of suspected child abuse or neglect, despite the confidentiality provisions in CGS 46b-38c(c).

P.A. 10-43 IDENTIFYING FATHERS IN NEGLECT CASES (eff. October 1, 2010)

Sections 38 and 39 of this act authorize a court in a case involving a petition in relation to a neglected child to take steps to determine the identity of the father of the child, including inquiring of the mother of the child, under oath, as to the identity and address of the father, and make any statement by the mother as to the identity of the father admissible even if the mother was not advised of her Miranda rights.

P.A. 10-43 VENEREAL DISEASE, AIDS, AND HIV TESTING (eff. Oct. 1, 2010)

Current law allows a court, before final disposition of a criminal case, to order the accused to submit to examination for (1) venereal disease if the case involves a sexual assault or prostitution crime and (2) AIDS or HIV if the case involves risk of injury to a minor or a sexual assault or prostitution crime that involved a sexual act. Section 41 of this act extends this authority to a child accused in a delinquency proceeding involving one of these crimes.

The law also requires the court to order AIDS or HIV testing at the victim's request when a person is convicted or a child is convicted as a delinquent of certain sexual assault crimes or risk of injury to a minor involving a sexual act. Under existing law, the test is performed by or at the direction of the DOC in consultation with DPH. For a child convicted as a delinquent, Section 42 of this act requires testing at the direction of CSSD or DCF, in consultation with DPH.

DOMESTIC VIOLENCE

P.A. 10-144 CHANGES TO DOMESTIC VIOLENCE LAW (eff. October 1, 2010)

This act makes a number of changes to domestic violence law. These include:

- Domestic violence dockets (Sec. 13): The act requires the Chief Court Administrator by December 31, 2010, to identify Geographical Area courts that do not have a domestic violence docket, to examine the effectiveness of existing domestic violence dockets, to incorporate beneficial elements into new domestic violence dockets, and to either establish new dockets in three Geographical Area courts by June 30, 2011, or to submit a report to the legislature's Judiciary Committee by that date explaining why the dockets have not been established.
- Electronic monitoring of abusers (Secs. 3 and 17): The act authorizes the Judicial Branch to establish a pilot program for electronic monitoring of family violence offenders in three judicial districts, including one district containing an urban area and one with no urban area. Under the program, the court can order a defendant to be subject to electronic monitoring if (a) the defendant is charged with violating a restraining or protective order, (b) the defendant has been determined to be a high-risk offender by the Family Violence Intervention Unit, and (c) electronic monitoring is necessary to protect the victim. The cost of the monitoring is to be paid by the defendant, subject to the Chief Court Administrator's guidelines. The monitoring is to assure that, when the monitored person is within a specified distance of the victim, notice will be given to law enforcement officers, a statewide information collection center, and the

victim. The pilot program is to end by March 31, 2011, unless funding is available to continue the program.

- Standing criminal protective orders (Sec. 5, 6, 10 and 11): The act requires the court to specify a duration for standing criminal protective orders. It also renames standing criminal “restraining” orders as standing criminal “protective” orders to distinguish them from civil restraining orders.
- Judicial notice of court documents (Secs. 1 and 2): The act allows the court to consider public court documents in making orders relevant to a petition for relief from physical abuse. It also eliminates the requirement that copies of the order provided to the applicant be certified.
- State agency information sharing (Secs. 3, 4, and 16): The act expands information and disclosure requirements for family violence intervention units, courts, and DCF. Section 16 of the act requires DCF to disclose family violence records to a Superior Court judge and to all necessary parties in a family violence proceeding. Section 4 requires the Chief Court Administrator to adopt policies and procedures on the disclosure of information in the registry of protective and restraining orders to Superior Court judges and Judicial Branch employees.

Section 3 expands the categories of information that may be disclosed by the Judicial Branch’s Family Violence Intervention Units. It authorizes disclosure (a) to DCF, if the information indicates that a defendant poses a danger or threat to a child or the child’s parent, (b) to another family relations counselor pursuant to Judicial Branch guidelines, (c) to a bail commissioner, if the defendant is being considered for pretrial release, (d) to a law enforcement agency, if the information indicates that the defendant poses a danger or threat to another person, (e) to a probation officer for the purpose of determining supervision levels and service needs, and (f) to family violence programs under contract with the Judicial Branch, for the purpose of determining program and service needs.

- Protective orders (Secs. 7 and 8): The act eliminates the requirement that the victim’s copy of the protective order be certified and allows the court to transmit notice of the order, rather than the order itself, to the appropriate police departments. Those departments are clarified by the act to include the departments for the town where the victim lives, the town where the victim works, and the town where the defendant lives. The act also allows protective orders to be issued against defendants placed on probation.
- Persistent offender law (Sec. 12): The act expands the persistent offender

law for crimes involving assault, trespass, threatening, harassment, and violation of a restraining or protective order by removing the five-year time limit on the look-back period and allowing the court to consider convictions for the same crimes in other states.

P.A. 10-91 TEEN DATING VIOLENCE (eff. July 1, 2010).
and

P.A. 10-137 Existing law requires school boards to provide in-service training to certified employees on a variety of subjects, including health and mental health risk-reduction. P.A. 10-91 (a) requires local school boards to include information on preventing teen dating violence and domestic violence as part of the health and mental health risk reduction education information they must provide as in-service training for teachers; (b) requires the SBE to help and encourage local boards to do so; and (c) explicitly allows local boards to permit paraprofessionals and other non-certified employees to participate voluntarily in the in-service training programs for certified personnel.

Section 3 of P.A. 10-137 requires DPH, by June 30, 2012, and within available appropriations, to develop and issue a televised public service announcement for preventing teen dating violence and family violence. The Commissioner is authorized to apply for public or private grants for this purpose.

P.A. 10-137 DOMESTIC VIOLENCE SHELTER AND RAPE CRISIS FUNDING (eff. July 1, 2010)

Under existing law, a \$20 surcharge is imposed on each marriage license, of which \$19 is placed in a separate state fund to be used (a) by DSS for shelter services for victims of household abuse and (b) by DPH for rape crisis services. The funds are to be allocated by OPM, in consultation with DSS and DPH, based on an evaluation of need, service delivery costs, and availability of other funds. Section 1 of this act provides that those funds must be distributed to recipient organizations no later than October 15 each year and prohibits the three state agencies from retaining any of those funds to cover administrative costs.

See also: Victims of Family Violence (P.A. 10-161 and P.A. 10-137), p. 28.

CHILDREN

P.A. 10-111 IN-SCHOOL SUSPENSIONS (eff. July 1, 2010)

Under prior law, scheduled to take effect July 1, 2010, any suspension of a student imposed by a school board is required to be in-school, unless the student poses such a danger to persons or property or such a disruption of the educational process that exclusion from school is necessary. Section 20 of

this act allows a school to impose out-of-school suspension if such suspension is deemed appropriate because (a) previous disciplinary problems have resulted in suspension or expulsion and (b) the administration has made efforts to address those problems by means other than out-of-school suspension or expulsion, including positive behavior support strategies.

P.A. 10-160 EDUCATIONAL PLACEMENT OF DCF CHILDREN (eff. July 1, 2010)

This act creates a presumption that it is in the best interest of a child that DCF places in out-of-home care under an emergency, temporary custody, or commitment order to continue to attend the school he or she attended before the placement (the “school of origin”). The act applies to (a) all school-age children, (b) three- to five-year-olds determined eligible for special education, and (c) children from age 27 months through age five who have been referred to a planning and placement team for determination of eligibility for special education. It provides mechanisms for parents to challenge DCF decisions. It also makes DCF responsible for some costs of transporting a child from a placement to the school of origin. In particular:

- School placement: When a child committed to DCF is placed in out-of-home care, or when a child’s placement is changed, the act requires DCF to determine whether it is in the child’s best interest to continue to attend the school of origin. DCF must take into account the appropriateness of the school setting and the proximity of the child’s new residence to the school of origin. DCF must notify the parties of its placement decision within three business days, and any party can object within three business days after receipt of the notice. The act requires that disagreements be resolved “expeditiously” and that DCF bear the burden of proof on the child’s best interest. A placement decision can be revisited at any time if circumstances change. A party may challenge such a placement decision by using the dispute resolution process for a DCF treatment plan, which includes the right to an administrative hearing and appeal to Superior Court.
- Emergency removals: The act permits DCF to summarily remove a child from the school of origin if it determines that remaining there jeopardizes the child’s immediate physical safety. If it does so, it must notify the child’s parents, attorney, guardian ad litem, and surrogate parent (if the child has one) by phone or fax on the day it removes the child. Any party may object to the change in placement within three business days of receiving the notice, in which case DCF must hold an administrative hearing.
- Transportation plan: If the child continues to attend school in the town of origin, the act requires DCF to collaborate with the school board there on a transportation plan for the student. DCF is responsible for any costs

beyond those which the school district would have had to pay if the child lived within the district. DCF and the local school board must consider cost-effective, reliable, and safe transportation options.

- Placements other than the school of origin: If DCF determines it is not in the child's best interest to remain in the school of origin, the act requires DCF to work with both school boards to ensure the child's immediate and appropriate enrollment in the receiving school. The school of origin must, within one day of receiving notice from DCF, send all essential educational records to the receiving school, including any individualized education plan or behavioral intervention plan and all documents needed by the receiving school to determine an appropriate class placement and to provide educational services. Non-essential records must be transferred within 10 days.
- Municipal liability: If the child continues to attend school in the town of origin, then that town remains responsible for the education and costs of that child.

Sp.A. 10-09
and
June Sp. Sess.
P.A. 10-01

STUDY OF INDIVIDUALIZED EDUCATION PROGRAMS (eff. June 8, 2010)

Sp.A. 10-9, as amended by Section 45 of June Special Session P.A. 10-1, establishes a 23-member task force to study individualized educational programs (IEPs). The task force must (a) examine existing processes for developing and administering IEPs, (b) propose legislation to codify applicable federal law as state law, (c) reevaluate existing IEP programs under federal standards, (d) develop ways in which IEP training can be included in professional development for certified school employees, (e) develop a program for auditing IEP programs at the school district level, and (f) examine ways to address non-compliance by school personnel and school districts in the administration of IEPs. Six members of the task force must be parents of special education students and one must be an adult who previously received special education services.

P.A. 10-157

CREDIT PROTECTION FOR YOUTH IN FOSTER CARE (eff. July 1, 2010)

P.A. 10-157, as amended by Section 62 of June Special Session P.A. 10-1, requires DCF to request a free annual credit report on behalf of every youth at least 16 years old in the custody of DCF and placed in foster care. The request must be made by July 31, 2010, for youth already age 16 and within 15 days of the youth's sixteenth birthday for other youth. DCF must review each report for identity theft and, if identity theft is discovered, report it to the Chief State's Attorney. At the time of biennial review of the youth's treatment plan, DCF must notify the youth, the foster parent, the caseworker,

and the youth's legal representative of any such referrals made to the Chief State's Attorney during the preceding year. The Commissioner must report to the legislature by July 1, 2011, on the extent that these reviews of credit reports have uncovered evidence of identity theft.

P.A. 10-161
and
June Sp. Sess.
P.A. 10-01

SAFE HAVEN PROGRAM (eff. July 1, 2010)

Sections 1 through 3 of this act, as amended by Section 64 of June Special Session P.A. 10-1, make changes to the DCF Safe Haven Program. The program allows birth mothers to surrender an infant to the state for up to 30 days after birth without facing arrest for abandonment. This act (a) establishes a method by which the mother of a child born in a hospital can surrender the baby without having to go to the emergency room; (b) if a birth certificate was filed for the child, allows the hospital employee receiving the infant to request the infant's name and date of birth; (c) provides confidentiality to the birth parent only if the birth parent requests it and requires notice to DPH so that it can seal the child's birth record; and (d) requires DCF to notify the parent of any legal proceedings it initiates concerning the child (e.g., termination of parental rights), if the identify of the parent is known.

Section 4 of P.A. 10-161, an unrelated provision, allows DCF to approve an applicant as a foster family or a prospective adoptive family, even if a child or an adoptable child of the applicant has died within the preceding one year.

June Sp. Sess.
P.A. 10-01

JUVENILE LAW AMENDMENTS (eff. July 1, 2010)

Sections 28 through 31 of this act make various changes to juvenile law, primarily in recognition that juvenile court jurisdiction will extend to 16-year-olds. For example, it requires disclosure of otherwise confidential driving-related delinquency convictions to the Department of Motor Vehicles so the Department can determine whether administrative sanctions against the youth's motor vehicle license are warranted. It also allows judges to transfer cases involving 16-year-olds from adult and youthful offender dockets into the juvenile court if the judges finds that (a) programs and services available in juvenile court would more appropriately address the youth's needs and (b) the youth and the community would be better served by treating the youth as a delinquent rather than a criminal. The act provides that such a transfer is not a final judgment for purposes of appeal.

The act also makes the restrictive rules for the admissibility of confessions made by juveniles to police officers inapplicable to 16-year-olds whose cases are transferred to juvenile court from another docket. Existing law requires the police officer to make reasonable efforts to contact the youth's parent and to give the youth notice of his rights and applies a "totality of the circumstances test" to the admissibility of the confession.

See also: Teen Dating Violence (P.A. 10-91 and P.A. 10-137), p. 16.
Homeless Youth (P.A. 10-179), p. 30.

HEALTH CARE, HEALTH INSURANCE, AND MEDICAL ASSISTANCE

MEDICAID, HUSKY, SAGA MEDICAL, AND OTHER MEDICAL ASSISTANCE

P.A. 10-03 HUSKY B COPAYMENTS (eff. from passage)

Section 8 of this act, the SFY 2010 Deficit Mitigation Package, raises copayments required under the HUSKY B plan to match those in effect for active state employees enrolled in a point-of-enrollment plan, within existing limits on total cost-sharing. Total cost-sharing cannot exceed 5% of a family's gross annual income.

P.A. 10-03 PREMIUM ASSISTANCE IN CHARTER OAK HEALTH PLAN (eff. from passage)

Section 11 of this act, the SFY 2010 Deficit Mitigation Package, eliminates state-funded premium assistance, available to people with incomes at or below 300% of the federal poverty level, in the Charter Oak Health Plan, for SFYs 2010 and 2011, for anyone enrolling in the Health plan subsequent to April 30, 2010.

P.A. 10-03 DEFINITION OF "MEDICALLY NECESSARY" AND "MEDICAL
and NECESSITY" (eff. from passage)
P.A. 10-179

Section 22 of this act, the SFY 2010 Deficit Mitigation Package, adopts definitions of "medically necessary" and "medical necessity" for use in DSS medical assistance programs. These terms are defined as meaning: "health services required to prevent, identify, diagnose, treat, rehabilitate or ameliorate an individual's medical condition, including mental illness, or its effects, in order to attain or maintain the individual's achievable health and independent functioning provided such services are:

1) Consistent with generally-accepted standards of medical practice that are defined as standards that are based on (A) credible scientific evidence published in peer-reviewed medical literature that is generally recognized by the relevant medical community, (B) recommendations of a physician-specialty society, (C) the views of physicians practicing in relevant clinical areas, and (D) any other relevant factors;

2) clinically appropriate in terms of type, frequency, timing, site, extent

and duration and considered effective for the individual's illness, injury or disease;

3) not primarily for the convenience of the individual, the individual's health care provider or other health care providers;

4) not more costly than an alternative service or sequence of services at least as likely to produce equivalent therapeutic or diagnostic results as to the diagnosis or treatment of the individual's illness, injury or disease; and

5) based on an assessment of the individual and his or her medical condition.”

This section further provides that an individual denied a service on the basis of lack of medical necessity must be notified of his/her right to request from DSS a copy of the guideline or criteria used as the basis of the denial.

P.A. 10-03 TUBERCULOSIS TREATMENT UNDER MEDICAID (eff. from passage)

Section 25 of this act, the SFY 2010 Deficit Mitigation Package, requires DSS to amend the Medicaid state plan to provide coverage for tuberculosis treatment to the extent permitted by federal law. DPH currently provides tuberculosis treatment through a state-funded program.

P.A. 10-03 MEDICAL INEFFICIENCY COMMITTEE COMPOSITION (eff. from
and passage)
P.A. 10-179

Section 27 of this act, the SFY 2010 Deficit Mitigation Package, increases the number of the Governor's appointments to this Committee from three to four and clarifies that the Speaker of the House of Representatives and the Senate President Pro Temp shall jointly appoint the chairs of the Committee.

Section 15 of PA 10-179 authorizes the Governor to appoint a third chairperson, in addition to those appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, to the Medical Inefficiency Committee.

P.A. 10-03 VISION CARE UNDER MEDICAL ASSISTANCE PROGRAMS (eff. May
1, 2010)

Section 28 of this act, the SFY 2010 Deficit Mitigation Package, limits recipients of health care under DSS medical assistance programs to one pair of eyeglasses per year and requires that DSS work to reduce the costs of optical devices and services in its medical assistance programs.

P.A. 10-43 BEHAVIORAL HEALTH PARTNERSHIP POPULATION (eff. from passage)

Section 10 of this act adds children, adolescents and families served by CSSD to the populations served by the integrated behavioral health service system called the Behavioral Health Partnership.

P.A. 10-119 DMHAS IN BEHAVIORAL HEALTH PARTNERSHIP (eff. upon passage)

This act adds DMHAS to the Behavioral Health Partnership which, prior to this act, was an integrated behavioral health system operated only by DCF and DSS. This act also allows the partnership to cover Medicaid recipients not enrolled in HUSKY A as well as Charter Oak Health Plan members. The Departments involved in the Partnership are required to jointly direct the administrative services organizations (ASOs) they select to develop and promote a community-based, recovery oriented system of care. This act adds to the charge of these ASOs the reduction of the unnecessary use of institutional and residential services for adults as well as children.

This act, along with P.A. 10-43, Section 11, and P.A. 179, Section 71, made changes in the composition of the Behavioral Health Partnership Oversight Council. However, all these provisions were later repealed by P.A. 10-01, Section 46, of the June Special Session.

P.A. 10-166 PRIMARY CARE CASE MANAGEMENT (PCCM) EXPANSION (eff. from passage)

This act requires DSS to expand the HUSKY PCCM pilot to include providers in Putnam (by July 1, 2010) and Torrington (by October 1, 2010). The act also requires that DSS report on this expansion to the relevant committees of the General Assembly by July 1, 2011. Prior to this act, the HUSKY PCCM pilot was only available to providers and HUSKY A recipients in Hartford, New Haven, Waterbury and Windham. PCCM allows HUSKY A recipients to choose a primary care provider to coordinate and deliver their health care as an alternative to service delivery through a Medicaid managed care organization.

P.A. 10-179 and
June Spec. Sess.
P.A. 10-01

COVERAGE FOR OVER THE COUNTER DRUGS (eff. from passage)

Section 48 of PA 10-179 eliminates, to the extent permitted by federal law, coverage of most over-the-counter drugs in DSS health care programs, with the exception of the CADAP program. Coverage is continued for insulin and insulin syringes.

Section 50 of PA 10-01 of the June Special Session amends this

provision to authorize payments for nutritional supplements for people “required to be tube fed or who cannot safely ingest nutrition in any other form”.

P.A. 10-179 ADMINISTRATIVE SERVICES ORGANIZATIONS IN MEDICAID, HUSKY AND CHARTER OAK (eff. from passage)

Section 20 of this act authorizes DSS to contract with administrative services organizations to administer Medicaid, HUSKY A and B and the Charter Oak Health Plan. Currently, these programs are administered by managed care organizations on a capitated basis or by DSS directly. There are numerous other conforming changes made in this act and PA 10-01 of the June Special Session in anticipation of implementing this change in administrative practice.

P.A. 10-179 HUSKY B COST-SHARING (eff. July 1, 2010)

Section 22 of this act makes copayments in the HUSKY B program the same as those for state employees in a point-of-enrollment health care plan and raises premiums for families with incomes between 235% and 300% of the federal poverty level to \$38 a month for one child and \$60 a month for more than one child Cost-sharing is limited to 5% of a family’s gross annual income.

June Spec. Sess. HUSKY B PRESUMPTIVE ELIGIBILITY (eff. from passage)

P.A. 10-01

Section 26 of this act authorizes DSS to implement presumptive eligibility for children from families with incomes under 300% of federal poverty level applying for HUSKY B, if presumptive eligibility is found to be cost-effective.

June Spec. Sess. HUSKY PLUS (eff. July 1, 2010)

P.A. 10-01

Sections 32 and 33 of this act restore the HUSKY Plus programs which were repealed in PA 10-179. HUSKY Plus consists of two supplemental health insurance programs that provide benefits to children in HUSKY B with family income at 300% of the federal poverty level or lower and who have extraordinary physical health or behavioral health needs that cannot be met through the standard HUSKY B benefit package. This program is funded within available appropriations.

PRESCRIPTION DRUGS

- P.A. 10-39 PRESCRIPTION DRUG BENEFITS FOR VETERANS IN NURSING HOME FACILITIES (eff. October 1, 2010)

This act requires nursing homes to allow residents to obtain prescription drugs through drug programs or health plans offered by the U.S. Department of Veterans Affairs. The nursing home may require such drugs to be dispensed and administered according to the home's policies and allows a nursing home to dispense drugs from other sources when a patient requires the drugs before they can be obtained from the Department of Veterans Affairs.

- P.A. 10-72 PARTICIPATION IN PHARMACEUTICAL AND THERAPEUTICS COMMITTEE MEETINGS (eff. July 1, 2010)

The Pharmaceutical and Therapeutics (P & T) Committee is charged with establishing and monitoring the DSS preferred drug list. This act requires the committee to provide an opportunity for public comment at each of their meetings.

NURSING HOMES AND LONG-TERM CARE

- P.A. 10-117 TEMPERATURES IN NURSING HOMES (eff. July 1, 2010)

Section 63 of this act permits nursing and rest homes to maintain temperatures in resident rooms and other areas used by residents which are lower than the minimum temperature standards set by DPH provided that temperatures meet the federal requirements of comfortable and safe standards.

- P.A. 10-117 PRESERVING NURSING HOME RECORDS (eff. July 1, 2010)

Section 65 of this act requires that nursing and rest homes preserve patient medical records, in electronic or printed format, for not less than seven years after the patient is discharged from the facility, or if the patient dies at the facility, for not less than seven years after his/her death.

- P.A. 10-177 NURSING HOME MEAL HOURS (eff. July 1, 2010)

Section 77 of this act sets 16 hours as the maximum time span between a nursing or rest home resident's evening meal and breakfast, provided this time span is permitted by federal law.

PRIVATE HEALTH INSURANCE/HEALTH CARE REFORM

- P.A. 10-01 REVISIONS TO COBRA LAW TO REFLECT AMENDMENTS TO THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) (eff. from passage)

Section 1 of this act provides that continuation of health insurance under COBRA and notice requirements concerning COBRA will be governed by the provisions of the ARRA as amended from time to time for persons eligible for federal assistance in paying for COBRA coverage. This section of the act further makes clear that the above provisions shall not affect rights of any covered individuals under the state's COBRA law.

Finally, this section of the act requires that insurers disregard the period of time between when a person became eligible for federal assistance in paying for COBRA and when the coverage began in determining whether coverage was continuous for purposes of applying state law regarding preexisting conditions.

- P.A. 10-13 EXTENSION OF COVERAGE UNDER CONNECTICUT COBRA (eff. from passage)

This act extends the period for which eligible people and their dependents may continue group health insurance under the state's COBRA law from 18 to 30 months. The extension of coverage applies to people who are already continuing coverage under the state's COBRA as well as to people who elect to continue coverage after the passage of this act.

The act requires each insurer and HMO that has issued a group health insurance policy subject to the continuation requirements to provide notice of the extended coverage period to affected people within 60 days of the act's passage.

- P.A. 10-24 INFORMATION REQUIRED WHEN HEALTH INSURANCE COVERAGE DENIED (eff. January 1, 2011)

Under this act, when a health insurer denies coverage of a requested service because it is either not medically necessary or a covered benefit, it must notify the insured of his/her ability to contact the Office of the Healthcare Advocate if the insured believes s/he has been given incorrect information. Insurers must also provide the insured with contact information for the Healthcare Advocate's office.

- June Sp. Sess.
P.A. 10-01 TEMPORARY HIGH RISK POOL (eff. from passage)

Section 20 of this act establishes a temporary high risk pool program in

Connecticut in accordance with the federal Patient Protection and Affordable Care Act (national health care reform) and authorizes the Health Reinsurance Association to administer this program.

OTHER

P.A. 10-04 “CONNECTICUT CLEARINGHOUSE” ESTABLISHED (eff. July 1, 2010)

Section 3 of this act requires that the Health Reinsurance Association administer, within available appropriations, the “Connecticut Clearinghouse” to provide information about individual and small employer health insurance plans, including Medicaid, HUSKY, SAGA and the Charter Oak Health Plan. The clearinghouse is to be developed in consultation with the Insurance Commissioner and the Healthcare Advocate.

P.A. 10-117 USE OF PATIENT MEDICAL RECORDS IN DPH PROCEEDINGS (eff. October 1, 2010)

Section 20 of this act adds to the powers and duties of DPH the ability to have access to patient medical records, to the extent allowed by federal law, for purposes of an investigation or disciplinary proceeding relating to someone subject to regulation, licensing or certification by DPH. DPH is required not to further disclose patient medical records used for the above purposes and the records are explicitly excluded from disclosure under the state Freedom of Information Act.

P.A. 10-117 HEALTH INFORMATION TECHNOLOGY EXCHANGE OF CONNECTICUT (eff. dates vary)

Sections 82 through 90 of this act establish the Health Information Technology Exchange of Connecticut as a quasi-public agency for the purpose of advancing the use of health care information technology in the state. The Exchange is established effective immediately and is designed to replace the Health Information Technology and Exchange Advisory Committee of DPH as of January 1, 2011. Section 96 of this act abolishes the DPH Advisory Committee. The Exchange is governed by an 18-member Board. Members are commissioners of relevant state agencies and 13 others appointed by the Governor and legislative leadership. The Board is chaired by the Commissioner of DPH.

HOUSING

BLIGHT

P.A. 10-152 MUNICIPALITIES AND HOUSING BLIGHT (eff. Oct. 1, 2010)

Under Section 7 of this act, municipal regulations made and enforced must work toward both prevention and remediation of housing blight. Additionally, designated agents of the municipality are allowed to enter property during reasonable hours for the purpose of remedying blighted conditions, but such agents cannot enter any dwelling, house, or structure on such property.

In addition, Section 8 of this act provides that a municipality which imposes special assessments on blighted properties may designate agents with the right to enter the blighted property for purposes of the remediation of the blight, but such agents cannot enter any dwelling, house, or structure on such property. Any ordinance imposing a special assessment and authorizing agents to enter the property must include the circumstances under which a right of entry to remediate a blighted condition on a property shall be authorized, if any. Additionally, there must also be a procedure by which to determine whether a right of entry has been properly authorized.

HOMELESSNESS

P.A. 10-21 HOMELESS FEMALE VETERANS (eff. from passage)

This act requires the Department of Veteran Affairs to conduct a study of the number and shelter options and resources available to homeless female veterans in the state and issue a report to the relevant committees of the General Assembly by January 1, 2011.

The act also requires that, effective upon the next opening of service officer positions, two of the six service officers chosen for the veterans advocacy and assistance unit who are responsible for addressing the concerns of female veterans must be bilingual in English and Spanish.

LANDLORD-TENANT

P.A. 10-171 REMOVAL OF TENANT POSSESSIONS AFTER EVICTION (eff. July 1, 2010)

Section 1 of this act eliminates the requirement that towns pick up the possessions of the tenant after an eviction and instead requires that the marshal move the possessions to the storage site designated by the town. This

change effectively transfers the initial cost of removal from the town to the landlord, since the marshal is paid by the landlord. The town remains responsible for storage and, if the goods are not reclaimed, for auction. The tenant ultimately remains liable for all costs but the town must release the goods to the tenant if the cost of storage is paid (it could formerly require payment of the cost of moving as well). If the possessions are auctioned and there is a surplus after the town claims its cost of storage, the surplus is paid to the tenant.

Section 1 also requires that the execution form, which is prepared by the Judicial Branch, include clear instructions on how and where the tenant may reclaim his or her possessions, including a telephone number that can be called to arrange release.

Section 2 of the act applies the same rules to executions of ejectment following a foreclosure. Section 2 thus applies to property owners against whom judgment is entered in a foreclosure action.

P.A. 10-161 VICTIMS OF FAMILY VIOLENCE (eff. January 1, 2011)
and

P.A. 10-137

Section 5 of P.A. 10-161, which supercedes Section 2 of P.A. 10-137, provides victims of family violence, as defined in C.G.S. 46b-38, with the right to cancel a lease by giving 30 days' written notice to the landlord. The act applies only to leases entered into or renewed on or after January 1, 2011.

- Who can cancel a lease? The act applies to tenants who are victims of family violence and who reasonably believe it is necessary to vacate the unit because of fear of imminent harm to themselves or a dependent.
- What notice must be given? The tenant must give at least 30 days' written notice of the intent to terminate. The notice must include:
 - a sworn statement that (i) the tenant or a dependent is a victim of family violence, (ii) the tenant intends to terminate the lease, stating the particular date of termination, and (iii) the tenant either has vacated or will vacate by that date and is abandoning any possessions not removed by that date, and
 - a copy of a police or court record, dated within the preceding 90 days, detailing an act of family violence, or a statement, dated within the preceding 30 days, detailing an act of family violence and signed by an employee of the Office of Victim Services or the Office of Victim Advocate.
- What is the tenant's liability? The tenant remains liable for property damage and for any rent arrearage prior to termination but is not liable

for rent that accrues after the termination date.

Any co-occupant who does not have a right or privilege to occupy (presumably an occupant not on the lease and holding under the tenant) must vacate at the same time as the tenant. If the occupants do not vacate by the date in the tenant's termination notice, the landlord may bring a summary process action. The act also gives the landlord the option of bringing an action for injunctive relief to prevent the tenant from terminating the lease. Section 4 of P.A. 10-137 applies the definitions of the Landlord-Tenant Act (C.G.S. 47a-1) to this act.

P.A. 10-181 FORECLOSURE MEDIATION AND CASH FOR KEYS (eff. dates vary)
and
P.A. 10-03

Sections 1 and 2 of P.A. 10-181 (eff. June 9, 2010) extend the Foreclosure Mediation Program for two additional years, to June 30, 2012. Section 3 of P.A. 10-3, the Deficit Mitigation Act (eff. April 14, 2010), appropriates \$3,350,000 from the Banking Fund for the first year of this extension. P.A. 10-181 also tightens the requirement for lender availability during a mediation session by requiring that the mortgagee, if not present in person, be available by telephone and not merely by electronic means.

Section 3 of P.A. 10-181 (eff. October 1, 2010) eliminates the "doughnut hole" in the Cash for Keys Act which arguably allowed a cash-for-keys payment of less than \$2,000 to a tenant with a documented security deposit of less than \$1,000. The act makes clear that a cash-for-keys payment, if offered, must be for the higher of two months' security deposit (which includes return of the security deposit itself), two months' rent, or \$2,000.

PUBLIC AND SUBSIDIZED HOUSING

P.A.10-134 DEMOLITION OF KING COURT (eff. October 1, 2010)

This act amends C.G.S. 8-64a to prohibit DECD from imposing a one-for-one replacement requirement on King Court in East Hartford. King Court is a State Moderate Rental Housing development in which about one-third of the units are vacant. The East Hartford Housing Authority, which owns the development, intends to sell some of the units to nearby Goodwin College for conversion to student housing.

P.A. 10-179 RAPS TARGETED TO FREQUENT USERS OF STATE SERVICES (eff. July 1, 2010)

Under Section 35 of this act, \$450,000 is appropriated to provide fifty rental assistance program certificates to people who frequently use expensive state services. This expenditure must be coordinated with DMHAS, DOC, CSSD and a representative of the Supportive Housing Initiative.

June Sp. Sess. TRANSFER OF STATE LAND IN NEW HAVEN (eff. June 24, 2010)
P.A. 10-1

Section 16 of this act requires DECD to convey to the City of New Haven a half-acre parcel of land at the corner of Ashmun and Henry Streets which is presently subject to a deed restriction that restricts its use to low and moderate income housing. The act rescinds the deed restriction and transfers title without that restriction.

P.A. 10-139 HOUSING CONSTRUCTION AND REHABILITATION BETWEEN THE 100- AND 500-YEAR FLOOD PLAINS (eff. October 1, 2010)

Existing Connecticut law restricts construction within the boundaries of the 100-year flood plain (areas with less than a 1% chance of flooding in any year) and, to a lesser extent, the 500-year flood plain (areas with less than a 0.2% chance of flooding in any year) and requires the approval of the Department of Environmental Protection for any such activity. This act exempts construction and demolition between the 100- and 500-year flood plains for certain state-funded housing development, as long as the funding agency certifies compliance with the National Flood Insurance Program. These exceptions are:

- Demolition and reconstruction of existing housing for persons of low and moderate income, as long as reconstruction is limited to the footprint of the foundation of the demolished building, so that there is no expansion of the area occupied by such housing and no placement of fill within a Federal Emergency Management Agency (FEMA) flood zone;
- Renovation and rehabilitation of existing housing on DECD's most recent Affordable Housing Appeals list, which lists all government-subsidized and deed-restricted housing;
- Minor additions to existing buildings to provide handicapped access;
- Construction of properly-anchored open decks attached to existing residential structures.

OTHER

P.A. 10-179 HOMELESS YOUTH (eff. October 1, 2010)

Sections 28 through 30 of this act require DCF to establish a program for homeless youth that provides homeless youth and youth at risk of homelessness with at least one of the following service components: (a) public outreach and drop-in services, (b) respite housing, and (c) transitional living services. For purposes of this program, "homeless youth" are persons under age 21 who are without shelter at which appropriate care and supervision are available and who lack a fixed, regular, and adequate nighttime residence, including youth under age 18 whose parents cannot or will not provide such care.

- Public outreach and drop-in: This component includes youth drop-in centers with walk-in access to crisis intervention and on-going supportive services, including one-on-one case management services on a self-referral basis and public outreach that locates, contacts, and provides information, referrals, and services.
- Respite housing: This component includes walk-in access on an emergency basis to voluntary housing with private showers, beds, and at least one meal per day and supportive services.
- Transitional living: This component includes assistance in finding and maintaining housing, rental assistance, and supportive services.

Services may be provided through public or private agencies, which are required to make all reasonable efforts to obtain parental consent. Such agencies are immune from liability as long as they act in good faith and not negligently in providing services. DCF is required to report annually on the program to the General Assembly, beginning February 1, 2012. Its report must include key outcome measures and benchmarks for evaluating progress in accomplishing the purposes of the program.

P.A. 10-179 IMPACT OF FEDERAL HEALTH CARE BENEFITS (eff. from passage)

Under Section 36 of this act, payments made pursuant to the federal health care reform law, the Patient Protection and Affordable Care Act, are not counted as income in determining benefit levels or eligibility for any property tax exemption, property tax credit, or rental rebate program financed in any capacity by state funds; or as income for purposes of any property tax relief program that a municipality may offer.

P.A. 10-56 VISITABLE HOUSING (eff. October 1, 2010)

“Visitable housing” is housing that contains the following three architectural features to allow persons with disabilities easily to visit: (a) interior doorways with openings at least 32" wide; (b) an accessible means of egress, i.e., a ground level entrance/exit without steps; and (c) a full or half bathroom on the first floor that is compliant with the Americans with Disabilities Act.

This act promotes the construction or modification of housing to make it “visitable” by:

- State Building Code: Exempting the construction of visitable features in residential homes from State Building Code requirements for a variation or exemption:
- DECD visitable housing program: Authorizing DECD, in consultation with CHFA, to establish a program to encourage the development of visitable housing in one- to four-family buildings. The program must provide a single point of contact for financial

and technical assistance, identify financial incentives for developers, and include public education about visitable housing. In addition, the act requires DECD to create an information page in a conspicuous place on its website with links to visitable housing resources. DECD must report to the General Assembly on the program by October 1, 2012.

- Municipal tax abatements: Permitting towns, by ordinance, to provide property tax abatements to developers of visitable housing in one- to four-family buildings.

June Sp. Sess. PURCHASE OF FORECLOSED OR ABANDONED PROPERTIES (eff.
P.A. 10-02 July 1, 2010)

Sections 7 and 8 of this act make persons who purchase foreclosed properties, abandoned properties, or properties conveyed by deed in lieu of foreclosure, or properties conveyed by short sale eligible for two existing CHFA mortgage programs. One is CT FAMLIES, which offers 30-year fixed-rate refinancing to homeowners delinquent or about to become delinquent on a mortgage. The other is HERO, under which CHFA purchases mortgages of homeowners at risk of foreclosure directly from lenders and places eligible borrowers on an affordable repayment plan. CHFA originally reserved \$40 million for CT FAMLIES and \$30 million for HERO. This act in effect makes a new category of persons -- purchasers of abandoned or foreclosure-related homes -- eligible for the funding authorized for these two homeowner-relief programs.

June Sp. Sess. CHFA HOUSING TAX CREDIT CONTRIBUTION PROGRAM (eff. July 1,
P.A. 10-01 2010)

Section 19 of this act makes two small changes in CHFA's Housing Tax Credit Contribution (HTCC) Program. Under the HTCC Program, \$2,000,000 per year of tax credits is set aside for the Supportive Housing Pilots Initiative or the Next Steps Initiative (which were the first two phases of the state's supportive housing initiative) and \$1,000,000 per year is set aside for workforce housing. The portion of those set asides not allocated by November 1 of each year is returned to the general HTCC pool and can be used for any purpose allowable under the program.

First, this act makes any supportive housing initiative eligible for the set-aside, not only the two specific initiatives previously named. Second, the act keeps the set-asides in place until 60 days after CHFA publishes the list of housing programs for which tax credits are being reserved.

See also: Homestead Exemption (P.A. 10-181), p. 3.
Nonprime Home Loans (June Sp. Sess. P.A. 10-1), p. 3.

PUBLIC BENEFITS AND SOCIAL SERVICES

PUBLIC BENEFITS

P.A. 10-133 CHILDREN IN THE RECESSION LEADERSHIP TEAM AND REPORTING REQUIREMENTS (eff. from passage)

Section 1 of this act establishes the Child Poverty and Prevention Council as the leadership team to make recommendations on the state's response to children affected by the recession. To meet the purposes of this section, the Council is required to meet quarterly when the state's unemployment rate is eight per cent or greater for the preceding three months. By January 1, 2011, the Council is required to submit a progress report to the relevant committees of the General Assembly.

Under Section 13 of this act, by January 1, 2011, DSS, DOE, and DPH are required to submit reports to the relevant committees of the General Assembly on their activities pursuant to this act.

P.A. 10-133 CLIENT-FRIENDLY APPLICATION PROCESS (eff. from passage)

Section 2 of this act requires DSS to develop an application process which does not require a family to re-apply if, within 30 days of submitting an application, a family's circumstances change so as to make the family eligible for the program or the program closed to new applications and then re-opened.

Note: Sec. 12 of this act states that "no cause of action or liability shall arise against the state, any of its agencies or subdivisions, or any state official, employee or agent, for failure to comply" with this provision.

P.A. 10-133 NOTICE OF CLOSING OF THE CHILD CARE SUBSIDY PROGRAM (eff. from passage)

Section 3 of this act requires DSS to provide at least 30 days public notice before a child care subsidy program closes intake. This section also requires DSS to provide timely public notice if child care program eligibility or status is altered.

Note: Sec. 12 of this act states that "no cause of action or liability shall arise against the state, any of its agencies or subdivisions, or any state official, employee or agent, for failure to comply" with this provision.

P.A. 10-133 CHILD NUTRITION OUTREACH PROGRAM (eff. July 1, 2010)

Section 6 of this act requires SDE to administer a child nutrition outreach program to increase participation in the federal School Breakfast, Summer Food Services and Child and Adult Care Food Programs and to increase federal reimbursement for these programs.

The outreach program shall:

- encourage schools to participate in the School Breakfast program, employ innovative breakfast service methods and apply for in-classroom breakfast grants;
- encourage school districts to sponsor Summer Food Service Program sites, recruit other sponsors and make grants to site sponsors;
- encourage day care centers to participate in the Child and Adult Care Food Program; and
- publicize availability of federally-funded child nutrition programs.

Note: Sec. 12 of this act states that “no cause of action or liability shall arise against the state, any of its agencies or subdivisions, or any state official, employee or agent, for failure to comply” with this provision.

P.A. 10-133 DEGREE PROGRAMS AS WORK ACTIVITIES IN THE JFES PROGRAM
(eff. from passage)

Section 8 of this act requires DSS, within sixty days, to modify the state’s family welfare program to approve participation in two- and four-year degree programs as work activities for parents in the Jobs First program when the state unemployment rate is eight percent or higher for the preceding three months. A parent continues to be eligible for cash assistance under this provision for at least six months even if the state unemployment rate falls below 8%.

Note: Sec. 12 of this act states that “no cause of action or liability shall arise against the state, any of its agencies or subdivisions, or any state official, employee or agent, for failure to comply” with this provision.

P.A. 10-179 IMPACT OF FEDERAL HEALTH CARE BENEFITS (eff. from passage)

Under Section 36 of this act, payments made pursuant to the federal health care reform law, the Patient Protection and Affordable Care Act, to applicants for or recipients of benefits or services under any state funded need-based program shall not be counted as income or resources for the month received or the following two months when determining a person’s or household’s eligibility for benefits or services or the amount received.

P.A. 10-179 “BIOMETRIC IDENTIFIERS” (INC. FINGERPRINTING) IN TFA (eff. from passage)

Under Section 80 of this act, DSS is no longer required to use a “biometric identifier system” in the TFA program but continues to be authorized to require such a system in DSS programs at the discretion of the Commissioner.

P.A. 10-183 DSS NOTICE REGARDING REPAYMENT FOR SERVICES (eff. July 1, 2010)

Under this act, DSS must notify every applicant for aid and all known persons who might be liable for repayment of such aid of the provisions in Connecticut law requiring repayment of aid provided through the State Supplement, medical assistance, TFA and SAGA programs. Applicants must be notified at the time of application and other persons who might be liable for repayment must be notified within 30 days of the applicant being determined eligible for assistance.

The notice must meet be written (1) in plain language, (2) in an accessible and readable format, and (3), whenever possible, in the native language of the applicant or person liable for repayment of the aid.

SOCIAL SERVICES

P.A. 10-61 CARE 4 KIDS PROGRAM NOTICE AND REDETERMINATIONS (eff. July 1, 2010)

Under this act, the DSS child care subsidy program, Care4Kids, must inform program recipients and service providers via written and web based notices of: (1) moratoriums on new applications, (2) eligibility requirement changes, and (3) benefit changes. Changes will not become effective until 30 days after the notice is issued. However, DSS is not required to give notice when it expands program eligibility.

Applicants determined eligible for program benefits prior to January 1, 2011 will automatically retain eligibility for at least 8 months, so long as DSS does not determine that the applicant's circumstances have changed during the 8-month period. DSS may only make an eligibility determination once every 8 months, unless the exception described below applies.

Prior to October 15, 2011, DSS must submit a report to the relevant committees of the General Assembly concerning eligibility redeterminations made on an 8 month basis. After October 15, 2011, DSS can make eligibility redeterminations on a 6 month basis if the report shows that overpayments of program benefits have increased as a result of having an 8 month eligibility redetermination period.

P.A. 10-185 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) EMERGENCY CONTINGENCY FUND (eff. from passage)

This act authorizes Connecticut's plan for accessing and spending the federal TANF Emergency Contingency Fund authorized in the federal stimulus law, the American Recovery and Reinvestment Act. The TANF Emergency Contingency Fund provides states with an 80% match of increased spending in three TANF-eligible areas: basic assistance, subsidized

employment and short-term, non-recurrent benefits, as defined by federal TANF law.

PA 10-185 authorizes a series of formulas by which funds reimbursed to the state by the federal government from the Emergency Contingency Fund will be divided between private providers of services, if the reimbursement is for the cost of services provided by the private provider, and the state general fund. In all cases, under federal law, the funds from the Emergency Contingency Fund must be used for TANF-eligible purposes.

PA 10-185 further authorizes DSS to contract with a fiscal intermediary to administer the distribution of funds received from the Emergency Contingency Fund to private providers.

Sp.A. 10-05 COMMISSION ON NONPROFIT HEALTH AND HUMAN SERVICES
(eff. from passage)

This act establishes a commission to analyze and report on the adequacy of funding provided under state purchase of service contracts to not-for-profit health and human services providers. The analysis is to include a comparison of costs of services between state agencies and private providers, including a comparison of wages and benefits; the cost increases associated with provision of services by private providers from 2000 to 2009; the projected costs of those services through 2014; the projected savings associated with services provided by these programs in the community rather than in institutions; and sources of revenue for these programs. The Commission is to submit a preliminary report to the Governor and the relevant committees of the General Assembly by January 1, 2011 and a final report by April 1, 2011. The Commission will disband when the final report is submitted.

See also: RAPs Targeted to Frequent Users of State Services (P.A. 10-179), p. 29.

OTHER

P.A. 10-03 ATTORNEY'S FEES FOR SSI APPEALS (eff. from passage)

Section 9 of this act, the SFY 2010 Deficit Mitigation Package, eliminates prospectively the payment by DSS of attorney's fees for attorneys pursuing appeals of denials of aid under the federal Supplemental Security Income (SSI) program for SAGA and state supplement recipients. DSS will continue to provide payment of attorney's fees in cases being pursued prior to the effective date of the section.

P.A. 10-33 UNSWORN FOREIGN DECLARATIONS (eff. October 1, 2009)

This act permits the use of an "unsworn" declaration in the place of a

“sworn” declaration required by state law when the declarant is outside the physical boundaries of the United States. An “unsworn declaration” is a signed record that is not given under oath but is given under penalty of perjury. The act provides a form for the declaration. The act modifies and supercedes the federal Electronic Signatures in Global and National Commerce Act. The act modifies the definition of perjury to include false statements made in an “unsworn declaration” described in this act.

P.A. 10-34 PROBATE COURT AUTHORITY AND JURISDICTION (eff. Oct. 1, 2010)

Section 1 of this act expands the authority of the Probate Court Administrator to include making and enforcing regulations governing record maintenance, requires the Administrator to regularly review those procedures and allows the adoption of regulations concerning availability of judges, court facilities, personnel and records and telephone service, without following the UAPA rules.

Section 2 allows probate judges to conduct business in any location in Connecticut if necessary to facilitate attendance by a party.

P.A. 10-121 PROBATE COURT DISTRICTS (eff. Jan. 5, 2011)

Under legislation passed in 2009, the current 117 probate districts will be replaced by 54 probate districts on January 5, 2011. When the new districts take effect, this act makes Union part of the district including Enfield, Somers, and Stafford instead of the district including Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson, and Woodstock.

P.A. 10-171 PUBLICATION OF MINUTES OF MUNICIPAL AGENCIES (eff. October 1, 2010)

Section 4 of this act repeals the requirement that municipalities post the minutes of agency meetings on their websites.

P.A. 10-179 BUDGET REDUCTIONS BY THE GOVERNOR TO THE JUDICIAL BRANCH (eff. July 1, 2010)

Section 145 of this act requires OPM to use the estimates of expenditure requirements submitted by the Judicial Branch in preparing state budget recommendations and Section 31 changes the process under which the governor can propose reductions to appropriations for the Judicial Branch.

Under this act, OPM must provide notice of the amount and reasons for a proposed reduction in Judicial Branch funding to the Chief Justice. Once notified, the Chief Justice can object to the reductions and the Appropriations Committee of the General Assembly may hold a hearing on the reductions. The Committee can reject the proposed reductions by a 2/3 vote within 15

days. If rejected, OPM must submit an alternative plan to achieve the reductions.

P.A. 10-184 RECORDING OF PROBATE PROCEEDINGS (eff. Oct. 1, 2010)

Section 7 of this act requires a probate judge to record proceedings that are not otherwise required by law to be recorded at the written request of a party. Such a recording is not deemed to be an on-the-record hearing or matter for purposes of an on-the-record appeal of a probate proceeding. Costs of copying or transcripts are charged to the requesting party. These recordings are to be made and retained in a manner approved by the probate court administrator.

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EXPLANATION OF ABBREVIATIONS

Two standard abbreviations are ordinarily used in this publication. "P.A." stands for "Public Act." A public act is one of general applicability and is eventually codified in the Connecticut General Statutes. 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:

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
DMHAS	Department of Mental Health and Addiction Services
DOC	Department of Corrections
DPH	Department of Public Health
DSS	Department of Social Services
OPM	Office of Policy and Management
SBE	State Board of Education
SDE	State Department of Education

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