

CONNECTICUT LEGISLATIVE ACTION PACKET

**PURPOSE: ADVOCATING CHANGE TO CONNECTICUT LAWS TO BETTER
PROTECT CHILDREN AND FAMILIES FROM FRAUD AND ABUSE.**

Connecticut does not permit direct citizen legislative action. HEAL recommends Connecticut advocates create a petition directed at Connecticut State Legislators (Connecticut State House and Senate) requesting that the following recommended changes to State law be enacted. HEAL can support these efforts by creating an action alert to sign any petition created and for Connecticut supporters to write their legislators supporting the petition and recommended changes.

Most States require that petitions and letters must be by, for, and/or from constituents of the State. HEAL does not currently have a Connecticut chapter and we have provided this recommended action packet to assist Connecticut advocates with information and support.

1. Create a petition (hard copy or online) suggesting one, some, or all of the recommended changes to Connecticut's laws below. If you need help, just ask. The petition should be to "Connecticut Lawmakers: State House of Representatives, State Senate, and Governor of Connecticut". If you wish, you can copy/paste the recommendations below into the body of the petition. The petition should begin with, "We, the people of Connecticut, demand state lawmakers enact the following laws, regulations, and policies:" (If you choose to create an online petition, make sure that you select that only Connecticut residents may sign it to make sure the legislators accept the petition.)
2. Notify HEAL that the petition has been created and let us know if it is hard copy or online. If it is hard copy, we will promote your efforts and do our best to get you the local support you need. If the petition is online, send us the link and we will create an action alert asking Connecticut supporters to sign your petition and write a letter to their legislators in Connecticut in support of the policy changes you seek to have enacted.

CHILDREN AND YOUTH'S BILL OF RIGHTS

HEAL recommends that the following children and youth's bill of rights be enacted into law in all States:

1. No child shall be involuntarily placed in a secured, lockdown facility without due process of law. (US Constitution, 14th Amendment—law supported by Supreme Court Rulings in *Bellotti v. Baird* (1979) U.S. Supreme Court and *Ingraham v. Wright* (1977) U.S. Supreme Court)
2. No child shall be forced to act as Staff or perform the duties of an employee of any institution involuntarily. (US Constitution, 13th Amendment—law supported by Supreme Court Ruling in *Tinker v. Des Moines Independent School District* (1969) U.S. Supreme Court)
3. No child shall be forced to act as Staff or perform the duties of an employee of any institution without fair compensation (i.e. minimum wage). (US Constitution, 13th Amendment- law supported by Supreme Court Ruling in *Tinker v. Des Moines Independent School District* (1969) U.S. Supreme Court)

CONNECTICUT

Statute of Limitations Suggested Revision(s)

Connecticut should include rape, sexual abuse, and exploitation of children in list of offenses with no statute of limitations.

HEAL recommends Connecticut Chapter 966 Sec. 54-193 (see: <http://www.cga.ct.gov/2011/pub/chap966.htm>) be amended to include rape, sexual abuse, and exploitation/trafficking of children in the list of offenses having no Statute of Limitations. This may require such abuses to be added to list of capital offenses or may simply require extending statute of limitations for special victims.

Alaska provides one example of a State that includes kidnapping, rape, and sexual abuse in the list of offenses that have no Statute of Limitations for prosecution. (Source: ALASKA STAT. § 12.10.010)

HEAL recommends Connecticut revise *Conn. Gen. Stat. § 52-577(& 52-555, etc.)* to extend the Statute of Limitations for child victims to file suit upon reaching age of majority. HEAL recommends child victims be given 20 years from time of injury or 15 years upon reaching age of majority to file a tort claim against the tortfeasor.

Alternatives to the above extension of time to file a claim for injured minors include judicial system providing accessible and competent attorneys required to represent minors on a contingency basis with no fees due unless case is won

and amount to be paid to attorney may not exceed 50% of the damages and 50% total must include all attorney fees and expenses.

Child Abuse Laws Suggested Revision(s)

Please amend our State's child abuse statutory definitions to include the following:

Emotional Abuse

Citation: Ann. Stat. § 9:6-8.21 (New Jersey Statutory Definition)

Abused child or abused or neglected child means a child under age 18 years who is in an institution, and:

- Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being
-
- Who has been willfully isolated from ordinary social contact under circumstances that indicate emotional or social deprivation

The definitions and laws pertaining to child abuse and/or endangering the welfare of a child in Connecticut are found in our Gen. Stat. § 46b-120. Please amend Connecticut's laws to include the above definitions as applied under Connecticut's Child Endangerment, Child Welfare, and Child Abuse laws.

In addition, HEAL recommends that the definition of Abandonment be added to Connecticut's Child Endangerment Laws and defined as in the following Kansas Statute:

Kansas § 38-2202. Definitions. "As used in the revised Kansas code for care of children, unless the context otherwise indicates: "Abandon" or "abandonment" means to forsake, desert or, (a) without making appropriate provision for substitute care, cease providing care for the child."

HEAL recommends that "appropriate provision for substitute care" be limited to the least restrictive environment within the child's community of residence and/or within the State of Connecticut if institutionalization is required.

****Special Note: Unlicensed Facilities**

HEAL recommends that Connecticut (see: http://www.ct.gov/dph/lib/dph/communications/rar/pdf/qu_3_2011.pdf) adopt the

same code/law as Arkansas in regards to unlicensed facilities. Arkansas has the best law regarding unlicensed child care facilities.

Arkansas' Ann. Code § 20-78-208. Unlicensed child care facility unlawful.

(a) It shall be unlawful for any person, partnership, group, corporation, organization, or association to operate or assist in the operation of a child care facility which has not been licensed by the Division of Child Care and Early Childhood Education.

(b) It shall be unlawful for any person to falsify an application for licensure, to knowingly circumvent the authority of the Child Care Facility Licensing Act, 20-78-201 et seq., to knowingly violate the orders issued by the division, or to advertise the provision of child care which is not licensed or approved or exempt by the division.

(c) A violation of this section shall be a Class C misdemeanor.

Faith-Based Exemptions Suggested Revision(s)

Connecticut appears to require private "faith-based" providers be licensed and regulated and available information shows that Connecticut does not permit anyone to operate a residential child care facility without a license. (Sources: <http://www.ct.gov/dcf/cwp/view.asp?a=2639&Q=467528> and http://www.ct.gov/dph/lib/dph/communications/rar/pdf/qu_3_2011.pdf).

It appears Connecticut already provides regulation of faith-based providers. Therefore, HEAL finds Connecticut's laws related to faith-based exemptions acceptable.

Educational Consultants/Referral Services Suggested Revision(s)

HEAL recommends that Connecticut establish professional guidelines and professional licensure standards and certification requirements for any individual engaging in a business of making referrals to any mental health or educational institution.

Teen/Youth Transport Services Suggested Revision(s)

HEAL recommends that Connecticut establish professional guidelines and professional licensure standards and certification requirements for any individual or business engaging in involuntary transport of youth for mental health, behavioral health, medical care, and/or educational purposes. HEAL recommends that anyone engaged in such a business at minimum be required to be licensed Emergency Medical Technicians (EMTs) with ambulance driver certification with special licensing/certification requirements for transport services taking children across state lines. HEAL recommends that only law enforcement personnel engaged in transporting adjudicated youth who have been court-ordered to a secured treatment facility be permitted to transport youth across state lines for such purposes and that private placements of youth be outlawed

as we recommend all youth be recognized as having the right to due process when enrollment/placement violates a minor's civil liberty interests.

Seclusion and Restraint Suggested Revision(s)

HEAL suggests Connecticut amend State laws regarding seclusion and restraint of children to match Sen. Harkin's (D-IA) and Rep. Miller's (D-CA) Keeping All Students Safe Act of 2011 (S. 2020, H.R. 1381).

Reparative/Conversion Therapy Revision(s)

HEAL suggests that Connecticut enact a law similar to California's law banning reparative/conversion therapy on children and youth. HEAL believes the methods involved in reparative/conversion therapy are inhumane and harmful whether or not they are used to change sexual/sexual orientation behavior or any legal behavior or beliefs that may not align with those of families or service providers seeking to use coercive thought reform/conversion therapy techniques to change behavior. See http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1172 for more information.

Facilities and Occupational and Professional Licensure Database Revision(s)

Connecticut provides an acceptable and user-friendly method of verifying facility licensure. See: <https://www.elicense.ct.gov/Lookup/LicenseLookup.aspx>. However, it does not appear to provide disciplinary records or a clear message regarding any disciplinary actions online. HEAL recommends that Connecticut's system for facility license verification include disciplinary actions and reports similar to the system provided by Arizona. See <http://hsapps.azdhs.gov/ls/sod/SearchProv.aspx?type=BH>.

Two programs providing residential services to minors (Teen Challenge and Devereux Glenholme) are licensed solely as public charities in Connecticut. HEAL will need to question Connecticut on why these facilities are not also required to be licensed medical/mental health facilities and regulated as such.

Connecticut currently has a very user-friendly method of verifying licensed professionals that includes disciplinary records. See <https://www.elicense.ct.gov/Lookup/LicenseLookup.aspx>. HEAL finds Connecticut's system adequate and acceptable in this regard.

HEAL recommends that Connecticut either include educator/teacher license verification with the overall professional licensure verification recommended above or continue to provide the current online searchable database for verifying educator licensing found here: <http://sdeportal.ct.gov/CECSFOI/FOILookup.aspx>.

The above measures would help Connecticut protect consumers from fraud and abuse by making such information easily accessible.

Contact HEAL for Assistance:

HEAL
126 SW 148th St.
Ste C100-422
Seattle, WA 98166-1984
Ph. (877)845-3232
Fx. (877)845-8465
Em. info@heal-online.org
Url. www.heal-online.org