



Substitute House Bill No. 5243

Public Act No. 22-87

**AN ACT CONCERNING THE IDENTIFICATION AND PREVENTION
OF AND RESPONSE TO ADULT SEXUAL MISCONDUCT AGAINST
CHILDREN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective July 1, 2022*) (a) For the school year commencing July 1, 2022, and biennially thereafter, the Department of Public Health shall administer the Connecticut School Health Survey to students in grades nine to twelve, inclusive, provided the department receives funding from the federal Centers for Disease Control and Prevention for such purpose. The survey shall be based on the Youth Risk Behavior Survey developed by the federal Centers for Disease Control and Prevention. The department shall provide guidelines to the local or regional board of education regarding the administration of the survey to those high schools selected at random by the federal Centers for Disease Control and Prevention. Such local or regional board of education shall administer the survey to each high school selected to participate in the survey in accordance with the guidelines provided by the department, including, but not limited to, (1) the survey protocol as required by the federal Centers for Disease Control and Prevention, (2) the requirement to provide parents the opportunity to exclude their children from the survey by denying permission in writing, on a form prescribed by the department, (3) the requirement for the survey to be

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anonymous and administered in a manner designed to protect student privacy, (4) the timeframe for completion of the survey, and (5) the process by which the results of such survey are to be submitted to the department.

(b) The department, in consultation with the Department of Mental Health and Addiction Services, the Department of Children and Families, the Department of Education and any other agency or public interest group the department deems necessary, may develop additional survey questions to be included as part of the Connecticut School Health Survey that are relevant to the health concerns of high school students in the state.

Sec. 2. (NEW) (*Effective July 1, 2022*) Not later than October 1, 2022, the Child Advocate, in consultation with the Department of Public Health and the Department of Children and Families, shall develop and update, as necessary, questions designed to assess the risk of youths becoming victims of sexual assault or misconduct by an adult. Such questions shall be included as part of the Connecticut School Health Survey administered pursuant to section 1 of this act.

Sec. 3. (NEW) (*Effective from passage*) Not later than January 1, 2023, the Department of Education, in consultation with the Department of Public Health, shall develop for use by a local or regional board of education (1) a uniform policy concerning timely notification to the parents or guardians of students in grades nine to twelve, inclusive, about the Connecticut School Health Survey not later than twenty-one calendar days prior to the date such board will be administering the survey at a high school governed by such board, and (2) a form to be distributed to parents or guardians for the purposes of the notification required pursuant to subdivision (1) of this section that includes, but is not limited to, (A) an explanation of the Connecticut School Health Survey and how a parent or guardian may opt out of such survey being administered to his or her child, and (B) the Internet link to the survey

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that will be administered.

Sec. 4. Section 17a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) The public policy of this state is: To protect children whose health and welfare may be adversely affected through injury and neglect; to strengthen the family and to make the home safe for children by enhancing the parental capacity for good child care; to provide a temporary or permanent nurturing and safe environment for children when necessary; and for these purposes to require the reporting of suspected child abuse or neglect, investigation of such reports by a social agency, and provision of services, where needed, to such child and family.

(b) The following persons shall be mandated reporters: (1) Any physician or surgeon licensed under the provisions of chapter 370, (2) any resident physician or intern in any hospital in this state, whether or not so licensed, (3) any registered nurse, (4) any licensed practical nurse, (5) any medical examiner, (6) any dentist, (7) any dental hygienist, (8) any psychologist, (9) any school employee, as defined in section 53a-65, (10) any social worker, (11) any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics and is eighteen years of age or older, (12) any individual who is employed as a coach or director of youth athletics and is eighteen years of age or older, (13) any individual who is employed as a coach or director of a private youth sports organization, league or team and is eighteen years of age or older, (14) any paid administrator, faculty, staff, athletic director, athletic coach or athletic trainer employed by a public or private institution of higher education who is eighteen years of age or older, excluding student employees, (15) any police officer, (16) any juvenile or adult probation officer, (17) any juvenile or adult parole officer, (18) any member of the clergy, (19) any pharmacist, (20) any physical therapist, (21) any optometrist, (22) any chiropractor,

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(23) any podiatrist, (24) any mental health professional, (25) any physician assistant, (26) any person who is a licensed or certified emergency medical services provider, (27) any person who is a licensed or certified alcohol and drug counselor, (28) any person who is a licensed marital and family therapist, (29) any person who is a sexual assault counselor or a domestic violence counselor, as defined in section 52-146k, (30) any person who is a licensed professional counselor, (31) any person who is a licensed foster parent, (32) any person paid to care for a child in any public or private facility, child care center, group child care home or family child care home licensed by the state, (33) any employee of the Department of Children and Families or any person who, in the performance of such person's duties, has regular contact with and provides services to or on behalf of children pursuant to a contract with or credential issued by the Department of Children and Families, (34) any employee of the Office of Early Childhood who is responsible for the licensing of child care centers, group child care homes, family child care homes or youth camps, (35) any paid youth camp director, [or] assistant director and staff member who is twenty-one years of age or older, (36) the Child Advocate and any employee of the Office of the Child Advocate, (37) any person who is a licensed behavior analyst, (38) any family relations counselor, family relations counselor trainee or family services supervisor employed by the Judicial Department, (39) any victim services advocate employed by the Office of Victim Services within the Judicial Department, (40) any employee of a juvenile justice program operated by or pursuant to a contract with the Court Support Services Division of the Judicial Department, and (41) any person employed, including any person employed under contract and any independent ombudsperson, to work at a juvenile detention facility or any other facility where children under eighteen years of age are detained and who has direct contact with children as part of such employment.

(c) The Commissioner of Children and Families shall develop an

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educational training program and refresher training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program and refresher training program shall be made available to all persons mandated to report child abuse and neglect at various times and locations throughout the state as determined by the Commissioner of Children and Families. Such training program and refresher training program shall be provided in accordance with the provisions of subsection (g) of section 17a-101i, as amended by this act, to each school employee, as defined in section 53a-65, within available appropriations.

(d) [On or before October 1, 2011, the] The Department of Children and Families, in consultation with the Department of Education, shall develop a model mandated reporting policy for use by local and regional boards of education. Such policy shall state applicable state law regarding mandated reporting and any relevant information that may assist school districts in the performance of mandated reporting. Such policy shall include, but not be limited to, the following information: (1) Those persons employed by the local or regional board of education who are required pursuant to this section to be mandated reporters, (2) the type of information that is to be reported, (3) the time frame for both written and verbal mandated reports, (4) a statement that the school district may conduct its own investigation into an allegation of abuse or neglect by a school employee, provided such investigation does not impede an investigation by the Department of Children and Families, and (5) a statement that retaliation against mandated reporters is prohibited. Such policy shall be updated and revised as necessary.

Sec. 5. Subsections (f) and (g) of section 17a-101i of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(f) (1) On or before February 1, 2016, each local and regional board of education shall adopt a written policy, in accordance with the

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provisions of subsection (d) of section 17a-101, as amended by this act, regarding the reporting by school employees, as defined in section 53a-65, of suspected child abuse or neglect in accordance with sections 17a-101a to 17a-101d, inclusive, and 17a-103 or a violation of section 53-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a against a victim, as described in subdivision (2) of subsection (a) of section 17a-101a. Such policy shall annually be distributed [annually] electronically to all school employees employed by the local or regional board of education. The local or regional board of education shall document that all such school employees have received such written policy and completed the training and refresher training programs required by subsection (c) of section 17a-101, as amended by this act.

(2) For the school year commencing July 1, 2022, and each school year thereafter, each local and regional board of education shall distribute electronically to all school employees, as defined in section 53a-65, the members of the board of education and the parents and guardians of students enrolled in the schools under the jurisdiction of the board, a copy of the guidelines regarding identifying and reporting child sexual abuse, developed pursuant to section 17a-101r.

(3) For the school year commencing July 1, 2023, and each school year thereafter, each local and regional board of education shall distribute electronically to all school employees, as defined in section 53a-65, the members of the board of education and the parents and guardians of students enrolled in the schools under the jurisdiction of the board, information regarding the sexual abuse and assault awareness and prevention program identified or developed pursuant to section 17a-101q, as amended by this act.

(g) (1) Each school employee, as defined in section 53a-65, hired by a local or regional board of education on or after July 1, 2011, shall be required to complete the training program developed pursuant to subsection (c) of section 17a-101, as amended by this act. Each such

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school employee shall complete the refresher training program, developed pursuant to subsection (c) of section 17a-101, as amended by this act, not later than three years after completion of the initial training program, and shall thereafter retake such refresher training course at least once every three years.

(2) On or before July 1, 2012, each school employee, as defined in section 53a-65, hired by a local or regional board of education before July 1, 2011, shall complete the refresher training program developed pursuant to subsection (c) of section 17a-101, as amended by this act, and shall thereafter retake such refresher training course at least once every three years.

(3) On and after July 1, 2023, each school employee, as defined in section 53a-65, employed by a local or regional board of education shall complete the (A) training regarding the prevention and identification of, and response to, child sexual abuse and assault, (B) bystander training program, and (C) appropriate interaction with children training program, in accordance with the provisions of section 17a-101q, as amended by this act. Each such employee shall repeat such training at least once every three years.

[(3)] (4) The principal for each school under the jurisdiction of a local or regional board of education shall annually certify to the superintendent for the board of education that each school employee, as defined in section 53a-65, working at such school, is in compliance with the provisions of (A) this subsection. The superintendent shall certify such compliance to the State Board of Education.

Sec. 6. Section 17a-101q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

(a) Not later than July 1, [2016] 2023, the Department of Children and Families, in collaboration with the Department of Education and

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Connecticut Alliance to End Sexual Violence, or a similar entity, shall identify or develop a state-wide sexual abuse and assault awareness and prevention program for use by local and regional boards of education. Such program shall be implemented in each local and regional school district and shall include:

(1) For [teachers] school employees, as defined in section 53a-65, instructional modules that may include, but not be limited to, (A) training regarding the prevention and identification of, and response to, child sexual abuse and assault, [and] (B) resources to further student, teacher and parental awareness regarding child sexual abuse and assault and the prevention of such abuse and assault, (C) bystander training program, and (D) appropriate interaction with children training program;

(2) For students, age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to, (A) the skills to recognize (i) child sexual abuse and assault, (ii) boundary violations and unwanted forms of touching and contact, and (iii) ways offenders groom or desensitize victims, and (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii) mobilize bystanders; and

(3) A uniform child sexual abuse and assault response policy and reporting procedure that may include, but not be limited to, (A) actions that child victims of sexual abuse and assault may take to obtain assistance, (B) intervention and counseling options for child victims of sexual abuse and assault, (C) access to educational resources to enable child victims of sexual abuse and assault to succeed in school, and (D) uniform procedures for reporting instances of child sexual abuse and assault to school staff members.

(b) [Not later than October 1, 2016] For the school year commencing

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July 1, 2023, and each school year thereafter, each local and regional board of education shall implement the sexual abuse and assault awareness and prevention program identified or developed pursuant to subsection (a) of this section.

(c) No student in grades kindergarten to twelve, inclusive, shall be required by any local or regional board of education to participate in the sexual abuse and assault awareness and prevention program offered within the public schools. A written notification to the local or regional board of education by the student's parent or legal guardian shall be sufficient to exempt the student from such program in its entirety or from any portion thereof so specified by the parent or legal guardian.

(d) If a student is exempted from the sexual abuse and assault awareness and prevention program pursuant to subsection (c) of this section, the local or regional board of education shall provide, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work.

Sec. 7. (NEW) (*Effective July 1, 2022*) On and after July 1, 2023, the Department of Children and Families shall make available, upon request of a youth-serving organization or religious organization, any materials relating to the training regarding the prevention and identification of, and response to, child sexual abuse and assault, bystander training program and the appropriate interaction with children training program described in section 17a-101q of the general statutes, as amended by this act.

Sec. 8. (*Effective from passage*) (a) There is established a task force to study the sexual abuse and exploitation of children on the Internet or facilitated by Internet users in the state during the period beginning January 1, 2019, and ending December 31, 2021. Such study shall include an examination of (1) the types and frequency of such abuse and

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exploitation, (2) grooming tactics utilized by adults in order to engage in such abuse and exploitation, and (3) any barriers that may prevent the adequate or timely investigation or prosecution of such abuse and exploitation.

(b) The task force shall consist of the following members:

(1) One appointed by the speaker of the House of Representatives, who is a member of the Trafficking in Persons council established pursuant to section 46a-170 of the general statutes;

(2) One appointed by the president pro tempore of the Senate, who shall have expertise in the prosecution of child sexual abuse and exploitation originating on the Internet;

(3) One appointed by the majority leader of the House of Representatives, who is a representative of a nonprofit organization that raises awareness of online child sex abuse and exploitation;

(4) One appointed by the majority leader of the Senate, who shall have expertise in data and behavioral trends concerning child sexual abuse and exploitation;

(5) One appointed by the minority leader of the House of Representatives, who is a representative of the Connecticut Police Chiefs Association;

(6) One appointed by the minority leader of the Senate, who is a representative of the Alliance to End Sexual Violence;

(7) The Commissioner of Children and Families, or the commissioner's designee;

(8) The Commissioner of the Department of Emergency Services and Public Protection, or the commissioner's designee; and

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(9) The Chief State's Attorney, or the Chief State's Attorney's designee.

(c) All initial appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(d) The chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to children shall select the chairperson of the task force from among the members of the task force. Such chairperson shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(e) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to children shall serve as administrative staff of the task force.

(f) Not later than January 1, 2023, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to children, in accordance with the provisions of section 11-4a of the general statutes. The report shall include, but not be limited to, (1) the number of allegations of such abuse and exploitation reported to law enforcement, (2) the number of such reports that resulted in arrest and the number of such reports that resulted in prosecution, and (3) to the extent the task force can determine, the reasons why certain allegations were not prosecuted. The report shall not contain personally identifying information concerning victims of child sexual abuse or exploitation. The task force shall terminate on the date that it submits such report or January 1, 2023, whichever is later.

Sec. 9. Section 54-240 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

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As used in this chapter:

(1) "Address confidentiality program" or "program" means the program established pursuant to this chapter;

(2) "Agency" has the same meaning as "public agency" or "agency", as provided in section 1-200;

(3) "Application assistant" means a person authorized by the Secretary of the State to assist applicants in the completion of applications for program participation;

(4) "Authorized personnel" means an employee in the office of the Secretary of the State who has been designated by the Secretary of the State, or an employee of an agency who has been designated by the chief executive officer of such agency, to process and have access to records pertaining to a program participant, including, but not limited to, voter registration applications, voting records and marriage records;

(5) "Certification card" means a card issued by the Secretary of the State pursuant to section 54-240d;

(6) "Confidential address" means a program participant's address or addresses as listed on such participant's application for program participation that are not to be disclosed, including such participant's residential address in this state and work and school addresses in this state, if any;

(7) "Family violence" has the same meaning as provided in section 46b-38a;

(8) "Injury or risk of injury to a child" means any act or conduct that constitutes a violation of section 53-21;

(9) "Kidnapping" means any act that constitutes a violation of

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section 53a-92, 53a-92a, 53a-94 or 53a-94a;

[(9)] (10) "Law enforcement agency" means the office of the Attorney General, the office of the Chief State's Attorney, the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department;

[(10)] (11) "Marriage records" means an application for a marriage license, an issued marriage license, a license certificate or other documents related thereto;

[(11)] (12) "Program address" means the post office box number and fictitious street address assigned to a program participant by the Secretary of the State;

[(12)] (13) "Program participant" or "participant" means any person certified by the Secretary of the State to participate in the address confidentiality program;

[(13)] (14) "Record" has the same meaning as "public records or files" as provided in section 1-200;

[(14)] (15) "Sexual assault" means any act that constitutes a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; [and]

[(15)] (16) "Stalking" means any act that constitutes a violation of section 53a-181c, 53a-181d or 53a-181e; and

(17) "Trafficking in persons" means any act that constitutes a violation of section 53a-192a.

Sec. 10. Section 54-240a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

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(a) There shall be an address confidentiality program established in the office of the Secretary of the State to provide a substitute mailing address for any person who wishes to keep such person's residential address confidential because of safety concerns and (1) has been a victim of (A) family violence, (B) injury or risk of injury to a child, (C) kidnapping, (D) sexual assault, [or] (E) stalking, [and who wishes to keep such person's residential address confidential because of safety concerns] (F) trafficking in persons, or (G) child abuse or neglect, where such abuse or neglect was substantiated by the Department of Children and Families and was the basis for the issuance of a restraining order under section 46b-15 or civil protection order under section 46b-16a, or (2) a termination of parental rights was granted pursuant to section 45a-717 or 46b-129.

(b) The Secretary of the State shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the provisions of this chapter. Such regulations may include, but need not be limited to, provisions for applications for participation in the address confidentiality program, certification of program participants, certification cancellation, agency use of program addresses, forwarding of program participants' mail, voting by program participants and recording of vital statistics for program participants.

Sec. 11. Section 54-240c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):

The Secretary of the State shall certify an applicant or the person on whose behalf an application is made as a program participant if the application is filed in the manner and on the application form prescribed by the Secretary of the State and includes:

(1) A statement made under penalty of false statement, as provided in section 53a-157b, that [(A)] the applicant or the person on whose behalf the application is made (A) is a victim of (i) family violence, (ii)

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injury or risk of injury to a minor, (iii) kidnapping, (iv) sexual assault, [or] (v) stalking, (vi) trafficking in persons, or (vii) child abuse or neglect, where such abuse or neglect was substantiated by the Department of Children and Families and was the basis for the issuance of a restraining order under section 46b-15 or civil protection order under section 46b-16a, or (B) a termination of parental rights was granted pursuant to section 45a-717 or 46b-129, and [(B)] (C) the applicant fears for the [applicant's safety, for the safety of the applicant's children, for the safety of the person on whose behalf the application is made, or for the safety of the children] safety of the applicant, children living in the applicant's home, person on whose behalf the application is made or children living in the home of the person on whose behalf the application is made;

(2) Documentation supporting the statement made pursuant to subdivision (1) of this section;

(3) A designation of the Secretary of the State as the agent of the applicant or the person on whose behalf the application is made for service of process and for receipt of first class mail;

(4) The residential address in this state, the work and school addresses in this state, if any, and the phone number or numbers, if available, that are to remain confidential, but which may be used by the Secretary of the State or authorized personnel to contact the applicant or the person on whose behalf the application is made; and

(5) The application preparation date, the applicant's signature and the signature of the application assistant who assisted the applicant in completing the application.