

PA10-157

HB5196

House	3491-3496	6
Human Serv.	1079, 1087-1088, 1098-1099, 1125-1127, 1149, 1182, 1287	11
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 11
3318- 3572**

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HOUSE OF REPRESENTATIVES

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May 1, 2010

Those absent and not voting 16

SPEAKER DONOVAN:

The bill, as amended, is passed.

Will the Clerk please call Calendar 232.

THE CLERK:

On page 39, Calendar 232, Substitute for House
Bill Number 5196, AN ACT CONCERNING CREDIT
PROTECTION FOR FOSTER CARE CHILDREN, favorable
report of the Committee of Appropriations.

SPEAKER DONOVAN:

Chair of Human Services, Representative Toni
Walker, you have the floor, Madam.

REP. WALKER (93rd):

Good evening -- good morning, Mr. Speaker.

SPEAKER DONOVAN:

Good morning, madam.

REP. WALKER (93rd):

I move for the acceptance of the joint
committee's favorable report and passage of the
bill.

SPEAKER DONOVAN:

Question's on acceptance of the joint
committee's favorable report and passage of the
bill.

Will you remark?

REP. WALKER (93rd):

Mr. Speaker, the Clerk has an amendment 4918. I ask the Clerk please call the amendment and that I be granted leave to the chamber to explain.

SPEAKER DONOVAN:

Will the Clerk please call LCO Number 4918, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 4918, House "A" offered by Representative Walker, Senator Coleman, et al.

SPEAKER DONOVAN:

Representative seeks leave of the chamber to summarize the amendment. Any objection? Hearing none, Representative Walker, you may proceed.

REP. WALKER (93rd):

Thank you, Mr. Speaker.

Mr. Speaker, for the last few months in the beginning of the year, we had meetings with some of the foster children that are -- been -- that are under the care of Department of Children and Families. They requested this bill. Many of them have had difficulties in getting actual credit

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because people have actually utilized their social security numbers. And what this does is it helps to establish some sort of protection for the children in foster care in our system. It allows the 16-year-olds, 17-year-olds and 18-year-olds to get a credit -- a free annual check of their credit, and it be evaluated by their case manager. And I move adoption.

SPEAKER DONOVAN:

Question's on adoption. Will you remark further? Would you care to remark further on the amendment?

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Mr. Speaker.

I just want to say that the Chairman of the Human Services committee has worked very hard, both on this amendment on the bill to get something that will work, that will satisfy DCF and, yet, solve the problem for these foster care children. I urge support of the amendment.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

A quick question if I may.

SPEAKER DONOVAN:

Please proceed, sir.

REP. HETHERINGTON (125th):

Through you, is this a problem that -- that has some unique relation to children in foster care. I mean, I would think that children in any situation with irresponsible parents, perhaps, may be subject to having their identity stolen and then credit taken. Through you, Mr. Speaker.

REP. WALKER (93rd):

Thank you, Mr. Speaker.

Yes, this is not a unique situation for children. But because of the fact that the children are under our care, the State's care, this is a problem. And, as the parents of the children, we have to make sure that somebody is actually monitoring their credit and making sure that they have an opportunity to access all the credit or loans for school, et cetera. So I hope that answers your questions, sir.

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REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

And I thank the proponent.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the amendment? Would you care to remark further? If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

The ayes have it. The amendment is adopted.

Would you care to remark further on the bill as amended? Would you care to remark further? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your votes were properly cast. If all the members have voted, the machine will be locked and the Clerk will please take a tally.

THE CLERK:

House Bill 5196 as amended by House "A."

Total Number Voting 136

Necessary for Passage 69

Those voting Yea 136

Those voting Nay 0

Those absent and not voting 15

SPEAKER DONOVAN:

The bill, as amended, is passed.

Will the Clerk please call Calendar 358.

THE CLERK:

On page 14, Calendar 358, Substitute for House Bill 5533, AN ACT CONCERNING SEXTING.

SPEAKER DONOVAN:

The Chair of the Judiciary Committee, House Chair Representative Michael Lawlor, you have the floor, Sir.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Good morning.

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GENERAL ASSEMBLY
SENATE**

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THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 17, Calendar 540, House Bill 5494,
move to place on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 18, Calendar 543, House Bill 5399,
move to place on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 18, Calendar 544, House Bill 5434,
move to place on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 18, Calendar 547, House Bill 5196,
move to place on the consent calendar.

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THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 18, Calendar 548, House Bill 5533,
move to place on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 18, Calendar 549, House Bill 5387,
move to place on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 19, Calendar 522, House Bill 5163,
move to place on the consent calendar.

THE CHAIR:

Excuse me. Senator Looney, could you repeat that
one please?

SENATOR LOONEY:

Oh, yes, Mr. President. It's calendar page 19, I
believe the Calendar may be 552.

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Calendar page 10, Calendar 461, House Bill 5207;
Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar
487, House Bill 5220; Calendar 488, House Bill 5297;
Calendar 490, 5425 -- House; Calendar 496, House Bill
5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527;
Calendar 514, House Bill 5426; Calendar 516, House Bill
5393.

Calendar page 15, Calendar 520, House Bill 5336;
Calendar 521, House Bill 5424; Calendar 523, House Bill
5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436;
Calendar 540, House Bill 5494; Calendar 543, House Bill
5399.

Calendar page 18, Calendar 544, House Bill 5434;
Calendar 547, House Bill 5196; Calendar 548, House Bill
5533; Calendar 549, House Bill 5387; Calendar 550, House
Bill 5471; Calendar 551, House Bill 5413; Calendar 552,
House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

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Calendar page 20, Calendar 556, House Bill 5498;
Calendar 557, House Bill 5270; 559, House Bill 5407; 562,
House Bill 5253; and House Bill -- Calendar 563, House
Bill 5340; Calendar 567, House Bill 5371; and Calendar
573, House Bill 5371.

Mr. President, I believe that completes the items

THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567,
do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the
Senate on the consent calendar. Will all Senators please
return to the chamber. Immediate roll call has been ordered in the Senate on the
consent calendar. Will all Senators please return to the chamber.

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THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HUMAN
SERVICES
PART 4
1072 – 1435**

2010

1
ms/gbr HUMAN SERVICES COMMITTEE

March 9, 2010
10:00 A.M.

CHAIRMEN: Senator Doyle
Representative Walker

VICE CHAIRMEN: Senator Coleman
Representative Abercrombie

RANKING MEMBERS: Senator Kane
Representative Gibbons

REPRESENTATIVES: Butler, Cook, Coutu,
Flexer, Holder-Winfield,
Jarmoc, Johnston, Lyddy,
Orange, Rigby, Thompson

SENATOR DOYLE: (Inaudible) call to order the Human Services Committee Public Hearing. Sorry for the slight delay, but unfortunately we got a lot of testimony late and our staff was scrambling to try to prepare it. So I'd hope in the future people can try to get it to us early because the late time handing it in delays the start of the public hearing.

With that being said, for the first hour we'll have public officials, and the first public official will be Commissioner Susan Hamilton. After that we go to the public; and just for your information, the public, we limit your speaking to three minutes and after that Legislators are going to ask you questions. If you hear the bell, please try to wrap up and summarize because the goal is to get as many people to speak promptly so people can get home as early as possible. So again, thank you for coming, and Commissioner.

COMMISSIONER SUSAN HAMILTON: Good morning, Senator Doyle, Representative Walker, Representative

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HB5244 SB219
HB5196 HB5429
HB5430 HB5443

used all that frequently, but to have the authority to do that I think is appropriate. And that authority mirrors what is available or authorized pursuant to EMPS providers that work in the adult system. They have that level of authority to issue those orders.

Senate Bill 219, AN ACT CONCERNING STATE CONTRACT REDUCTIONS, the Department certainly understands the intent behind this bill. As currently worded, the Department has concerns about the flexibility that contractors would be given under this language to make changes to their approved budgets without requiring the state agency approval. One of the concerns that our Department has with this as currently drafted is that we have some providers who have joint consolidated contracts that include DCF and other agencies. Without requiring state agency approval, there would be the opportunity for funds to be transferred from one agency's services to another agency's services without agency input. So again we would express some concern about that as currently worded.

House Bill 5196, AN ACT CONCERNING CREDIT PROTECTION FOR FOSTER CARE CHILDREN, this is another bill where the Department fully appreciates the intent behind it. Again, we have been doing a lot of work in sort of figuring out how to address the issue of, and protect youth, from identity theft, particularly the youth in foster care who because of their involvement with so many different service providers and in some cases numerous different placements, folks have access to their information more so than other children. Information might be more readily available. However in researching how this would actually work, the bill as drafted would require certain notifications to take place and certain information about the child to be

shared with credit agencies. We have talked with and done some research on what is actually available through these free credit reports, and we believe, as currently worded, the Department would not be actually able to implement the requirements that were included in here, given some restrictions that exist under the Fair Credit Reporting Act. So I think this is an area where the Department would like, actually request that the Committee hold off on actually moving this bill forward until we can really look at what is the feasibility and the appropriateness of implementing these changes as called for in the bill.

AN ACT CONCERNING THE BURDEN OF PROOF IN JUVENILE MATTERS, House Bill 5429, this is a bill -- first of all the Department is opposed to this bill. It, in essence, applies a criminal standard, a criminal burden of proof to child protection matters. In substantiation hearings, Families With Service Needs, petitions, OTC motions and neglect petitions, elevating the burden of proof to "beyond a reasonable doubt" in those cases, in the Department's opinion and my opinion, would have a detrimental effect on the safety of the children that are being observed by the Department and whose cases are pending before the juvenile court and that is not a burden of proof that exists anywhere else in the country for these particular proceedings. The current burden of proof, which is "preponderance of the evidence", is the standard that applies in all civil cases, all administrative cases and is constitutionally sound. It's important for the Committee to note that in the proceedings that are listed here; neglect, Family With Service Needs, motions for OTC's, the focus is not on adjudicating the perpetrator or making a finding against a parent, the focus in those

Representative Abercrombie.

REP. ABERCROMBIE: Thank you, Mr. Chair.

Good morning, Commissioner. Thank you for being here.

I just have a couple of questions about the 5196, AN ACT CONCERNING CREDIT PROTECTION FOR FOSTER CARE CHILDREN. You know we've heard from a lot of these children when they get out of the foster care program that their credit -- they've had identity theft. A lot of times it could be a family member that has gotten their social security number, has used it. I see in your testimony that the way it's written, you're not totally in favor of it. Two questions for you; one, can you, by chance, send us some language by next week as to what you think an alternative proposal would be. We'd be more than happy to take a look at that. And two, it looks like from your testimony that this is already done in California. Is there something there that we could mirror?

COMMISSIONER SUSAN HAMILTON: Yes, to your first question about sending some alternative language and I do think when we looked at the process as it exists in some other states; there are probably some things that we can build on that would make this workable. So, again, I think that we're on the same page around the intent behind it and we agree that foster kids do tend to be at higher risk and we do often find that in many instances the theft has been by a family member or relative and the like and we are looking to address it. We are trying to address it now, but I think there is some probably alternative language that we could look at that might be more workable. So we'd be happy to send that to the Committee.

REP. ABERCROMBIE: Okay and you know that we're on a short time line, so next week would be great.

COMMISSIONER SUSAN HAMILTON: Sure.

REP. ABERCROMBIE: Thank you, Commissioner.

Thank you, Mr. Chair.

SENATOR DOYLE: Sure.

Representative Walker.

REP. WALKER: Thank you, and good morning Commissioner. Thank you for your testimony.

I'm going to ask about 5430, AN ACT CONCERNING THE TRANSFER OF CHILDREN AND YOUTH FROM OUT-OF-STATE BACK HERE TO CONNECTICUT. Since I've been here for the last nine years, this has been something that all of us have been really confused about and we've all stressed the fact that we want something to happen. Excuse me, I have a cold, so every once in a while --

We understand the difficulties because we've tried every angle. We've tried talking to the providers, we've tried talking to the agency and I think as you see in this bill we need to have a plan. We need to have a process. I know we've met with several providers both in Connecticut and out of Connecticut. We've actually met with some providers that provide services to a lot of our out-of-state and we still cannot for the life of us understand the difficulty of bringing our children or trying to provide services for our children here in the state.

I know the eye opening thing that I had was that Department of Developmental Services had -
- takes over a lot of our kids coming from out-

MELISSA FOSTER: That's my son, Ethan.

Good morning. I'm really nervous. My name is Melissa Foster and I am here to talk about my experiences with identity theft as a former foster child. I first came into DCF when I was eight years old, through a number of placements that didn't work out for various reasons. I struggled and stumbled into adult life. I was adopted by my former foster mother and I live with her today.

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I have a beautiful little boy. Around the time I delivered him, I found out my credit was bad. Having never had any bills in my name, I couldn't understand why this was. I tried to find out information about my credit and ran into numerous roadblocks. I reached out to a former social worker for help when I couldn't get anywhere. We have learned several important facts. My social security number was used to open a bunch of accounts, like David's Bridal charge cards, Verizon wireless phone services, starting at the age of 14. Someone opened up an account in my name with a credit reporting company such Experian, TransUnion and Equifax; I can't even get the information that's necessary.

I had to file a police report with the local police. They weren't sure what information to report since I didn't know where the person lived. The person turned out to be my birth father, so that at least some of the things on my credit and all of the money (inaudible). I can't go into any housing programs or any apartments for that fact and trying to establish myself independently I can't open utilities, get an apartment, or anything else because my credit has been destroyed. I am being harassed by collection agencies looking

for me to pay all these off and they're not interested in hearing what I have to say. They claim I am responsible no matter what age I was. Fixing these problems is difficult because the process is confusing and takes a long time. I can't do it on my own, and no one wants to believe me. I want to be able to provide a life for my child. This is why I support the Bill of 5196.

SENATOR DOYLE: Can I ask you a quick question before other people? Has anyone helped you, like the Attorney General's office? Have you gotten any help?

MELISSA FOSTER: No.

SENATOR DOYLE: Because that's the office I think we'll have to direct you to. They can, the facts that you disclosed the real genesis of this bill, Representative Walker raised it, and this is the classic case that we're trying to address, because it's so unfair to you. You're clearly a victim here. We know through other areas this identity theft for adults is terrible enough. So you are clearly an innocent victim, so we're going to take your testimony and get it over to the Attorney General's office and hopefully get you a call immediately.

Representative Walker.

REP. WALKER: Thank you, Melissa, and thank you for coming up and testifying, and you did a good job, by the way. You did a really good job. You're a pro at this now, so you can come up and testify some more.

I think one of the cases that I talked to, I talked to a young man who was just getting out of foster care and he was applying for a

student loan and he found out that when he went to get a student loan he had a long credit history.

MELISSA FOSTER: That's one of the ways I found out also.

REP. WALKER: You found out also. So a lot of the children are finding -- it's not just in Connecticut. I reached out to many different programs and organizations and a lot of people have been talking to us. Once they heard that we were doing it, a lot of other states have been starting to do it; California, Colorado, Washington, a variety of others.

I hope that we will sit down with the Commissioner and we will come out with language that will protect all of you who are trying to have a healthy and normal life and a wonderful little child.

So, thank you so much.

MELISSA FOSTER: Thank you.

SENATOR DOYLE: Thank you.

Any other questions? Seeing none.

REP. WALKER: Thank you.

SENATOR DOYLE: The next speaker is Margaret Nareff and then Jan Van Tassel and then Stan Soby.

MARGARET NAREFF: Talk about a tough act to follow. Good morning to the chairs, members of the Committee. My name is Margaret Nareff. I am here to testify on Bills 5430, 219 and 316, respectively.

find some long term solutions and so we're asking that Commission be formed.

Thank you very much for your time.

REP. WALKER: Thank you for your testimony.

Any questions from the Committee?

Thank you. Thank you for your testimony.

Next we have Erika Tindill from the Connecticut Coalition against Domestic Violence.

ERIKA TINDILL: Good afternoon, Representative Walker and members of the Human Services Committee. My name is Erika Tindill. I am the Executive Director of the Connecticut Coalition Against Domestic Violence.

Thank you for the opportunity to testify regarding Raised Bill 5432, AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES. Advocates at each of CCADV's 18-member programs serve thousands of parents impacted by domestic violence who are also parties to proceedings with the Department of Children and Families.

These advocates work closely with attorneys appointed to represent these parents and are often witness to the impossible task of demonstrating to the DCF worker that the parent who is a victim of domestic violence should keep children because it is in their, the children's, best interest. Having been an attorney representing indigent victims of domestic violence, I have firsthand knowledge of the struggle these parents face when embroiled in DCF proceedings. Despite the Department's efforts to train its workers on dynamics and complexities of family violence and to follow protocol that views the behavior

the concerns of a number of lawyers practicing in different areas with Legal Services. I am here to speak to you about Raised Bill 5271, which is AN ACT CONCERNING ACCESS TO RECORDS OF THE DEPARTMENT OF CHILDREN AND FAMILIES.

I know that you have heard from Commissioner Hamilton and also one of my colleagues Lisa Levy about different aspects of this bill. Let me first echo what I understand Commissioner Hamilton said which is that we have been working very hard with the Department of Children and Families on this bill and having sort of a ground hog day moment about this bill right now. Actually we've been at it for about a year. We're committed to continuing to do that, but since it's on your calendar and since there are a number of things I think are really critical about the bill, I would like your attention for just a few of those.

First of all, the public that I serve, the low-income population of the state of Connecticut are disproportionately involved with the Department of Children and Families, so perhaps we above all other organizations are best suited to talk to you about some of the ways in which the DCF confidentiality bill impacts the public. This bill, the way it is in front of you, is not just a streamlining bill. It does not just make life easier for DCF. There are very serious privacy concerns that have my attention and I hope will have your attention. Streamlining this bill is an excellent goal, this particular statute.

The statute as written is cumbersome and difficult. I work under it. I agree completely with DCF's ultimate goal to reorganize it. But it does, the way it's written, include not only some substantive changes to what DCF might disclose and to whom,

approval to move money among line items. In addition, both DCF and the Department of Mental Health and Addiction Services have consolidated contracts that fund multiple programs using multiple separate appropriations. As currently worded, this bill would allow contractors to unilaterally decide which programs would be reduced, which adjustments may not be consistent with our service priorities, appropriations or the needs of clients served in those programs.

H.B. No. 5196 - AN ACT CONCERNING CREDIT PROTECTION FOR FOSTER CARE CHILDREN.

The Department of Children and Families appreciates the intent behind H.B. No. 5196 - AN ACT CONCERNING CREDIT PROTECTION FOR FOSTER CARE CHILDREN, but has concerns that the obligations imposed on the Department by the bill may not be achievable, particularly within available resources.

Although all individuals are susceptible to identity theft, we recognize that youth in foster care may be at greater risk for victimization as they often receive services from multiple agencies and organizations that have access to personal data.

The federal Fair Credit Reporting Act requires that consumers be entitled to a free credit report each year from each of the three nationwide consumer credit reporting companies - Equifax, Experian and TransUnion. However, according to one credit reporting company which we contacted for purposes of understanding our potential obligations under this bill, these agencies do not maintain credit reports on behalf of children. Further, the credit reporting agencies will only conduct a check for the theft of the identity of a child if there is some evidence to believe that the child actually has been a victim of identity theft. In those cases, the Department would need to produce the youth's birth certificate, Social Security Number and a copy of the custody order committing the youth to DCF custody.

DCF has also researched a law that was recently passed in California. That law requires the California child protection agency to conduct a credit check on behalf of a youth in a foster care placement in the county, when the youth reaches his or her 16th birthday, in order to ascertain whether the youth has been the victim of identity theft. If the credit check discloses any negative items, or evidence that identity theft has occurred, the law requires the agency to refer the youth to a nonprofit entity credit counseling organization that provides credit counseling and investigative services to victims of identity theft. The California law also requires the department to develop a list of approved credit counseling organizations for this purpose.

The Department will continue to monitor the legal and administrative issues behind credit protection for child and youth as we want to protect the interests of youth in our care as they transition from our care to adulthood and independence. However, we ask that you consider delaying passage of this bill until it has been determined that there are no practical barriers to the Department carrying out its mandates.

H.B. No. 5429 AN ACT CONCERNING THE BURDEN OF PROOF IN JUVENILE MATTERS.

The Department of Children and Families opposes H.B. No. 5429 AN ACT CONCERNING THE BURDEN OF PROOF IN JUVENILE MATTERS.