



**House Bill No. 5558**

**Public Act No. 26-39**

***AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' ABUSE AND NEGLECT INVESTIGATIONS.***

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

Section 1. Subsection (e) of section 46a-11c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Neither the original report of alleged abuse or neglect nor the evaluation report of the investigator which includes findings and recommendations shall be deemed a public record for purposes of section 1-210, [. The original report of alleged abuse or neglect or the evaluation report of the investigator shall not be provided to a legal representative who] except such original report or evaluation report shall be provided to the parent, guardian or other legal representative of the alleged victim upon request of such parent, guardian or other legal representative to the applicable regional office of the Department of Developmental Services unless such parent, guardian or other legal representative is the alleged or substantiated perpetrator of abuse or neglect or is residing with the alleged or substantiated perpetrator. The name of the person making the original report shall not be disclosed to any person unless the person making the original report consents to such disclosure or unless a judicial proceeding results therefrom.

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Sec. 2. Subsection (e) of section 17a-238a of the 2026 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(e) On or before August 1, 2018, and at least annually thereafter, the commissioner or his or her designee shall, in consultation with (1) each individual with intellectual disability who is eligible to receive residential funding or services from the department and who has an individual plan, and (2) the individual's legal representative, if applicable, assess the individual's need for future residential funding or services from the department. Such assessment shall include an indication of the time period when each support or service would be accepted by such individual based on information collected at the annual individual planning meeting. The department shall provide to the individual or the individual's legal representative, if applicable, the latest version of the department's "Guide for Individuals and Legal Representatives when an Allegation of Abuse or Neglect has Been Made" during such meeting.

Sec. 3. Section 17a-247g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

The Department of Developmental Services shall constitute a successor department, in accordance with the provisions of sections 4-38d and 4-39, to the Office of Protection and Advocacy for Persons with Disabilities, with respect to investigations of allegations of abuse or neglect pursuant to sections 46a-11a to 46a-11h, inclusive. The Commissioner of Developmental Services shall ensure all department staff are trained in requirements for confidentiality and sharing of information regarding abuse and neglect complaints under sections 17a-247d and 46a-11c, as amended by this act.

Sec. 4. Section 17a-247i of the 2026 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July*

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1, 2026):

(a) Not later than January 15, 2026, and annually thereafter, the Commissioner of Developmental Services shall file a report regarding abuse and neglect reports filed and investigations conducted pursuant to sections 17a-247b, 17a-247f and 46a-11c, as amended by this act. Such report shall include: (1) The number of abuse and neglect complaints received by the Department of Developmental Services in the previous calendar year, including deaths of persons reported; (2) the number and type of complaints that were investigated by the department and the percentage of such complaints investigated directly by the department or by private providers; (3) the number and percentage of cases that were substantiated; [and] (4) what, if any, administrative action was taken by the department regarding such substantiated complaints, including [distribution of] outcomes and recommendations; and (5) (A) the number of complaint substantiations by role of the perpetrator, including, but not limited to, the roles of (i) family member, (ii) day program provider, (iii) direct care staff, or (iv) other residential care staff, (B) the number of complaint substantiations by the type of settings where the abuse or neglect occurred, including, but not limited to, (i) private homes, (ii) day programs, (iii) state-licensed community living arrangements, (iv) state-run residential programs, and (v) health care facilities, (C) the percentage of investigations that produced recommendations, (D) the percentage of recommendations that were confirmed to be completed by providers not later than ninety days after issuance of such recommendations, (E) the number of regulatory citations that were issued by the department for failure to ensure detection and reporting of abuse and neglect, (F) the number of regulatory citations that were issued by the department for failure to implement a corrective action requirement, (G) the number of abuse or neglect allegations that were reported for individuals who died and what, if any, findings, recommendations or administrative action was taken by the department, and (H) any systemic agency actions and

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recommendations to ensure the safety of individuals served by the department and prevent and respond to concerns of abuse and neglect. The commissioner shall post the report on the department's Internet web site and file the report, in accordance with the provisions of section 11-4a, with the joint standing committees of the General Assembly having cognizance of matters relating to human services and public health. The committees shall conduct an annual hearing and review of the report and compliance by the Departments of Social Services and Developmental Services with federal Medicaid requirements concerning the safety of and quality of care for persons with intellectual or developmental disabilities receiving services funded by Medicaid home and community-based waiver programs, including, but not limited to, how the departments continue to address audit findings and recommendations made by the office of the Inspector General for the United States Department of Health and Human Services and the Auditors of Public Accounts concerning prevention of abuse and neglect of such persons, timely reporting of abuse and neglect concerns and timely implementation of corresponding corrective actions related to abuse and neglect of such persons.

(b) Not later than February 1, 2026, and every five years thereafter, the commissioner shall review the policies and procedures of the department as they relate to reports and investigations of abuse and neglect and post any updates to the policies and procedures on the department's Internet web site. Such review shall include: (1) Ensuring the policies and procedures reflect the current process in place for investigating reports of abuse and neglect; (2) reviewing the department's method for sharing information regarding substantiated abuse and neglect complaints and original reports and evaluation reports of abuse and neglect with the person reported to be the victim of such abuse or neglect or such person's legal representative while continuing to maintain confidentiality of the records as prescribed in section 17a-247d and section 46a-11c, as amended by this act; [and] (3)

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an evaluation of systems to screen persons hired to provide services to clients enrolled in programs administered by the department and recommendations, as necessary, to improve background checks of such persons; and (4) obtaining feedback on the policies and procedures from qualified providers as determined by the commissioner.

(c) The Commissioner of Developmental Services shall ensure that all materials related to the prevention, occurrence of, and response to abuse and neglect of individuals served by the department are disseminated through a consumer-friendly and easily accessible Internet web site that ensures the widest possible access to services for families and persons with disabilities.