

Regulations of Connecticut State Agencies
TITLE 17a. Social & Human Services & Resources

Agency
Department of Mental Retardation
Subject
Placement and Care of Clients Who Pose a Serious Threat to Others
Inclusive Sections
§§ 17a-212a-1—17a-212a-4

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Placement and Care of Clients Who Pose a Serious Threat to Others

Sec. 17a-212a-1. Definitions

For the purposes of Sections 17a-212a-1 through 17a-212a-4 of the Regulations of Connecticut State Agencies, the following definitions shall apply:

- (1) “Commissioner” means the Commissioner of the Department of Mental Retardation.
- (2) “Department” means the Department of Mental Retardation.
- (3) “Deputy commissioner” means the deputy commissioner of the Department of Mental Retardation.
- (4) “Forensic coordinator” means the person responsible for the coordination of the forensic process, development of policies and procedures, and serving as liaison to the forensic review committees.
- (5) “Forensic process” means all activities associated with the department’s statutory role in the criminal justice system and the evaluation and planning associated with persons with mental retardation who may pose a serious threat in the absence of adequate supervision and services.
- (6) “Forensic review committee” means a group of persons responsible for implementing and monitoring the forensic process, placements and programs.
- (7) “Interdisciplinary team” means a group of persons which includes the person being served, his or her family or guardian, those persons who work most directly with the person in each of the professions, disciplines, or service areas that provide service to the person, including direct care staff; and any other persons whose participation is relevant to identifying the needs of the person, devising ways to meet them, writing an overall plan of services and reviewing the plan’s effectiveness.
- (8) “Legal responsibility review” means the review process conducted by a forensic review committee by which the department’s legal obligations to the client are evaluated. Such reviews include, but are not limited to, evaluations concerning admissions or involuntary placements, and any other statutory, regulatory or judicial requirements or factors relevant to a person’s legal relationship with the department.
- (9) “Non-community based residential facility” means a specially designed residential facility operated, licensed or funded by the department which is located on a state-owned campus setting or which is otherwise segregated from a neighborhood of private single-family and multi-family homes, apartment complexes and condominiums.
- (10) “Regional or training school director” means that person appointed by the commissioner to be directly responsible for the management of one of the department’s three regions or of the training school.
- (11) “Regional placement committee” means a group of persons who evaluate the availability and appropriateness of programs and placements for the person being served.
- (12) “Risk review” means a process which evaluates the degree of serious threat associated with acts or behaviors.
- (13) “Risk review screening instrument” means the format developed by the department to analyze factual information relating to clinical, legal, behavioral and psychiatric aspects

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of the person under review.

(14) “Serious Threat” means the expression, indication or communication by a person of a present intention to cause serious harm to others, to oneself, or serious damage to property.

(Adopted effective September 29, 2003)

Sec. 17a-212a-2. Risk review

(a) Any person who is served by the department, or for whom the department is planning supports and services, or reassessing existing supports and services, may be referred for a risk review conducted by the appropriate forensic review committee. Referral may be made by any appropriate person, including but not limited to, the following:

- (1) the forensic coordinator;
 - (2) the regional placement committee;
 - (3) a regional or training school director; or
 - (4) the commissioner or deputy commissioner
- (b) Risk review shall be conducted by a forensic review committee.

(c) Risk review shall include an evaluation of all relevant client records, any available court documents, other pertinent evaluations, and use of the risk review screening instrument, or acceptable variation thereof, developed by the department, and shall include a legal responsibility review.

(d) The results of the risk review shall be transmitted from the forensic review committee to the forensic coordinator and the regional or training school director for approval.

(e) The regional or training school director, in consultation with the forensic coordinator, shall direct that program and placement plans, supervision, security, and other interventions be prepared by the interdisciplinary team, regional placement committee, or forensic review committee, as applicable, which are responsive to the results and recommendations of the risk review.

(Adopted effective September 29, 2003)

Sec. 17a-212a-3. Program and placement planning

(a) The regional or training school director shall assure that program and placement planning are coordinated by the interdisciplinary team, regional placement committee or forensic review committee to respond to the needs of the person as identified through the risk review and other evaluations and assessments.

(b) Program and placement plans, and other strategies and interventions developed in response to the risk review, shall be transmitted to the forensic review committee for review and oversight of implementation of program, placement, service and support plans, and fiscal accountability.

(c) Following review and consultation by the forensic review committee, the regional or training school director shall assure that actions are initiated to implement the plans, placement, interventions or strategies developed to address identified serious threats or

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changes in the assessment of serious threats as well as other needs of the person.

(d) Program and placement planning shall be conducted in accordance with departmental policy with an emphasis on assuring the delivery of supports and services in the least restrictive, most integrated manner, promotion of independence and quality of life, which is commensurate with identified serious threat or changes in the assessment of serious threat.

(e) The department provides program and placement oversight through contract services and case management. Clients of the department whose program and placement development are a result of a risk or forensic review process, shall receive enhanced oversight by the forensic review committee and forensic coordinator.

(f) When program placement planning results in a determination to serve, or continue to serve, a person in a non-community based residential facility, a review committee established by the commissioner shall monitor and oversee the process to assure that risk factors are properly considered in decision making which results in placement in a non-community based setting and are regularly reviewed annually thereafter.

(g) Programs and placements for persons who are evaluated as posing serious threats in the absence of appropriate support and supervision may be available, in appropriate cases, through the department's cooperative placement account, as established and funded in the appropriations act for the state of Connecticut, in accordance with established protocols.

(Adopted effective September 29, 2003)

Sec. 17a-212a-4. Siting of residential facilities

(a) The department provides a continuum of services and support to persons with mental retardation, including highly structured and supervised settings, with specialized security and treatment features for persons who are evaluated as posing a serious threat.

(b) Whenever the department determines it necessary to design and develop a non-community based residential facility for persons who are evaluated as posing a serious threat in the absence of specialized safety and security features the following actions shall occur:

(1) Such residential facilities shall be designed to address safety and security of residents and members of the general public while promoting independence and progress toward less restrictive programs and placements;

(2) Facility and program design shall be reviewed and overseen by a forensic review committee, or such other review committee established by the commissioner;

(3) The department shall consult as necessary with the Departments of Public Safety and Correction, or other security personnel in the design of appropriate safety, security, and program design features to meet the needs of residents and public safety; and

(4) Prior notice of the proposed or intended siting of any residential facility designed and developed for persons who are evaluated as posing a serious threat unless specialized supervision and security is in place, shall be provided to the chief elected official of the relevant municipality, the chief law enforcement officer of such municipality, and the joint standing committee of the General Assembly having cognizance of matters relating to public health. The department, after review of the specific public safety issues presented by any

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such residential facility, may provide such further notice as will further the interests of public safety and the safety and security of the residents of such facility.

(c) Any person placed in a residential facility designed and developed for persons who are evaluated as posing a serious threat shall retain all rights to challenge program and placement decisions as are afforded by applicable federal and state law, regulations and policy of the department.

(d) The department shall not site more than one residential facility designed and developed for persons who are evaluated as posing a serious threat in any one municipality.

(Adopted effective September 29, 2003)