

Connecticut Commission on
Women, Children *and* Seniors



**Testimony before the Committee on Children of the General Assembly
Submitted by Steven Hernández, Executive Director
Commission on Women, Children and Seniors
February 16, 2017**

**Re: SB 769, An Act Concerning Concussions and Youth Athletic Activities Conducted on Public Athletic Fields
HB 5402, An Act Concerning Camera, Computer and Cellular Mobile Telephone Repair Personnel As Mandated Reporters
HB 6741, An Act Concerning the Right of Counsel to Access Records in Certain Abuse and Neglect Proceedings**

Senator Moore, and Senator Suzio, and Representative Urban, and distinguished members of the Committee on Children: Thank you for the opportunity to provide testimony on behalf of the Commission on Women, Children and Seniors (CWCS) on the above referenced bills.

SB 769, An Act Concerning Concussions and Youth Athletic Activities Conducted on Public Athletic Fields

The Commission on Women, Children and Seniors (CWCS) testifies today in strong support for expanding concussion protections for all children in the state of Connecticut.

Representing the Commission on Children, the predecessor agency to CWCS, I testified exactly one year ago on a similar measure, and at the time incorporated by reference prior testimony from 2015. Prior to the consolidation of the commissions in 2016, the Commission on Children served the Concussion Task Force in an organizing and administrative capacity, and worked side by side with the members of the task force, who brought various areas of expertise and interest to our understanding of concussions and their impact on public health. The accumulated research into the incidence of concussions, their effects and treatment, and the identification of best practices and model legislation to protect those athletes who are most frequently exposed to concussion risk, have all served to support the current position of CWCS, as it has succeeded to the original mandate designating the Commission on Children. The Co-Chairs and members of the task force are owed a debt of thanks for their leadership and service, throughout our long engagement in this work. Building upon that foundation, CWCS continues in its unequivocal support for the expansion of concussion protections.

A concussion is a traumatic brain injury. The facts about concussion injuries are clear, but they bear repeating: 3,800,000 concussions were reported in 2012, double the number reported in 2002. Most recent figures indicate that 4 to 5 million concussions occur annually, with rising numbers among middle school athletes. Whether the increase is due to better reporting, or to the spate of bills in other states that have raised awareness of the issue, or whether the increases are due to higher levels of sports activity, the incidences of concussions are growing.

In 39% of cases of cumulative concussions, the likelihood of catastrophic injury is increased, leading to permanent neurologic disability. An estimated 5.3 million Americans live with a traumatic brain injury-related disability, according to the Centers for Disease Control; enforcement of rules regarding return to play, such as those in Senate Bill 769, are critical best practices which offer some hope of stemming the tide of this growing disability.

Our research tells us that 33% of all sports concussions happen at practice, and that 90% of all diagnosed concussions do *not* involve a loss of consciousness; so training in identifying symptoms and behaviors indicative of concussion is critical.

47% of all reported sports concussions occur during high school football; 1 in 5 high school athletes will sustain a sports concussion during the season; 33% of high school athletes who have a sports concussion report two or more in the same year, again leading to caution regarding return to play and appreciation of the stakes attached to the return to play requirements of the bill.

And recent research has shown that teenage girls are more prone to concussions than boys. A 2007 study found the concussion rate among girl soccer players was 68 percent higher than among boys playing the same sport. Another 2007 study showed the concussion rate for high school basketball players was three times higher among girls than boys. This is an issue that respects no limits in age or gender, just as it respects no limits as to school time athletic activity or that taking place on public fields at other times.

The warnings drawn from these figures have not fallen on deaf ears: the state of Connecticut has enacted statutes on concussion safety. In 2010 the state mandated concussion education for high school coaches, along with remove-from-play and return-to-play protocols. The proposal in this bill would extend some of those protections to children on public fields outside of school hours, where the authority over and ownership of the field might differ, but the dangers are still the same.

Youth concussion laws are, finally, about accountability, and in the case of this bill, best practices. This proposal would move our state one step closer to ensuring that children exposed to injury on our public playing fields, whether in school or out, are supervised and attended to by adults trained in the state of the art regarding concussion safety. The Commission strongly supports this bill with a few technical amendments which I will outline in my spoken testimony and in a submission that I will attach to my testimony for your consideration.

HB 5402, An Act Concerning Camera, Computer and Cellular Mobile Telephone Repair Personnel As Mandated Reporters

CWCS supports HB 5402 and its purpose: to include camera, computer and cellular mobile telephone repair personnel as mandated reporters of child abuse and neglect.

This bill adds camera, computer and cellular mobile telephone repair personnel to the long list of professionals enumerated in law (Section 17a-101 of the General Statutes) who might in the course of their work have reason to learn of, and therefore are mandated to report, suspected abuse and neglect of a child.

CWCS can imagine no reason for objection to the bill or its purpose, if its enactment would protect even one child in our state from continued harm, or result in one family receiving needed services.

Even an expected right of privacy, which might be raised in objection, is outweighed by the state's strong public policy to protect children whose health and welfare may be adversely affected through injury and neglect. The same right of privacy might certainly apply when consulting physicians, surgeons, interns, nurses, dentists and dental hygienists, social workers, coaches, members of the clergy, and mental health professionals, yet each of these is already designated a mandated reporter under Section 17a-101.

HB 6741, An Act Concerning the Right of Counsel to Access Records in Certain Abuse and Neglect Proceedings

CWCS supports HB 6741 and its purpose: to provide assigned or appointed counsel in abuse and neglect proceedings, where a child's parent or guardian is accused of such abuse and neglect, immediate access to the child and the child's records.

This bill closes a loophole arising in connection with the operation of statute, Section 46b-129a, but it is no small detail. Under current authority, in a proceeding for the protection of a child from alleged abuse or neglect by a parent or guardian, counsel appointed to protect the interests of the child may be unable to have access to records relating to the child without first obtaining multiple releases. Worse, counsel may not even have access to or communication with the child. One can hardly expect counsel to be fully prepared to act swiftly in such a situation, or to be fully effective in those actions, without all available information as to the child's condition, treatment and preferences.

In a situation involving abuse and neglect, any delay or oversight occasioned by this bar to access has the potential to expose the child to further danger of harm. There seem to be no attendant costs, nor any right to withhold release of information which would outweigh the wellbeing of any child. For those reasons, HB 6741 just makes good sense.

Thank you for the opportunity to provide comment today on these bills.