



# Senate

General Assembly

**File No. 423**

February Session, 2000

Substitute Senate Bill No. 343

*Senate, April 5, 2000*

The Committee on Judiciary reported through SEN. WILLIAMS of the 29<sup>th</sup> Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***An Act Concerning Permanency Plan Reviews And Hearings.***

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

1 Section 1. Subdivision (1) of subsection (k) of section 46b-129 of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof:

4 (k) (1) Ten months after the adjudication of neglect of the child or  
5 youth or twelve months after the vesting of temporary care and  
6 custody pursuant to subsection (b) of this section, whichever is earlier,  
7 the commissioner shall file a motion for review of a permanency plan  
8 and to extend or revoke the commitment. Ten months after a  
9 permanency plan has been approved by the court pursuant to this  
10 subsection, unless the court has approved placement in long-term  
11 foster care with an identified person, [or an independent living  
12 program, or the commissioner has filed a petition for termination of  
13 parental rights or motion to transfer guardianship,] the commissioner  
14 shall file a motion for review of the permanency plan and to extend or

15 revoke the commitment. A hearing on any such motion shall be held  
 16 within sixty days of the filing. The court shall provide notice to the  
 17 child or youth, and [his] the parent or guardian of such child or youth  
 18 of the time and place of the court hearing on any such motion not less  
 19 than fourteen days prior to such hearing.

20 Sec. 2. Subsection (o) of section 46b-129 of the general statutes is  
 21 repealed and the following is substituted in lieu thereof:

22 [(o) A foster parent shall have standing for the purposes of this  
 23 section in Superior Court in matters concerning the placement or  
 24 revocation of commitment of a foster child living with such parent. A  
 25 foster parent shall receive notice of any motion to revoke commitment  
 26 or any hearing on such motion. A foster parent who has cared for a  
 27 child or youth for not less than six months shall have standing to  
 28 comment on the best interests of such child or youth in any matter  
 29 under this section which is brought not more than one year after the  
 30 last day the foster parent provided such care.]

31 (o) Any foster parent, prospective adoptive parent or certified  
 32 relative caregiver caring for a child or youth shall, at the time of a  
 33 hearing on a motion for review of the permanency plan concerning the  
 34 child or youth, have an opportunity to comment on the best interests  
 35 of the child or youth. The Commissioner of Children and Families shall  
 36 provide notice to such foster parent, prospective adoptive parent or  
 37 certified relative caregiver of the time and place of such hearing not  
 38 less than fourteen days prior to such hearing.

**HS Committee Vote:** Yea 19 Nay 0 JFS C/R JUD

**JUD Committee Vote:** Yea 40 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Potential Indeterminate Federal Revenue Loss Avoidance, Potential Indeterminate Savings

**Affected Agencies:** Department of Children and Families, Judicial Department

**Municipal Impact:** None

**Explanation**

**State Impact:**

Provisions in this bill conform state law to federal regulations and preclude the imposition of financial penalties upon or the withholding of federal funds from the Department of Children and Families (DCF).

The Administration for Children and Families has issued final regulations related to the Adoption and Safe Families Act of 1997 (ASFA). Failure to implement these guidelines will result in assessment of an indeterminate financial penalty, which would be based upon a federally determined “extent of non-compliance.”

It is anticipated that the Judicial Department and the DCF will be able to participate in additional court reviews within each agency’s anticipated budgetary resources. The DCF will incur a minimal cost, which can be absorbed, to provide notifications of permanency plan hearings to foster parents, prospective adoptive parents or certified

relative caregivers.

**OLR Bill Analysis**

sSB 343

**AN ACT CONCERNING PERMANENCY PLAN REVIEWS AND HEARINGS.****SUMMARY:**

This bill makes federally-required changes to state foster care laws. It makes more children committed to the Department of Children and Families (DCF) subject to periodic court reviews of their commitments and the agency's long-term plans for them. It requires DCF to notify more interested people when a review hearing is scheduled and gives them the right to comment on what is in the child's best interest.

It also eliminates the rights of a child's current foster parents to participate as full parties in permanency review and placement hearings or other proceedings to revoke the child's DCF commitment. (This is permitted, but not required, by federal law.)

EFFECTIVE DATE: October 1, 2000

**FEDERAL REQUIREMENTS FOR PERMANENCY PLAN REVIEWS**

The federal Adoption and Safe Families Act (ASFA) requires the agency administering a state's foster care program to get court approval of a permanency plan within one year after a child enters foster care. After this, it must get the plan reviewed in court (or by a court-approved administrative body) at least every 12 months while the child remains in its care. ASFA requires pre-adoptive parents, foster parents, and relatives caring for the child to get notice of, and an opportunity to be heard at, permanency plan review hearings.

State law currently exempts from periodic review cases in which a court has approved either an identified long-term foster placement or placement in an independent living program (designed to help older children transition out of foster care), or when DCF has begun proceedings to terminate parental rights or transfer guardianship. And

only current or recent foster parents are entitled to notice and given the chance to express their views at permanency review hearings.

The bill makes court-approved, long-term foster care placement the only exception to the periodic court review rule. And it conforms state law to AFSA’s notice and participation rules by requiring DCF to send hearing notices to all foster parents, prospective adoptive parents, and certified relative caregivers at least 14 days before the scheduled hearing.

**BACKGROUND**

**AFSA**

AFSA (P.L. 105-89) amended Title IV-E of the Social Security Act, the primary federal funding source for state foster care and adoption assistance programs. Among other things, it mandates periodic federal review of each state’s success in arranging permanent placements for children in foster care, including by reunification with their parents, legal guardianship, or adoption. Federal officials can assess penalties against or withhold federal funding from states that do not reach national outcome benchmarks.

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable Substitute Change of Reference

Yea 19    Nay 0

Judiciary Committee

Joint Favorable Report

Yea 40    Nay 0