



General Assembly

February Session, 2000

Raised Bill No. 5707

LCO No. 1804

Referred to Committee on Judiciary

Introduced by:
(JUD)

An Act Concerning The Adoption Of Children From The Foster Care System.

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

1 Section 1. Section 17a-112 of the general statutes, as amended by
2 section 4 of public act 99-166, is repealed and the following is
3 substituted in lieu thereof:

4 (a) In respect to any child in the custody of the Commissioner of
5 Children and Families in accordance with section 46b-129, either the
6 commissioner, or the attorney who represented such child in a
7 pending or prior proceeding, or an attorney appointed by the Superior
8 Court on its own motion, or an attorney retained by such child after
9 attaining the age of fourteen, may petition the court for the termination
10 of parental rights with reference to such child. The petition shall be in
11 the form and contain the information set forth in subsection (b) of
12 section 45a-715, and be subject to the provisions of subsection (c) of
13 said section. If a petition indicates that either or both parents consent
14 to the termination of their parental rights, or if at any time following
15 the filing of a petition and before the entry of a decree, a parent
16 consents to the termination of the parent's parental rights, each

17 consenting parent shall acknowledge such consent on a form
18 promulgated by the Office of the Chief Court Administrator
19 evidencing that the parent has voluntarily and knowingly consented to
20 the termination of such parental rights. No consent to termination by a
21 mother shall be executed within forty-eight hours immediately after
22 the birth of such mother's child. A parent who is a minor shall have the
23 right to consent to termination of parental rights and such consent
24 shall not be voidable by reason of such minority. A guardian ad litem
25 shall be appointed by the court to assure that such minor parent is
26 giving an informed and voluntary consent.

27 (b) Either or both birth parents, the Department of Children and
28 Families, and an intended adoptive parent may enter into a
29 cooperative post-adoption agreement regarding communication or
30 contact between either or both birth parents and adopted child. Such
31 an agreement may be entered into if: (1) The child is in the custody of
32 the Department of Children and Families; (2) an order terminating
33 parental rights has not yet been entered; and (3) either or both birth
34 parents agree to a voluntary termination of parental rights.

35 (c) If the Superior Court determines that the child's best interests
36 will be served by postadoption communication or contact with either
37 or both birth parents, the court shall so order, stating the nature and
38 frequency for the communication or contact. A court may grant post-
39 adoption communication or contact privileges if: (1) Each intended
40 adoptive parent consents to the granting of communication or contact
41 privileges; (2) the intended adoptive parent and either or both birth
42 parents execute a cooperative agreement and file the agreement with
43 the court; (3) consent to postadoption communication or contact is
44 obtained from the child, if the child is at least twelve years of age; and
45 (4) the cooperative postadoption agreement is approved by the court.

46 (d) A cooperative postadoption agreement shall contain the
47 following: (1) An acknowledgement by either or both birth parents that
48 the termination of parental rights and the adoption is irrevocable, even

49 if the adoptive parents do not abide by the cooperative postadoption
50 agreement; and (2) an acknowledgement by the adoptive parents that
51 the agreement grants either or both birth parents the right to seek to
52 enforce the cooperative postadoption agreement.

53 (e) The terms of a cooperative postadoption agreement shall be
54 limited to, but need not include, the following: (1) Provision for
55 communication between the child and either or both birth parents; (2)
56 provision for future contact between either or both birth parents and
57 the child or an adoptive parent; and (3) maintenance of medical history
58 of either or both birth parents who is a party to the agreement.

59 (f) The order approving a cooperative postadoption agreement shall
60 be made part of the final order terminating parental rights. The
61 finality of the termination of parental rights and of the adoption shall
62 not be affected by implementation of the provisions of the post-
63 adoption agreement. Such an agreement may not affect the ability of
64 the adoptive parents and child to change residence within or outside
65 this state.

66 (g) A disagreement between the parties or litigation brought to
67 enforce or modify the agreement shall not affect the validity of the
68 termination of parental rights nor the adoption and shall not serve as a
69 basis for orders affecting the custody of the child. The court will not
70 act on a petition to change or enforce this agreement unless the
71 petitioner had participated, or attempted to participate, in good faith
72 in mediation or other appropriate dispute resolution proceedings to
73 resolve the dispute.

74 (h) An adoptive parent may, at any time, petition for review of
75 communication or contact ordered pursuant to subsection (c) of this
76 section, if the adoptive parent believes that the best interests of the
77 child are being compromised. The court may order the
78 communication or contact be terminated, or to order such conditions in
79 regard to communication or contact as the court deems to be in the
80 best interest of the adopted child.

81 [(b)] (i) The Superior Court upon hearing and notice, as provided in
82 sections 45a-716 and 45a-717, may grant a petition for termination of
83 parental rights based on consent filed pursuant to this section if it finds
84 that (1) upon clear and convincing evidence, the termination is in the
85 best interest of the child and (2) such parent has voluntarily and
86 knowingly consented to termination of the parent's parental rights
87 with respect to such child. If the court denies a petition for termination
88 of parental rights based on consent, it may refer the matter to an
89 agency to assess the needs of the child, the care the child is receiving
90 and the plan of the parent for the child. Consent for the termination of
91 the parental rights of one parent does not diminish the parental rights
92 of the other parent of the child, nor does it relieve the other parent of
93 the duty to support the child.

94 [(c)] (j) The Superior Court, upon hearing and notice as provided in
95 sections 45a-716 and 45a-717, may grant a petition filed pursuant to
96 this section if it finds by clear and convincing evidence (1) that the
97 Department of Children and Families has made reasonable efforts to
98 locate the parent and to reunify the child with the parent, unless the
99 court finds in this proceeding that the parent is unable or unwilling to
100 benefit from reunification efforts provided such finding is not required
101 if the court has determined at a hearing pursuant to subsection (b) of
102 section 17a-110 or section 17a-111b that such efforts are not
103 appropriate, (2) that termination is in the best interest of the child, and
104 (3) that: (A) The child has been abandoned by the parent in the sense
105 that the parent has failed to maintain a reasonable degree of interest,
106 concern or responsibility as to the welfare of the child; (B) the parent of
107 a child who (1) has been found by the Superior Court to have been
108 neglected or uncared for in a prior proceeding, or (2) is found to be
109 neglected or uncared for and has been in the custody of the
110 commissioner for at least fifteen months and such parent has been
111 provided specific steps to take to facilitate the return of the child to the
112 parent pursuant to section 46b-129 and has failed to achieve such
113 degree of personal rehabilitation as would encourage the belief that
114 within a reasonable time, considering the age and needs of the child,

115 such parent could assume a responsible position in the life of the child;
116 (C) the child has been denied, by reason of an act or acts of parental
117 commission or omission including, but not limited to, sexual
118 molestation or exploitation, severe physical abuse or a pattern of
119 abuse, the care, guidance or control necessary for [such] the child's
120 physical, educational, moral or emotional well-being. Nonaccidental or
121 inadequately explained serious physical injury to a child shall
122 constitute prima facie evidence of acts of parental commission or
123 omission sufficient for the termination of parental rights; (D) there is
124 no ongoing parent-child relationship, which means the relationship
125 that ordinarily develops as a result of a parent having met on a day to
126 day basis the physical, emotional, moral and educational needs of the
127 child and to allow further time for the establishment or
128 reestablishment of such parent-child relationship would be
129 detrimental to the best interest of the child; (E) the parent of a child
130 under the age of seven years who is neglected or uncared for, has
131 failed, is unable or is unwilling to achieve such degree of personal
132 rehabilitation as would encourage the belief that within a reasonable
133 period of time, considering the age and needs of the child, such parent
134 could assume a responsible position in the life of the child and such
135 parent's parental rights of another child were previously terminated
136 pursuant to a petition filed by the Commissioner of Children and
137 Families; (F) the parent has killed through deliberate, nonaccidental act
138 another child of the parent or has requested, commanded, importuned,
139 attempted, conspired or solicited such killing or has committed an
140 assault, through deliberate, nonaccidental act that resulted in serious
141 bodily injury of another child of the parent; or (G) the parent was
142 convicted as an adult or a delinquent by a court of competent
143 jurisdiction of a sexual assault resulting in the conception of the child,
144 except a conviction for a violation of section 53a-71 or 53a-73a,
145 provided the court may terminate such parent's parental rights to such
146 child at any time after such conviction.

147 [(d)] (k) Except in the case where termination is based on consent, in

148 determining whether to terminate parental rights under this section,
149 the court shall consider and shall make written findings regarding: (1)
150 The timeliness, nature and extent of services offered, provided and
151 made available to the parent and the child by an agency to facilitate the
152 reunion of the child with the parent; (2) whether the Department of
153 Children and Families has made reasonable efforts to reunite the
154 family pursuant to the federal Adoption Assistance and Child Welfare
155 Act of 1980, as amended; (3) the terms of any applicable court order
156 entered into and agreed upon by any individual or agency and the
157 parent, and the extent to which all parties have fulfilled their
158 obligations under such order; (4) the feelings and emotional ties of the
159 child with respect to the child's parents, any guardian of such child's
160 person and any person who has exercised physical care, custody or
161 control of the child for at least one year and with whom the child has
162 developed significant emotional ties; (5) the age of the child; (6) the
163 efforts the parent has made to adjust such parent's circumstances,
164 conduct, or conditions to make it in the best interest of the child to
165 return such child home in the foreseeable future, including, but not
166 limited to, (A) the extent to which the parent has maintained contact
167 with the child as part of an effort to reunite the child with the parent,
168 provided the court may give weight to incidental visitations,
169 communications or contributions, and (B) the maintenance of regular
170 contact or communication with the guardian or other custodian of the
171 child; and (7) the extent to which a parent has been prevented from
172 maintaining a meaningful relationship with the child by the
173 unreasonable act or conduct of the other parent of the child, or the
174 unreasonable act of any other person or by the economic circumstances
175 of the parent.

176 [(e)] (l) Any petition brought by the Commissioner of Children and
177 Families to the Superior Court, pursuant to subsection (a) of section
178 46b-129, may be accompanied by or, upon motion by the petitioner,
179 consolidated with a petition for termination of parental rights filed in
180 accordance with this section with respect to such child. Notice of the

181 hearing on such petitions shall be given in accordance with sections
182 45a-716 and 45a-717. The Superior Court, after hearing, in accordance
183 with the provisions of subsection (b) or (c) of this section, may, in lieu
184 of granting the petition filed pursuant to section 46b-129, grant the
185 petition for termination of parental rights as provided in section
186 45a-717.

187 [(f)] (m) Nothing contained in this section and sections 17a-113,
188 45a-187, 45a-606, 45a-607, 45a-707 to 45a-709, inclusive, 45a-715 to
189 45a-718, inclusive, 45a-724, 45a-725, 45a-727, 45a-733, 45a-754 and
190 52-231a shall negate the right of the Commissioner of Children and
191 Families to subsequently petition the Superior Court for revocation of
192 a commitment of a child as to whom parental rights have been
193 terminated in accordance with the provisions of this section. The
194 Superior Court may appoint a statutory parent at any time after it has
195 terminated parental rights if the petitioner so requests.

196 [(g)] (n) If the parental rights of only one parent are terminated, the
197 remaining parent shall be the sole parent and, unless otherwise
198 provided by law, guardian of the person.

199 [(h)] (o) In the case where termination of parental rights is granted,
200 the guardian of the person or statutory parent shall report to the court
201 within [sixty] thirty days of the date judgment is entered on a case
202 plan, as defined by the federal Adoption Assistance and Child Welfare
203 Act of 1980, for the child which shall include measurable objectives
204 and time schedules. At least every six months thereafter, such
205 guardian or statutory parent shall make a report to the court on the
206 progress made on implementation of the plan. The court shall convene
207 a hearing for the purpose of reviewing the plan for the child no more
208 than [twelve] six months from the date judgment is entered and at
209 least once [a year] every six months thereafter until [such time as any
210 proposed] the court determines that the adoption plan has become
211 finalized. For children where adoption is appropriate, the report on the
212 implementation of the plan shall include a description of the

213 reasonable efforts the department is taking to promote and expedite
214 the adoptive placement and to finalize the adoption of the child,
215 including documentation of child specific recruitment efforts. If the
216 court determines that the department has not made reasonable efforts
217 to place a child in an adoptive placement, the court may authorize the
218 Department of Children and Families to contract with a child-placing
219 agency to arrange for the adoption of the child. The department shall
220 provide such care and services as directed by the court that are
221 designed to expedite the adoption of a child who is legally eligible for
222 adoption and whose goal is adoption.

223 [(i)] (p) The provisions of this section shall be liberally construed in
224 the best interests of any child for whom a petition under this section
225 has been filed.

226 Sec. 2. Subsections (d) and (e), inclusive, of section 46b-129 of the
227 general statutes are repealed and the following is substituted in lieu
228 thereof:

229 (d) The preliminary hearing on the order of temporary custody or
230 order to appear or the first hearing on a petition filed pursuant to
231 subsection (a) of this section shall be held in order for the court to: (1)
232 Advise the parent or guardian of the allegations contained in all
233 petitions and applications that are the subject of the hearing; (2) assure
234 that an attorney, and where appropriate, a separate guardian ad litem
235 has been appointed to represent the child or youth in accordance with
236 section 46b-129a and section 46b-136; (3) upon request, appoint an
237 attorney to represent the respondent when [he] the respondent is
238 unable to afford representation, as determined by the court; (4) advise
239 the parent or guardian of the right to a hearing on the petitions and
240 applications, to be held within ten days from the date of the
241 preliminary hearing if the hearing is pursuant to an order of temporary
242 custody or an order to show cause; (5) accept a plea regarding the truth
243 of such allegations; (6) make any interim orders, including visitation,
244 that the court determines are in the best interests of the child or youth.

245 The court, after a hearing pursuant to this subsection, shall [provide to]
246 order specific steps the commissioner and the parent or guardian
247 [specific steps necessary for each to take] shall take for the parent or
248 guardian to regain or to retain custody of the child or youth; (7) take
249 steps to determine the identity of the father of the child or youth,
250 including ordering genetic testing, if necessary, and order service of
251 the petition and notice of the hearing date, if any, to be made upon
252 him; (8) if the person named as the father appears, and admits that he
253 is the father, provide him and the mother with the notices which
254 comply with section 17b-27 and provide them with the opportunity to
255 sign a paternity acknowledgment and affirmation on forms which
256 comply with section 17b-27. These documents shall be executed and
257 filed in accordance with chapter 815y and a copy delivered to the clerk
258 of the superior court for juvenile matters; and (9) in the event that the
259 person named as a father appears and denies that he is the father of the
260 child or youth, advise him that he may have no further standing in any
261 proceeding concerning the child, and either order genetic testing to
262 determine paternity or direct him to execute a written denial of
263 paternity on a form promulgated by the Office of the Chief Court
264 Administrator. Upon execution of such a form by the putative father,
265 the court may remove him from the case and afford him no further
266 standing in the case or in any subsequent proceeding regarding the
267 child or youth until such time as paternity is established by formal
268 acknowledgment or adjudication in a court of competent jurisdiction.

269 (e) If any parent or guardian fails, after service of such order, to
270 appear at the preliminary hearing the court may enter or sustain an
271 order of temporary custody. [and enter a default.]

272 Sec. 3. Subsection (k) of section 46b-129 of the general statutes is
273 repealed and the following is substituted in lieu thereof:

274 (k) (1) Ten months after the adjudication of neglect of the child or
275 youth or twelve months after the vesting of temporary care and
276 custody pursuant to subsection (b) of this section, whichever is earlier,

277 the commissioner shall file a motion for review of a permanency plan
278 and to extend or revoke the commitment. Ten months after a
279 permanency plan has been approved by the court pursuant to this
280 subsection, unless the court has approved placement in long-term
281 foster care with an identified person or an independent living
282 program, or the commissioner has filed a petition for termination of
283 parental rights or motion to transfer guardianship, the commissioner
284 shall file a motion for review of the permanency plan to extend or
285 revoke the commitment. A hearing on any such motion shall be held
286 within sixty days of the filing. The court shall provide notice to the
287 child or youth, and his parent or guardian of the time and place of the
288 court hearing on any such motion not less than fourteen days prior to
289 such hearing.

290 (2) At such hearing, the court shall determine whether it is
291 appropriate to continue to make reasonable efforts to reunify the child
292 or youth with the parent. In making this determination, the court shall
293 consider the best interests of the child, including the child's need for
294 permanency. If the court finds that further efforts are not appropriate,
295 the commissioner has no duty to make further efforts to reunify the
296 child or youth with the parent. If the court finds that further efforts are
297 appropriate, such efforts shall ensure that the child or youth's health
298 and safety are protected and such efforts shall be specified by the
299 court, including the services to be provided to the parent, what steps
300 the parent may take to address the problem that prevents the child or
301 youth from safely reuniting with the parent and a time period, not
302 longer than six months, for such steps to be accomplished.

303 (3) At such hearing, the court shall approve a permanency plan that
304 is in the best interests of the child or youth and takes into
305 consideration the child or youth's need for permanency. Such
306 permanency plan may include (A) revocation of commitment and
307 placement of the child or youth with the parent or guardian, with or
308 without protective supervision; (B) placing the child or youth in an
309 independent living program; (C) transfer of guardianship; (D)

310 approval of long-term foster care with an identified foster parent; (E)
311 filing of termination of parental rights; (F) if the permanency plan
312 identifies adoption as an option, a thorough adoption assessment and
313 child specific recruitment. As used in this section, "thorough adoption
314 assessment" means conducting and documenting face-to-face
315 interviews with the child, foster care providers, and other significant
316 parties and "child specific recruitment" means recruiting an adoptive
317 placement targeted to meet the individual needs of the specific child
318 including, but not limited to, use of the media, use of photo-listing
319 services, and any other in-state or out-of-state resources that may be
320 used to meet the specific needs of the child, unless there are
321 extenuating circumstances that indicate that these efforts are not in the
322 best interest of the child; or [(F)] (G) such other appropriate action
323 ordered by the court. At the permanency planning hearing, the court
324 shall review the status of the child, the progress being made to
325 implement the permanency plan, and determine a timetable for
326 attaining the permanency prescribed by the plan. The court shall
327 extend commitment if extension is in the best interests of the child or
328 youth for a period of twelve months. The court shall revoke
329 commitment if a cause for commitment no longer exists and it is in the
330 best interests of the child or youth.

331 [(4) Commitment shall be revoked by operation of law sixty days
332 after a child or youth is removed from long-term foster care or an
333 independent living program or sixty days after a termination petition
334 is dismissed or a motion to transfer guardianship is denied, unless
335 otherwise ordered by the court.]

336 Sec. 4. Section 46b-129 of the general statutes is amended by adding
337 subsection (p) as follows:

338 (NEW) (p) Appeals and transcripts shall be expedited within thirty
339 days from the decision by the Superior Court and ninety days from the
340 date the record is complete.

341 Sec. 5. Section 45a-715 of the general statutes, is amended by adding

342 subsections (h) to (n), inclusive, as follows:

343 (NEW) (h) Either or both birth parents, the Department of Children
344 and Families, and an intended adoptive parent may enter into a
345 cooperative postadoption agreement regarding communication or
346 contact between either or both birth parents and adopted child. Such
347 an agreement may be entered into if: (1) The child is in the custody of
348 the Department of Children and Families; (2) an order terminating
349 parental rights has not yet been entered; and (3) either or both birth
350 parents agree to a voluntary termination of parental rights.

351 (NEW) (i) If the court of probate determines that the child's best
352 interests will be served by postadoption communication or contact
353 with either or both birth parents, the court shall so order, stating the
354 nature and frequency for the communication or contact. A court may
355 grant postadoption communication or contact privileges if: (1) Each
356 intended adoptive parent consents to the granting of communication
357 or contact privileges; (2) the intended adoptive parent and either or
358 both birth parents execute a cooperative agreement and file the
359 agreement with the court; (3) consent to postadoption communication
360 or contact is obtained from the child, if the child is at least twelve years
361 of age; and (4) the cooperative post-adoption agreement is approved
362 by the court.

363 (NEW) (j) A cooperative postadoption agreement shall contain the
364 following: (1) An acknowledgement by either or both birth parents that
365 the termination of parental rights and the adoption is irrevocable, even
366 if the adoptive parents do not abide by the cooperative postadoption
367 agreement; and (2) an acknowledgement by the adoptive parents that
368 the agreement grants either or both birth parents the right to seek to
369 enforce the cooperative postadoption agreement.

370 (NEW) (k) The terms of a cooperative postadoption agreement shall
371 be limited to, but need not include, the following: (1) Provision for
372 communication between the child and either or both birth parents; (2)
373 provision for future contact between either or both birth parents and

374 the child or an adoptive parent; and (3) maintenance of medical history
375 of either or both birth parents who is a party to the agreement.

376 (NEW) (l) The order approving a cooperative postadoption
377 agreement shall be made part of the final order terminating parental
378 rights. The finality of the termination of parental rights and of the
379 adoption shall not be affected by implementation of the provisions of
380 the postadoption agreement. Such an agreement may not affect the
381 ability of the adoptive parents and child to change residence within or
382 outside this state.

383 (NEW) (m) A disagreement between the parties or litigation
384 brought to enforce or modify the agreement shall not affect the validity
385 of the termination of parental rights nor the adoption and shall not
386 serve as a basis for orders affecting the custody of the child. The court
387 will not act on a petition to change or enforce this agreement unless the
388 petitioner had participated, or attempted to participate, in good faith
389 in mediation or other appropriate dispute resolution proceedings to
390 resolve the dispute.

391 (NEW) (n) An adoptive parent may, at any time, petition for review
392 of communication or contact ordered pursuant under subsection (i) of
393 this section, if the adoptive parent believes that the best interests of the
394 child are being compromised. The court may order the
395 communication or contact be terminated, or to order such conditions in
396 regard to communication or contact as the court deems to be in the
397 best interest of the adopted child.

398 Sec. 6. Section 45a-76 of the general statutes is repealed and the
399 following is substituted in lieu thereof:

400 (a) The Probate Court Administrator shall file with the Chief Court
401 Administrator, on or before the first day of April of each year, a report
402 of the business of the office of the Probate Court Administrator during
403 the year ending on the previous thirty-first day of December, together
404 with any information [which] that the Chief Court Administrator may

405 request. The Probate Court Administrator shall file a copy of the report
406 with the clerks of the Senate and the House of Representatives, the
407 State Library, and the Office of Legislative Research.

408 (b) In addition to the information required in subsection (a) of this
409 section, the report shall provide information concerning children
410 adopted in the courts of probate during the reporting year including,
411 but not limited to: (1) The total number of adoptions, both statewide
412 and in each probate court, in the following categories: Out-of-state,
413 stepparent, relative, identified, and nonidentified adoptions; and (2)
414 the number of children adopted from foster care under the Department
415 of Children and Families and, for each such child, the court that
416 ordered termination of parental rights, the probate court that issued
417 the order of adoption, the number of days between the termination of
418 the parental rights of the parents of the child and the adoption of the
419 child, and the age, gender, racial and cultural classifications of the
420 child and the adoptive family.

421 Sec. 7. Section 2 of public act 99-166 is repealed and the following is
422 substituted in lieu thereof:

423 (a) In order to achieve early permanency for children, decrease
424 children's length of stay in foster care and reduce the number of moves
425 children experience in foster care, the Commissioner of Children and
426 Families shall establish a program for concurrent permanency
427 planning.

428 (b) Concurrent permanency planning involves a planning process to
429 identify permanent placements and prospective adoptive parents so
430 that when termination of parental rights are granted by the court
431 pursuant to section 17a-112 of the general statutes, as amended by [this
432 act] public act 99-166 or section 45a-717 of the general statutes,
433 permanent placement or adoption proceedings may commence
434 immediately.

435 (c) The commissioner shall establish guidelines and protocols for

436 child-placing agencies involved in concurrent permanency planning,
437 including criteria for conducting concurrent permanency planning
438 based on relevant factors such as: (1) Age of the child and duration of
439 out-of-home placement; (2) prognosis for successful reunification with
440 parents; (3) availability of relatives and other concerned individuals to
441 provide support or a permanent placement for the child; (4) special
442 needs of the child; and (5) other factors affecting the child's best
443 interests, goals of concurrent permanency planning, support services
444 that are available for families, permanency options, and the
445 consequences of not complying with case plans.

446 (d) Within three months of placement, the Department of Children
447 and Families shall complete an assessment of the likelihood of being
448 reunited with either or both birth parents within the next two months,
449 based on progress made to date. The Department of Children and
450 Families shall develop a concurrent permanency plan for families with
451 poor prognosis for reunification within such time period. Such
452 assessment and concurrent permanency plan shall be filed with the
453 court.

454 (e) Concurrent permanency planning programs must include
455 involvement of parents and full disclosure of their rights and
456 responsibilities.

457 ~~[(d)]~~ (f) The commissioner shall provide ongoing technical
458 assistance, support, and training for local child-placing agencies and
459 other individuals and agencies involved in concurrent permanency
460 planning.

461 Sec. 8. Section 17a-42 of the general statutes is repealed and the
462 following is substituted in lieu thereof:

463 (a) There is established within the Department of Children and
464 Families a photo-listing service which shall include, but need not be
465 limited to, a book and an electronic format containing a photograph
466 and description of each child to be photo-listed. Such book and its

467 electronic format shall be distributed to all child care and child-placing
468 agencies, as such terms are defined in section 45a-707, and to other
469 organizations concerned with adoption. Such photo-listing service
470 shall recruit adoptive families for children who are legally free for
471 adoption under section 45a-725, and have remained in foster care or
472 institutions for a period of [three months] thirty days or more, such
473 [three months] thirty days to include any period of foster or
474 institutional care immediately preceding the date on which such child
475 was legally free for adoption. The Commissioner of Children and
476 Families shall employ under his direction and control such persons as
477 he deems necessary for the effective performance of such photo-listing
478 service.

479 (b) Under sections 17a-112 and 45a-717, as amended by this act, the
480 court may order that a child be photo-listed within thirty days as a
481 condition of granting an order of termination.

482 ~~[(b)]~~ (c) Said commissioner shall adopt regulations, in accordance
483 with the provisions of chapter 54, to implement and maintain a photo-
484 listing service. [within said department.] Such regulations shall
485 include, but not be limited to, procedures for registration of children
486 with the photo-listing service and format and media selection for
487 presenting photo-listed children to the public. The commissioner,
488 within available appropriations, shall contract with a nonprofit agency
489 to establish, maintain and distribute the photo-listing service book and
490 its electronic format.

491 Sec. 9. Section 17a-43 of the general statutes is repealed and the
492 following is substituted in lieu thereof:

493 (a) Each child legally free for adoption, for whom the photo-listing
494 service may recruit an adoptive family under subsection (a) of section
495 17a-42, shall, and any other such legally free child may, be registered
496 with the photo-listing service within ten working days of becoming a
497 child for whom such service may recruit an adoptive family. Each such
498 registration shall include a recent photograph and written description

499 of the child. Each such registration shall be reported to the court that
500 ordered termination of parental rights.

501 (b) All changes in the status of a registered child shall be reported
502 by the child care or child-placing agency to the photo-listing service
503 within five working days after such change has occurred.

504 (c) Children remaining registered for a period in excess of twelve
505 months shall have their photograph and written description updated
506 within fifteen working days of the expiration of the twelfth month of
507 their registration and every twelve months thereafter.

508 (d) A child's registration shall be withdrawn when the photo-listing
509 service has been notified in writing that the child has been adopted,
510 has reached his or her fourteenth birthday and will not consent to an
511 adoption plan or has died.

512 Sec. 10. Section 17a-44 of the general statutes is repealed and the
513 following is substituted in lieu thereof:

514 (a) The photo-listing service shall semiannually check the status of
515 photo-listed children for whom inquiries have been received. Periodic
516 checks shall be made by such service to determine the progress toward
517 adoption of such children and the status of those children registered
518 but never photo-listed because of placement in an adoptive home prior
519 to or at the time of registration.

520 (b) The commissioner shall refer appropriate children to regional
521 and national adoption exchanges when an adoptive family has not
522 been identified within one hundred eighty days of the termination of
523 the parental rights. The commissioner shall establish criteria by which
524 a determination may be made that a referral to regional or national
525 exchanges is not necessary, and the commissioner shall monitor the
526 status of those children not referred.

527 Sec. 11. Section 45a-726 of the general statutes, as amended by
528 section 9 of public act 99-166, is repealed and the following is

529 substituted in lieu thereof:

530 (a) If the Commissioner of Children and Families or a child-placing
531 agency is appointed as statutory parent for any child free for adoption,
532 the commissioner or such agency shall not refuse to place or delay
533 placement of such child with any prospective adoptive parent solely
534 on the basis of a difference in race, color or national origin.

535 (b) The Commissioner of Children and Families or the child-placing
536 agency, in determining placement for each child, shall focus on the
537 particular needs of the child and the capacity of the prospective
538 adoptive parent to meet such needs. Whenever possible, siblings
539 should be placed with the same prospective adoptive parent unless it
540 is determined not to be in the best interests of a sibling.

541 (c) The Commissioner of Children and Families shall not
542 discriminate in preparing a home study or in placing a child with a
543 prospective adoptive parent based on whether the prospective parent
544 is or is not willing to become a foster parent pending an adoption
545 placement.

546 Sec. 12. Section 2 of public act 99-252 is repealed and the following is
547 substituted in lieu thereof:

548 The Department of Children and Families shall, within available
549 appropriations, prepare an information handbook for any individual
550 interested in adopting a child with special needs. The department and
551 child-placing agencies shall give the handbook to such interested
552 individual [at the time] no later than the beginning of the home study
553 process. The handbook shall contain information concerning matters
554 relating to adoption and adoption assistance including, but not limited
555 to, nondiscrimination practices set forth in section 45a-726, as amended
556 by section 9 of public act 99-166 and this act, postplacement and
557 postadoption services, adoption subsidies, deferred subsidy
558 agreements, modification of rates and agreements, health care support,
559 reimbursements, assistance if the family moves out of state and the

560 right to records and information related to the history of the child,
561 including information available under subsection (a) of section 45a-
562 746. The handbook shall be developed and updated by the
563 Commissioner of Children and Families with the advice and assistance
564 of the Connecticut Association of Foster and Adoptive Families and at
565 least two other licensed child-placing agencies in Connecticut
566 designated by the commissioner.

567 Sec. 13. Section 45a-716 of the general statutes, as amended by
568 section 31 of public act 99-84, is repealed and the following is
569 substituted in lieu thereof:

570 (a) Upon receipt of a petition for termination of parental rights, the
571 Court of Probate or the Superior Court, on a case transferred to it from
572 the Court of Probate in accordance with the provisions of subsection
573 (g) of section 45a-715, shall set a time and place for hearing the
574 petition. The time for hearing shall be not more than thirty days after
575 the filing of the petition.

576 (b) The court shall cause notice of the hearing to be given to the
577 following persons as applicable: (1) The parent or parents of the minor
578 child, including any parent who has been removed as guardian on or
579 after October 1, 1973, under section 45a-606; (2) the father of any minor
580 child born out of wedlock, provided at the time of the filing of the
581 petition (A) he has been adjudicated the father of such child by a court
582 of competent jurisdiction, or (B) he has acknowledged in writing to be
583 the father of such child, or (C) he has contributed regularly to the
584 support of such child, or (D) his name appears on the birth certificate,
585 or (E) he has filed a claim for paternity as provided under section
586 46b-172a, or (F) he has been named in the petition as the father of the
587 child by the mother; (3) the guardian or any other person whom the
588 court shall deem appropriate; (4) the Commissioner of Children and
589 Families. If the recipient of the notice is a person described in
590 subdivision (1) or (2) of this subsection or is any other person whose
591 parental rights are sought to be terminated in the petition, the notice

592 shall contain a statement that the respondent has the right to be
593 represented by counsel and that if the respondent is unable to pay for
594 counsel, counsel will be appointed for the respondent. The reasonable
595 compensation for such counsel shall be established by, and paid from
596 funds appropriated to, the Judicial Department, however, in the case of
597 a Probate Court matter, if funds have not been included in the budget
598 of the Judicial Department for such purposes, such compensation shall
599 be established by the Probate Court Administrator and paid from the
600 Probate Court Administration Fund.

601 (c) Except as provided in subsection (d) of this section, notice of the
602 hearing and a copy of the petition, certified by the petitioner, the
603 petitioner's agent or attorney, or the court clerk, shall be served at least
604 ten days before the date for the hearing by personal service or last
605 known address on the persons enumerated in subsection (b) of this
606 section who are within the state, and by certified mail, return receipt
607 requested, on the Commissioner of Children and Families. If the
608 address of any person entitled to personal service or last known
609 address is unknown, or if personal service or last known address
610 cannot be reasonably effected within the state or if any person
611 enumerated in subsection (b) of this section is out of the state, a judge
612 or clerk of the court shall order notice to be given by registered or
613 certified mail, return receipt requested, or by publication at least ten
614 days before the date of the hearing. Any publication shall be in a
615 newspaper of general circulation in the place of the last-known
616 address of the person to be notified, whether within or without this
617 state, or if no such address is known, in the place where the
618 termination petition has been filed.

619 (d) In any proceeding pending in the Court of Probate, in lieu of
620 personal service on a parent or the father of a child born out of
621 wedlock who is either a petitioner or who signs under penalty of false
622 statement a written waiver of personal service on a form provided by
623 the Probate Court Administrator, the court may order notice to be
624 given by certified mail, return receipt requested, deliverable to

625 addressee only and at least ten days prior to the date of the hearing. If
626 such delivery cannot reasonably be effected, or if the whereabouts of
627 the parents is unknown, then notice shall be ordered to be given by
628 publication, as provided in subsection (c) of this section.

629 Sec. 14. Subsection (g) of section 45a-717 of the general statutes is
630 repealed and the following is substituted in lieu thereof:

631 (g) At the adjourned hearing or at the initial hearing where no
632 investigation and report has been requested, the court may approve a
633 petition terminating the parental rights and may appoint a guardian of
634 the person of the child, or, if the petitioner requests, the court may
635 appoint a statutory parent, if it finds, upon clear and convincing
636 evidence, that (1) the termination is in the best interest of the child, and
637 (2) (A) the child has been abandoned by the parent in the sense that the
638 parent has failed to maintain a reasonable degree of interest, concern
639 or responsibility as to the welfare of the child; (B) the child has been
640 denied, by reason of an act or acts of parental commission or omission,
641 including, but not limited to sexual molestation and exploitation,
642 severe physical abuse or a pattern of abuse, the care, guidance or
643 control necessary for the child's physical, educational, moral or
644 emotional well-being. Nonaccidental or inadequately explained
645 serious physical injury to a child shall constitute prima facie evidence
646 of acts of parental commission or omission sufficient for the
647 termination of parental rights; (C) there is no ongoing parent-child
648 relationship which is defined as the relationship that ordinarily
649 develops as a result of a parent having met on a continuing, day-to-
650 day basis the physical, emotional, moral and educational needs of the
651 child and to allow further time for the establishment or
652 reestablishment of the parent-child relationship would be detrimental
653 to the best interests of the child; (D) the parent of a child who (1) has
654 been found by the Superior Court to have been neglected or uncared
655 for in a prior proceeding, or (2) is found to be neglected or uncared for
656 and has been in the custody of the commissioner for at least fifteen
657 months and such parent has been provided specific steps to take to

658 facilitate the return of the child to the parent pursuant to section 46b-
659 129 and has failed to achieve such degree of personal rehabilitation as
660 would encourage the belief that within a reasonable time, considering
661 the age and needs of the child, such parent could assume a responsible
662 position in the life of the child; (E) the parent of a child, under the age
663 of seven years who is neglected or uncared for, has failed, is unable or
664 is unwilling to achieve such degree of personal rehabilitation as would
665 encourage the belief that within a reasonable amount of time,
666 considering the age and needs of the child, such parent could assume a
667 responsible position in the life of the child and such parent's parental
668 rights of another child were previously terminated pursuant to a
669 petition filed by the Commissioner of Children and Families; (F) the
670 parent has killed through deliberate, nonaccidental act another child of
671 the parent or has requested, commanded, importuned, attempted,
672 conspired or solicited such killing or has committed an assault,
673 through deliberate, nonaccidental act that resulted in serious bodily
674 injury of another child of the parent; or (G) the parent was convicted as
675 an adult or a delinquent by a court of competent jurisdiction of sexual
676 assault resulting in the conception of a child except for a violation of
677 section 53a-71 or 53a-73a [resulting in the conception of the child]
678 provided the court may terminate such parent's parental rights to such
679 child at anytime after such conviction .

Statement of Purpose:

To facilitate adoption of children from the foster care system, expedite assessments concerning concurrent planning and to provide for cooperative post-adoption agreements regarding communication or contact between either or both birth parents and the adopted child.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]