



House of Representatives

File No. 806

General Assembly

January Session, 2001

(Reprint of File No. 240)

Substitute House Bill No. 6967
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 24, 2001

AN ACT CONCERNING ADOPTION OF CHILDREN IN STATE FOSTER CARE.

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

1 Section 1. Subsection (a) of section 17a-44 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (a) The photo-listing service shall [semiannually] quarterly check
4 the status of photo-listed children for whom inquiries have been
5 received. Periodic checks shall be made by such service to determine
6 the progress toward adoption of such children and the status of those
7 children registered but never photo-listed because of placement in [an]
8 a preadoptive or adoptive home prior to or at the time of registration.

9 Sec. 2. Section 17a-110a of the general statutes is repealed and the
10 following is substituted in lieu thereof:

11 (a) In order to achieve early permanency for children, decrease
12 children's length of stay in foster care, [and] reduce the number of
13 moves children experience in foster care and reduce the amount of

14 time between termination of parental rights and adoption, the
15 Commissioner of Children and Families shall establish a program for
16 concurrent permanency planning.

17 (b) Concurrent permanency planning involves a planning process to
18 identify permanent placements and prospective adoptive parents so
19 that when termination of parental rights are granted by the court
20 pursuant to section 17a-112, as amended by this act, or section 45a-717,
21 as amended by this act, permanent placement or adoption proceedings
22 may commence immediately.

23 (c) The commissioner shall establish guidelines and protocols for
24 child-placing agencies involved in concurrent permanency planning,
25 including criteria for conducting concurrent permanency planning
26 based on relevant factors such as: (1) Age of the child and duration of
27 out-of-home placement; (2) prognosis for successful reunification with
28 parents; (3) availability of relatives and other concerned individuals to
29 provide support or a permanent placement for the child; (4) special
30 needs of the child; and (5) other factors affecting the child's best
31 interests, goals of concurrent permanency planning, support services
32 that are available for families, permanency options, and the
33 consequences of not complying with case plans.

34 (d) Within six months of out-of-home placement, the Department of
35 Children and Families shall complete an assessment of the likelihood
36 of the child's being reunited with either or both birth parents, based on
37 progress made to date. The Department of Children and Families shall
38 develop a concurrent permanency plan for families with poor
39 prognosis for reunification within such time period. Such assessment
40 and concurrent permanency plan shall be filed with the court.

41 (e) Concurrent permanency planning programs must include
42 involvement of parents and full disclosure of their rights and
43 responsibilities.

44 (f) The commissioner shall provide ongoing technical assistance,
45 support, and training for local child-placing agencies and other

46 individuals and agencies involved in concurrent permanency
47 planning.

48 Sec. 3. Subsection (o) of section 17a-112 of the general statutes is
49 repealed and the following is substituted in lieu thereof:

50 (o) In the case where termination of parental rights is granted, the
51 guardian of the person or statutory parent shall report to the court
52 within thirty days of the date judgment is entered on a case plan, as
53 defined by the federal Adoption Assistance and Child Welfare Act of
54 1980, for the child which shall include measurable objectives and time
55 schedules. At least every [six] three months thereafter, such guardian
56 or statutory parent shall make a report to the court on the progress
57 made on implementation of the plan. The court may convene a hearing
58 upon the filing of a report and shall convene a hearing for the purpose
59 of reviewing the plan for the child no more than twelve months from
60 the date judgment is entered or from the date of the last permanency
61 hearing held pursuant to subsection (k) of section 46b-129, whichever
62 is earlier, and at least once a year thereafter until the court determines
63 that the adoption plan has become finalized. For children where the
64 commissioner has determined that adoption is appropriate, the report
65 on the implementation of the plan shall include a description of the
66 reasonable efforts the department is taking to promote and expedite
67 the adoptive placement and to finalize the adoption of the child,
68 including documentation of child specific recruitment efforts. At such
69 hearing, the court shall determine whether the department has made
70 reasonable efforts to achieve the permanency plan. If the court
71 determines that the department has not made reasonable efforts to
72 place a child in an adoptive placement or that reasonable efforts have
73 not resulted in the placement of the child, the court may order the
74 Department of Children and Families, within available appropriations,
75 to contract with a child-placing agency to arrange for the adoption of
76 the child. The department, as statutory parent, shall continue to
77 provide such care and services for the child while a child-placing
78 agency is arranging for the adoption of the child.

79 Sec. 4. Section 17a-114 of the general statutes is repealed and the
80 following is substituted in lieu thereof:

81 (a) No child in the custody of the Commissioner of Children and
82 Families shall be placed with any person, unless such person is
83 licensed by the department for that purpose. Any person licensed by
84 the department to accept placement of a child is deemed to be licensed
85 to accept placement as a foster family or prospective adoptive family.
86 The commissioner shall adopt regulations, in accordance with the
87 provisions of chapter 54, to establish the licensing procedures and
88 standards. [Any criminal records check conducted by the
89 commissioner shall be a criminal records check requested from the
90 State Police Bureau of Identification and the Federal Bureau of
91 Investigation.]

92 [(b) Notwithstanding the requirements of subsection (a) of this
93 section, the commissioner may place a child with a relative who is not
94 licensed for a period of up to forty-five days provided a satisfactory
95 home visit is conducted, a basic assessment of the family is completed
96 and such relative attests that such relative and any adult living within
97 the household have not been convicted of a crime or arrested for a
98 felony against a person, for injury or risk of injury to or impairing the
99 morals of a child, or for the possession, use or sale of a controlled
100 substance. Placements with a relative beyond such forty-five-day
101 period shall be subject to certification by the commissioner. The
102 commissioner shall adopt regulations, in accordance with the
103 provisions of chapter 54, to establish certification procedures and
104 standards for a caretaker who is a relative of such child.]

105 (b) The Commissioner of Children and Families, when conducting
106 any criminal history records check, shall arrange for the fingerprinting
107 or for the conducting of any other method of positive identification
108 required by the State Police Bureau of Identification or the Federal
109 Bureau of Identification. The fingerprints and other positive
110 identifying information shall be forwarded to the State Police Bureau
111 of Identification, which shall conduct a state criminal history records

112 check and submit the fingerprints or other identifying information to
113 the Federal Bureau of Investigation for a national criminal history
114 records check. The commissioner shall also check the state child abuse
115 registry established pursuant to section 17a-101k for the name of such
116 applicant or licensee.

117 Sec. 5. Section 17a-121a of the general statutes is repealed and the
118 following is substituted in lieu thereof:

119 The Department of Children and Families may provide counseling
120 and referral services after adoption to adoptees and adoptive families
121 for whom the department provided such services before the adoption.
122 Postadoption services include assigning a mentor to a family, training
123 after licensing, support groups, behavioral management counseling,
124 therapeutic respite care, referrals to community providers, a telephone
125 help line and training of public and private mental health professionals
126 in postadoption issues.

127 Sec. 6. Section 17a-117 of the general statutes is repealed and the
128 following is substituted in lieu thereof:

129 (a) The Department of Children and Families may, and is
130 encouraged to contract with child-placing agencies to arrange for the
131 adoption of children who are free for adoption. If (1) a child for whom
132 adoption is indicated, cannot, after all reasonable efforts consistent
133 with the best interests of the child, be placed in adoption through
134 existing sources because the child is a special needs child and (2) the
135 adopting family meets the standards for adoption which any other
136 adopting family meets, the Commissioner of Children and Families
137 shall, before adoption of such child by such family, certify such child
138 as a special needs child and, after adoption, provide one or more of the
139 following subsidies for the adopting parents: (A) A special-need
140 subsidy, which is a lump sum payment paid directly to the person
141 providing the required service, to pay for an anticipated expense
142 resulting from the adoption when no other resource is available for
143 such payment; or (B) a periodic subsidy which is a payment to the

144 adopting family; and (C) in addition to the subsidies granted under
145 this subsection, any medical benefits which are being provided prior to
146 final approval of the adoption by the Court of Probate or the Superior
147 Court in accordance with the fee schedule and payment procedures
148 under the state Medicaid program administered by the Department of
149 Social Services shall continue as long as the child qualifies as a
150 dependent of the adoptive parent under the provisions of the Internal
151 Revenue Code. Such medical subsidy may continue only until the
152 child reaches age twenty-one. A special-need subsidy may only be
153 granted until the child reaches age eighteen. A periodic subsidy may
154 continue only until the child reaches age eighteen and is subject to
155 biennial review as provided for in section 17a-118. The amount of a
156 periodic subsidy shall not exceed the current costs of foster
157 maintenance care.

158 (b) Requests for subsidies after a final approval of the adoption by
159 the Court of Probate or the Superior Court may be considered at the
160 discretion of the commissioner for conditions resulting from or directly
161 related to the totality of circumstances surrounding the child prior to
162 placement in adoption. A written certification of the need for a subsidy
163 shall be made by the Commissioner of Children and Families in each
164 case and the type, amount and duration of the subsidy shall be
165 mutually agreed to by the commissioner and the adopting parents
166 prior to the entry of such decree. Any subsidy decision by the
167 Commissioner of Children and Families may be appealed by a licensed
168 child-placing agency or the adopting parent or parents to the Adoption
169 Subsidy Review Board established under subsection (c) of this section.
170 The commissioner shall adopt regulations establishing the procedures
171 for determining the amount and the need for a subsidy.

172 (c) There is established an Adoption Subsidy Review Board to hear
173 appeals under this section, section 17a-118 and section 17a-120. The
174 board shall consist of the Commissioner of Children and Families, or
175 the commissioner's designee, and a licensed representative of a
176 child-placing agency and an adoptive parent appointed by the
177 Governor. The Governor shall appoint an alternate licensed

178 representative of a child-placing agency and an alternate adoptive
179 parent. Such alternative members shall, when seated, have all the
180 powers and duties set forth in this section and sections 17a-118 and
181 17a-120. Whenever an alternate member serves in place of a member of
182 the board, such alternate member shall represent the same interest as
183 the member in whose place such alternative member serves. All
184 decisions of the board shall be based on the best interest of the child.
185 Appeals under this section shall be in accordance with the provisions
186 of chapter 54.

187 Sec. 7. Subsection (j) of section 45a-717 of the general statutes is
188 repealed and the following is substituted in lieu thereof:

189 (j) In the case where termination of parental rights is granted, the
190 guardian of the person or statutory parent shall report to the court
191 within [~~ninety~~] thirty days of the date judgment is entered on a case
192 plan, as defined by the federal Adoption Assistance and Child Welfare
193 Act of 1980, as amended from time to time, for the child. At least every
194 [~~six~~] three months thereafter, such guardian or statutory parent shall
195 make a report to the court on the implementation of the plan. The
196 court may convene a hearing upon the filing of a report and shall
197 convene a hearing for the purpose of reviewing the plan no more than
198 [~~fifteen~~] twelve months from the date judgment is entered or from the
199 date of the last permanency hearing held pursuant to subsection (k) of
200 section 46b-129 if the child or youth is in the care and custody of the
201 Commissioner of Children and Families, whichever is earlier, and at
202 least once a year thereafter until such time as any proposed adoption
203 plan has become finalized. If the Commissioner of Children and
204 Families is the statutory parent for the child, at such a hearing the
205 court shall determine whether the department has made reasonable
206 efforts to achieve the permanency plan.

207 Sec. 8. Subdivision (1) of subsection (a) of section 45a-724 of the
208 general statutes is repealed and the following is substituted in lieu
209 thereof:

210 (1) A statutory parent appointed under the provisions of section
211 17a-112, as amended by this act, section 45a-717, as amended by this
212 act, or section 45a-718 may, by written agreement, subject to the
213 approval of the Court of Probate as provided in section 45a-727, as
214 amended by this act, or subject to the approval of the Superior Court
215 for juvenile matters pursuant to any petition for termination of
216 parental rights filed under section 17a-112, as amended by this act, or
217 transferred to the Superior Court for juvenile matters under section
218 45a-715, give in adoption to any adult person any minor child of whom
219 he or she is the statutory parent; provided, if the child has attained the
220 age of twelve, the child shall consent to the agreement.

221 Sec. 9. Section 45a-727 of the general statutes is repealed and the
222 following is substituted in lieu thereof:

223 (a) (1) Each adoption matter shall be instituted by filing an
224 application in a Court of Probate, or with the Superior Court for
225 juvenile matters where termination of parental rights to the child
226 occurred pursuant to section 17a-112, as amended by this act, or 45a-
227 715, together with the written agreement of adoption, in duplicate.
228 One of the duplicates shall be sent immediately to the Commissioner
229 of Children and Families.

230 (2) The application shall incorporate a declaration that to the best of
231 the knowledge and belief of the declarant there is no other proceeding
232 pending or contemplated in any other court affecting the custody of
233 the child to be adopted, or if there is such a proceeding, a statement in
234 detail of the nature of the proceeding and affirming that the proposed
235 adoption would not conflict with or interfere with the other
236 proceeding. The court shall not proceed on any application which does
237 not contain such a declaration. The application shall be signed by one
238 or more of the parties to the agreement, who may waive notice of any
239 hearing on it. For the purposes of this declaration, visitation rights
240 granted by any court shall not be considered as affecting the custody of
241 the child.

242 (3) An application for the adoption of a minor child not related to
243 the adopting parents shall not be accepted by the Court of Probate or
244 by the Superior Court for juvenile matters where termination of
245 parental rights to the child occurred pursuant to section 17a-112, as
246 amended by this act, or 45a-715, unless (A) the child sought to be
247 adopted has been placed for adoption by the Commissioner of
248 Children and Families or a child-placing agency, and the placement for
249 adoption has been approved by the commissioner or a child-placing
250 agency; (B) the placement requirements of this section have been
251 waived by the Adoption Review Board as provided in section 45a-764;
252 (C) the application is for adoption of a minor child by a stepparent as
253 provided in section 45a-733; or (D) the application is for adoption of a
254 child by another person who shares parental responsibility for the
255 child with the parent as provided in subdivision (3) of subsection (a) of
256 section 45a-724. The commissioner or a child-placing agency may place
257 a child in adoption who has been identified or located by a prospective
258 parent, provided any such placement shall be made in accordance with
259 regulations promulgated by the commissioner pursuant to section
260 45a-728. If any such placement is not made in accordance with such
261 regulations, the adoption application shall not be approved by the
262 Court of Probate or by the Superior Court for juvenile matters where
263 termination of parental rights to the child occurred pursuant to section
264 17a-112, as amended by this act, or 45a-715.

265 (4) The application and the agreement of adoption shall be filed in
266 the Court of Probate for the district where the adopting parent resides
267 or in the district where the main office or any local office of the
268 statutory parent is located or shall be filed in the Superior Court for
269 juvenile matters where termination of parental rights to the child
270 occurred pursuant to section 17a-112, as amended by this act, or 45a-
271 715.

272 (5) The provisions of section 17a-152, regarding placement of a child
273 from another state, and section 17a-175, regarding the interstate
274 compact on the placement of children, shall apply to adoption
275 placements.

276 (b) (1) The Court of Probate or the Superior Court for juvenile
277 matters where termination of parental rights to the child occurred
278 pursuant to section 17a-112, as amended by this act, or 45a-715, shall
279 request the commissioner or a child-placing agency to make an
280 investigation and written report to it, in duplicate, within sixty days
281 from the receipt of such request. A duplicate of the report shall be sent
282 immediately to the Commissioner of Children and Families.

283 (2) The report shall be filed with the Court of Probate or shall be
284 filed with the Superior Court for juvenile matters where termination of
285 parental rights to the child occurred pursuant to section 17a-112, as
286 amended by this act, or 45a-715, within the sixty-day period. The
287 report shall indicate the physical and mental status of the child and
288 shall also contain such facts as may be relevant to determine whether
289 the proposed adoption will be in the best interests of the child,
290 including the physical, mental, genetic and educational history of the
291 child and the physical, mental, social and financial condition of the
292 parties to the agreement and the biological parents of the child, if
293 known, and whether the best interests of the child would be served in
294 accordance with the criteria set forth in section 45a-727a. The report
295 shall include a history of physical, sexual or emotional abuse suffered
296 by the child, if any. The report may set forth conclusions as to whether
297 or not the proposed adoption will be in the best interests of the child.

298 (3) The physical, mental and genetic history of the child shall
299 include information about: (A) The child's health status at the time of
300 placement; (B) the child's birth, neonatal, and other medical,
301 psychological, psychiatric, and dental history information; (C) a record
302 of immunizations for the child; and (D) the available results of
303 medical, psychological, psychiatric and dental examinations of the
304 child. The report shall include information, to the extent known, about
305 past and existing relationships between the child and the child's
306 siblings, biological parents, extended family, and other persons who
307 have had physical possession of or legal access to the child. The
308 educational history of the child shall include, to the extent known,
309 information about the enrollment and performance of the child in

310 educational institutions, results of educational testing and
311 standardized tests for the child, and special educational needs, if any,
312 of the child.

313 (4) The adoptive parents are entitled to receive copies of the records
314 and other information relating to the history of the child maintained by
315 the commissioner or child-placing agency. The adoptive parents are
316 entitled to receive copies of the records, provided if required by law,
317 the copies have been edited to protect the identity of the biological
318 parents and any other person whose identity is confidential and other
319 identifying information relating to the history of the child. It is the
320 duty of the person placing the child for adoption to edit, to the extent
321 required by law, the records and information to protect the identity of
322 the biological parents and any other person whose identity is
323 confidential.

324 (5) The report shall be admissible in evidence subject to the right of
325 any interested party to require that the person making it appear as a
326 witness, if available, and such person shall be subject to examination.

327 (6) For any report under this section the Court of Probate or the
328 Superior Court for juvenile matters where termination of parental
329 rights to the child occurred pursuant to section 17a-112, as amended by
330 this act, or 45a-715, may assess against the adopting parent or parents a
331 reasonable fee covering the cost and expenses of making the
332 investigation. The fee shall be paid to the state or to the child-placing
333 agency making the investigation and report, provided the report shall
334 be made within the sixty-day period or other time set by the court.

335 (c) (1) Upon the expiration of the sixty-day period or upon the
336 receipt of such report, whichever is first, the Court of Probate or the
337 Superior Court for juvenile matters where termination of parental
338 rights to the child occurred pursuant to section 17a-112, as amended by
339 this act, or 45a-715, shall set a day for a hearing upon the agreement
340 and shall give reasonable notice of the hearing to the parties to the
341 agreement, the child-placing agency if such agency is involved in the

342 adoption, the Commissioner of Children and Families and the child, if
343 over twelve years of age.

344 (2) At the hearing the [court] Probate Court or the Superior Court,
345 where appropriate, may deny the application, enter a final decree
346 approving the adoption if it is satisfied that the adoption is in the best
347 interests of the child or order a further investigation and written report
348 to be filed, in duplicate, within whatever period of time it directs. A
349 duplicate of such report shall be sent to the commissioner. The court
350 may adjourn the hearing to a day after that fixed for filing the report. If
351 such report has not been filed with the court within the specified time,
352 the court may thereupon deny the application or enter a final decree in
353 the manner provided in this section.

354 (3) The Court of Probate or the Superior Court for juvenile matters
355 where termination of parental rights to the child occurred pursuant to
356 section 17a-112, as amended by this act, or 45a-715, shall not
357 disapprove any adoption under this section solely because of an
358 adopting parent's marital status or because of a difference in race, color
359 or religion between a prospective adopting parent and the child to be
360 adopted or because the adoption may be subsidized in accordance
361 with the provisions of section 17a-117, as amended by this act.

362 (4) The Court of Probate or the Superior Court for juvenile matters
363 where termination of parental rights to the child occurred pursuant to
364 section 17a-112, as amended by this act, or 45a-715, shall ascertain as
365 far as possible the date and the place of birth of the child and shall
366 incorporate such facts in the final decree, a copy of which shall be sent
367 to the Commissioner of Children and Families.

368 Sec. 10. Section 45a-736 of the general statutes is repealed and the
369 following is substituted in lieu thereof:

370 Any court of probate or the Superior Court for juvenile matters
371 where termination of parental rights to the child occurred pursuant to
372 section 17a-112, as amended by this act, or 45a-715, as part of its
373 approval of any agreement of adoption or declaration of an intention

374 to adopt, may change the name of the person adopted, as requested by
375 the adopting parent or parents.

376 Sec. 11. Section 45a-745 of the general statutes is repealed and the
377 following is substituted in lieu thereof:

378 (a) For each final decree of adoption decreed by a court of probate
379 or by the Superior Court for juvenile matters, the clerk of the court
380 shall prepare a record on a form prescribed by the Department of
381 Public Health. The record shall include all facts necessary to locate and
382 identify the original birth certificate of the adopted person and to
383 establish the new birth certificate of the adopted person, and shall
384 include official notice from the court of the adoption, including
385 identification of the court action and proceedings.

386 (b) Each petitioner for adoption, the attorney for the petitioner and
387 each social or welfare agency or other person concerned with the
388 adoption shall supply the clerk with information which is necessary to
389 complete the adoption record. The supplying of the information shall
390 be a prerequisite to the issuance of a final adoption decree by the court.

391 (c) Not later than the fifteenth day of each calendar month, the clerk
392 of the Court of Probate or of the Superior Court for juvenile matters
393 shall forward to the Department of Public Health the record provided
394 for in subsection (a) of this section for all final adoption decrees issued
395 during the preceding month.

396 (d) When the Department of Public Health receives a record of
397 adoption for a person born outside the state, the record shall be
398 forwarded to the proper registration authority of the place of birth.

399 (e) The Department of Public Health, upon receipt of a record of
400 adoption for a person born in this state, shall establish a new certificate
401 of birth in the manner prescribed in section 7-53, except that no new
402 certificate of birth shall be established if the court decreeing the
403 adoption, the adoptive parents or the adopted person, if over fourteen
404 years of age, so requests.

405 Sec. 12. Section 45a-748 of the general statutes is repealed and the
406 following is substituted in lieu thereof:

407 Each child-placing agency or the department shall be required to
408 make a reasonable effort to obtain the information provided for in
409 section 45a-746 for each child being placed for adoption or for whom
410 there is a probability of adoption, but the lack of such information shall
411 not be a bar to the granting of a decree of adoption, provided the child-
412 placing agency or department has made a reasonable effort to obtain
413 the information. If the judge of probate or the judge of the appropriate
414 Superior Court for juvenile matters decides that a reasonable effort has
415 not been made to obtain the information or that the information is
416 being unreasonably withheld, the judge may order the child-placing
417 agency or department to make a reasonable effort to obtain the
418 information or to release the information. Any child-placing agency or
419 department aggrieved by the order may appeal to the Superior Court if
420 it is an appeal from a probate court decision, or to the Appellate Court
421 if it is an appeal from a decision of the Superior Court for juvenile
422 matters.

423 Sec. 13. Section 45a-752 of the general statutes is repealed and the
424 following is substituted in lieu thereof:

425 (a) Any person requesting information under section 45a-746 who is
426 of the opinion that any item of information is being withheld by the
427 child-placing agency or department, or any person requesting
428 information under section 45a-751 who has been refused release of the
429 information, may petition the Court of Probate or the Superior Court
430 for juvenile matters for a hearing on the matter. No petition shall be
431 filed if the consents required by section 45a-751b have been denied.
432 Such petition may be filed in the court of probate in the probate district
433 where the adoption was finalized or where the child-placing agency or
434 department has an office or, in the case of a petition by a person who
435 resides in this state, may be filed in the court of probate for the district
436 in which such person resides or in the Superior Court for juvenile
437 matters where termination of parental rights to the child occurred

438 pursuant to section 17a-112, as amended by this act, or 45a-715 and
439 there is a pending application to such Superior Court for adoption of
440 the child.

441 (b) When a petition, filed under the provisions of subsection (a) of
442 this section, is received by the court and if such court is satisfied as to
443 the identity of the petitioner, the court shall first refer the matter
444 within thirty days of receipt of the petition to an advisory panel
445 consisting of four members appointed from a list of panel members
446 provided by the Probate Court Administrator. This list shall include
447 adult adopted persons, biological parents, adoptive parents and social
448 workers experienced in adoption matters. In convening this panel, the
449 court shall make a reasonable effort to include one member from each
450 category of qualified persons. Such panel members shall serve without
451 compensation. Within thirty days of referral of the matter the panel
452 shall begin interviewing witnesses, including the petitioner if the
453 petitioner wants to be heard, and reviewing such other evidence it may
454 deem relevant, and within forty-five days following its initial meeting,
455 shall render a report including recommendations to [the judge of
456 probate] either the Probate Court or the Superior Court for juvenile
457 matters having jurisdiction. The court shall set a day for a hearing on
458 the petition which hearing shall be held not more than thirty days after
459 receiving the panel's report and shall give notice of the hearing to the
460 petitioner and the child-placing agency. The court shall render a
461 decision within forty-five days after the last hearing on the merits as to
462 whether the requested information should be released under the
463 relevant statutes. If the applicant requests the assistance of the child-
464 placing agency or department in locating a person to be identified, the
465 provisions of section 45a-753, as amended by this act, shall apply.

466 Sec. 14. Section 45a-753 of the general statutes is repealed and the
467 following is substituted in lieu thereof:

468 (a) If a request is received pursuant to section 45a-751, the child-
469 placing agency or department which has agreed to attempt to locate
470 the person or persons whose identity is being requested or the child-

471 placing agency or department which furnished a report ordered by the
472 court following a petition made under subsection (f) of this section
473 shall not be required to expend more than ten hours time within sixty
474 days of receipt of the request unless the child-placing agency or
475 department notifies the authorized applicant of a delay and states the
476 reason for the delay. The child-placing agency or department may
477 charge the applicant reasonable compensation and be reimbursed for
478 expenses in locating any person whose identity is being requested. The
479 obtaining of such consent shall be accomplished in a manner which
480 will protect the confidentiality of the communication and shall be done
481 without disclosing the identity of the applicant. For the purposes of
482 this section any records at the Court of Probate or the Superior Court
483 shall be available to an authorized representative of the child-placing
484 agency or department to which the request has been made.

485 (b) If the child-placing agency or department is out-of-state and
486 unwilling to expend time for such purpose, the court of probate which
487 finalized the adoption or terminated parental rights or the superior
488 court which terminated parental rights or which finalized the adoption
489 shall upon petition appoint a licensed or approved child-placing
490 agency or the department to complete the requirements of this section.

491 (c) If the relative whose identity is requested cannot be located or
492 appears to be incompetent but has not been legally so declared, the
493 Court of Probate or the Superior Court shall appoint a guardian ad
494 litem under the provisions of section 45a-132, at the expense of the
495 person making the request. The guardian ad litem shall decide
496 whether to give consent on behalf of the relative whose identity is
497 being requested.

498 (d) If the relative whose identity has been requested has been
499 declared legally incapable or incompetent by a court of competent
500 jurisdiction, then the legal representative of such person may consent
501 to the release of such information.

502 (e) Such guardian ad litem or legal representative shall give such

503 consent unless after investigation [he] such guardian or legal
504 representative concludes that it would not be in the best interest of the
505 adult person to be identified for such consent to be given. If release of
506 the information requires the consent of such guardian ad litem or legal
507 representative, or if the person whose identity is sought is deceased,
508 only the following information may be released: (1) All names by
509 which the person whose identity is being sought has been known, and
510 all known addresses; (2) the date and place of such person's birth; (3)
511 all places where such person was employed; (4) such person's Social
512 Security number; (5) the names of educational institutions such person
513 attended; and (6) any other information that may assist in the search of
514 a person who cannot be located.

515 (f) (1) If (A) the person whose identity is being sought cannot be
516 located or is incompetent, or (B) the child-placing agency or
517 department has not located the person within sixty days, the
518 authorized applicant may petition for access to the information to the
519 court of probate or the superior court which terminated the parental
520 rights or to the court of probate which approved the adoption or the
521 Superior Court for juvenile matters.

522 (2) Within fifteen days of receipt of the petition, the court shall order
523 the child-placing agency or department which has access to such
524 information to present a report. The report by the child-placing agency
525 or department shall be completed within sixty days after receipt of the
526 order from the court.

527 (3) If the child-placing agency or department is out-of-state and
528 unwilling to provide the report, the court shall refer the matter to a
529 child-placing agency in this state or to the department for a report.

530 (4) The report shall determine through an interview with the adult
531 adopted or adult adoptable person and through such other means as
532 may be necessary whether (A) release of the information would be
533 seriously disruptive to or endanger the physical or emotional health of
534 the authorized applicant, and (B) release of the information would be

535 seriously disruptive to or endanger the physical or emotional health of
536 the person whose identity is being requested.

537 (5) Upon receipt of the report, or upon expiration of sixty days,
538 whichever is sooner, the court shall set a time and place for hearing not
539 later than fifteen days after receipt of the report or expiration of such
540 sixty days, whichever is sooner. The court shall immediately give
541 notice of the hearing to the authorized applicant and to the child-
542 placing agency or the department.

543 (6) At the hearing, the authorized applicant may give such evidence
544 to support the petition as the authorized applicant deems appropriate.

545 (7) Within fifteen days after the conclusion of the hearing, the court
546 shall issue a decree as to whether the information requested shall be
547 given to the authorized applicant.

548 (8) The requested information shall be provided to the authorized
549 applicant unless the court determines that: (A) Consent has not been
550 granted by a guardian ad litem appointed by the court to represent the
551 person whose identity has been requested; (B) release of the
552 information would be seriously disruptive to or endanger the physical
553 or emotional health of the authorized applicant; or (C) release of the
554 information would be seriously disruptive to or endanger the physical
555 or emotional health of the person whose identity is being requested.

556 (9) If the court denies the petition and determines that it would be in
557 the best interests of the person whose identity is being requested to be
558 notified that the authorized applicant has petitioned the court for
559 identifying information, the court shall request the child-placing
560 agency or department to so notify the person whose identity is being
561 requested. The notification shall be accomplished in a manner which
562 will protect the confidentiality of the communication and shall be done
563 without disclosing the identity of the authorized applicant. If the
564 person whose identity is being requested is so notified, the authorized
565 applicant who petitioned the court shall be informed that this
566 notification was given.

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:

OFA Fiscal Note

State Impact: Potential Indeterminate Savings, Potential Indeterminate Revenue Loss, Minimal Savings, Cost, Indeterminate Savings

Affected Agencies: Departments of Children and Families, Public Health, Public Safety; Judicial Department, Probate Court, Office of the Attorney General,

Municipal Impact: None

Explanation

State Impact:

Overview

This bill as amended makes various changes that will impact upon the programmatic and financial operation of state agencies involved with children who may be adopted after having been in out-of-home placement.

Should these changes result in expedited adoptions of children who might otherwise be maintained in foster care, the Department of Children and Families (DCF) will experience a savings when the child is not deemed to meet the statutory definition of a special needs child (Section 17a-116 CGS). This will result because monthly maintenance payments to foster parents on the child's behalf will cease at the time of adoption. Based upon the imposition of inflationary adjustments as included within sHB 6668 (the Appropriations Act, as favorably

reported by the Appropriations Committee), effective July 1, 2001, the average monthly foster care payment is projected to be \$721.16 per month (or \$8,654 annually). In these cases, the Department of Social Services will also experience savings, as the child's Medicaid eligibility would cease. Any savings to both agencies would be partially offset by reduced federal financial participation.

However, the majority of adopted children who leave foster care are deemed to be special needs children. In these cases, DCF provides a monthly subsidy slightly less than that paid to foster parents and Medicaid eligibility is continued until age eighteen. Thus, the state will experience a minimal per child savings for each special needs child who may be adopted more rapidly given provisions in the bill. As children in subsidized adoptive care are not carried on the agency's caseload for purposes of determining social work staffing under the Juan F. Consent Decree, a workload reduction, which may lead to future savings, might occur. The magnitude of any potential savings would be dependent upon how many additional children leave foster care, which cannot be determined at this time.

Specific changes and their associated fiscal impacts are as follows:

The bill as amended requires DCF to check the status of photo-listed children for whom inquiries have been received quarterly, as opposed to twice a year, as required under current law. It is anticipated that this can be accommodated within the agency's normally budgeted resources.

It clarifies the purpose of concurrent permanency planning by including the goal of reducing the amount of time between termination of parental rights and adoption. No direct fiscal impact is associated with this change.

It requires a guardian or statutory parent (DCF) to report every three months to the Superior Court regarding progress on implementing a child's case plan for children who have had their parental rights terminated. Under current law, this report is filed

every six months. It further authorizes, but does not require, the court to convene a hearing upon the filing of such a report.

It states that court hearings to review the case plan for a child who has been freed for adoption must be held at the earlier of: 1) twelve months from the termination of the child's parental rights, or 2) twelve months from the child's last permanency hearing. Under current law these hearings must be held no more than twelve months from the termination of parental rights.

These changes can be accommodated within the normally budgeted resources of the Department of Children and Families (DCF), the Office of the Attorney General and the Judicial Department.

The bill as amended codifies current practice regarding DCF's conducting of criminal history record checks of prospective foster parents by stating that the department shall arrange for the fingerprinting or submittal of other positive identifying information to the State Police or the Federal Bureau of Investigation and shall check the state child abuse registry.

It removes Section 17a-114 (b) CGS. This statute allows the department to place a child with an unlicensed relative for up to forty-five days, and authorizes their continued placement after forty-five days only if the relative is certified by the agency. Fifty children who current reside with certified relative foster parents, who are not expected to attain licensure by October 1, 2001, would presumably have to be moved to other homes after that date.

The bill as amended defines post-adoption services to include: assigning a mentor to the family; post-licensure training; support groups; behavioral management counseling; therapeutic respite care; referrals to community providers; a telephone help line; and training of public and private mental health professionals in post-adoption issues. Since provision of these services remains subject to the discretion of the commissioner, it is not anticipated that this will result in additional expenditures by the department.

It also authorizes concurrent jurisdiction by the Superior Court for juvenile matters with the Probate Court for adoption proceedings where the Superior Court ordered termination of parental rights.

Currently all termination of parental rights proceedings that involve DCF (with rare exceptions) are handled in the Superior Court. Of these cases, about 500 annually result in adoptions through the Probate Court. Although the number of these that would be transferred to the Superior Court under the bill as amended is uncertain, it is estimated that about half (or 250) would be. This would result in the assignment of court-appointed counsel and a court hearing in each of these cases. Court appointed attorneys in juvenile matters courts are paid \$350 per case for up to 30 hours. If additional work beyond 30 hours is required, the attorney is paid \$40 for each additional hour of work. This would result in a cost of at least \$87,500 for these attorneys. It is anticipated that the workload associated with additional hearings can be handled by the Judicial Department within normal budgetary resources.

Unless waived, plaintiffs in Probate Court must submit a \$150 filing fee. Last year the Probate Court had 607 cases that involved the termination of parental rights. To the extent that adoptions are handled in juvenile court as provided in this section, passage of the bill as amended would result in an indeterminate revenue loss to the Probate Court. In addition, any cost associated with the appointment of representation in these cases would be eliminated. Attorneys appointed by the Probate Court are paid \$25 per hour.

It is anticipated that the State Registrar of Vital Records will be able to process notifications of adoption decrees from the Superior Court within the normally budgeted resources of the Department of Public Health.

The bill as amended requires a guardian or statutory parent (DCF) of a child whose parental rights have been terminated in Probate Court to report to the court within thirty days of the date judgment is entered

on the case plan. Under current law, this initial report is to be made within ninety days.

It further requires the guardian or statutory parent (DCF) to submit follow up reports every three months to the Probate Court regarding progress on implementing a child's case plan for children who have had their parental rights terminated. Under current law, this report is filed every six months. And it authorizes, but does not require, the court to convene a hearing upon the filing of such a report, and requires a mandatory court hearing to review the case plan for a child who has been freed for adoption to be held at the earlier of: 1) twelve months from the termination of the child's parental rights, or 2) twelve months from the child's last permanency hearing. Under current law, these hearings are to be held at least every fifteen months from the termination of parental rights.

It is anticipated that the DCF, the Office of the Attorney General and the Probate Court can accommodate these changes within their anticipated budgetary resources.

House "A" strikes section 2 of the original bill, which required the Department of Children and Families to add data to its annual report to the Governor and General Assembly. No fiscal impact is associated with eliminating this section.

It also modifies the original bill by stating that court hearings to review the case plan for a child who has been freed for adoption must be held at the earlier of: 1) twelve months from the termination of the child's parental rights, or 2) twelve months from the child's last permanency hearing. This change can be accommodated within the normally budgeted resources of the Department of Children and Families (DCF), the Office of the Attorney General and the Judicial Department.

It makes changes to language concerning criminal background checks that are not anticipated to result in a fiscal impact.

The amendment removes Section 17a-114 (b) CGS. This statute allows the department to place a child with an unlicensed relative for up to forty-five days, and authorizes their continued placement after forty-five days only if the relative is certified by the agency. Fifty children who current reside with certified relative foster parents, who are not expected to attain licensure by October 1, 2001, would presumably have to be moved to other homes after that date.

It also strikes section 9 of the original bill, which shortened the length of time that DCF has in which to file a motion for review of a permanency plan. No fiscal impact is associated with this change. It also eliminates provisions in this section that modified allowable permanency plan goals. These changes conformed state law to federal regulation and failure to enact them may result in assessment of an indeterminate financial penalty, which may be significant in magnitude.

The amendment strikes section 10 of the original bill, which changed the standard of appointing separate guardian ad litem in child neglect and abuse cases. This removes the minimal costs and potential minimal savings to the Judicial Department discussed in the original fiscal note.

It also strikes sections 11 and 19 of the original bill, which established a permanency hearing process for juvenile delinquents. This removes the cost to the state (FY 02: \$360,055; FY 03: \$469,727) associated with the hiring of five positions by the Office of the Attorney General and one position by DCF needed to participate in an estimated 700 hearings annually. Provisions within these sections conformed state law to federal regulation. Failure to implement these hearings may result in assessment of an indeterminate financial penalty, which may be significant in magnitude, under the Title IV-E Program.

OLR Amended Bill Analysis

sHB 6967 (as amended by House "A")*

AN ACT CONCERNING ADOPTION OF CHILDREN IN STATE FOSTER CARE.**SUMMARY:**

This bill gives a juvenile court jurisdiction over adoption matters when it terminates the parental rights of a child. It gives these courts the same authority over these matters as the probate courts have and gives parties the choice of forum. It also modifies and speeds up reporting dates for children who may be adopted by:

1. requiring those having custody of a child who is free for adoption (usually the Department of Children and Families (DCF)) to file court reports every three, rather than every six, months, permitting courts to hold hearings whenever a report is filed, and requiring hearings within one year of the last permanency plan hearing rather than one year after the termination of parental rights if it would result in an earlier hearing; and
2. directing DCF's photo-listing service to check every three months, rather than twice a year, on the progress toward adoption of photo-listed and registered children.

The bill eliminates DCF's authority to place abused and neglected children with unlicensed relative caregivers. It also specifies procedures for criminal background and child abuse registry checks for foster care license holders and applicants, and post-adoption services that DCF may offer. Some of these changes are required by federal law.

Finally, the bill adds reducing the time between termination of parental rights and adoption as a reason for concurrent permanency planning (i.e., developing permanent out-of-home placement alternatives when it is still possible, but appears unlikely, that the child and parent will reunify).

*House Amendment "A" eliminates provisions relating to (1) permanency plan reviews, (2) agency reports to the governor and legislative committees, (3) exemptions from foster care licensing requirements for relative caregivers certified before October 1, 2001, (4) mandated criminal background checks for all foster parent license applicants and adult household members, and (5) guardian ad litem appointments.

EFFECTIVE DATE: October 1, 2001

CASE PLAN REPORTS AND COURT HEARINGS

By law, when a Superior Court terminates the parental rights of a child, DCF or the child's appointed guardian must report to the court within 30 days with a case plan setting measurable objectives and time schedules for finalizing adoption. The bill imposes the same 30-day deadline on case plan filings in probate court. It reduces, from every six to every three months, the deadline for filing subsequent progress reports. It permits the court that terminated parental rights, which can be either a juvenile or a probate court, to hold a hearing whenever a report is filed. It maintains the requirement that Superior Court review plans yearly, but specifies that, if holding a hearing within one year of the most recent permanency plan hearing would result in a earlier hearing date, that event should trigger the annual review. The bill extends the same rule to probate court reviews, which currently are on a 15- month cycle.

It also requires courts to determine at these hearings whether DCF has made reasonable efforts to achieve the child's permanency plan.

PHOTO-LISTING UPDATES

The bill requires DCF's photo-listing service to check every three months, rather than twice yearly, the status and progress toward adoption of listed children for whom it has received inquiries from potential adoptive parents. It also requires it to check periodically on the progress of children registered as being free for adoption but not photo-listed because they had been placed in a pre-adoptive home at the time of registration. The service must already do this for children not photo-listed because of an adoptive placement.

ELIMINATING CERTIFICATION OF RELATIVE CAREGIVERS

The bill eliminates DCF's authority to place abused and neglected children with unlicensed relatives, instead requiring them to meet the same standards as licensed foster parents. Licensing is required for the state to qualify for federal funding (42 USC § 671(a)(10)). Currently, DCF may place children with relative caregivers under more relaxed rules and must certify them if they are to care for children for more than 45 days. Among other things, these relatives are not required to complete the training and evaluation program required of foster parent license applicants and their housing arrangements are not subject to all of the standards that are imposed on foster parents.

BACKGROUND CHECKS

By regulation, DCF will not place foster children with a person who has been convicted of, or lives in a household with a person who has been convicted of, (1) any felony against a person; (2) injury, risk of injury, or impairing the morals of a minor; or (3) possession, use, or sale of any controlled substance.

The bill specifies that, if DCF conducts a criminal history records check, it must arrange for fingerprinting or conduct any other type of positive identification required by the State Police Bureau of Identification or the Federal Bureau of Identification (FBI).

The fingerprints and other positive identifying information must be forwarded to the State Police Bureau of Identification, which must conduct a state criminal history records check and submit the fingerprints or other identifying information to the FBI for a national criminal history records check. DCF must also determine whether the applicant or licensee's name appears on the state child abuse registry (i.e., has been reported as being suspected of abusing a child).

Current DCF policy requires criminal background checks of foster parent applicants and adult (age 18 or older) household members.

POST-ADOPTION SERVICES

The bill specifies that post-adoption counseling and referral services for adoptees and adoptive families for whom DCF provided services before the adoption include (1) assigning a mentor to a family, (2) training after licensing, (3) support groups, (4) behavioral management

counseling, (5) therapeutic respite care, (6) referrals to community providers, (7) a telephone help line, and (8) training for public and private mental health professionals in post-adoption issues.

BACKGROUND

Federal Laws

Adoption and Safe Families Act (ASFA). ASFA (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. It sets eligibility requirements that states must meet to qualify for federal matching funds. It also 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 funds from non-compliant states.

P.L. 92-544. Under this law, the FBI can comply with a state's request for national criminal records checks only if the state law:

1. authorizes it,
2. requires fingerprinting of the applicant,
3. expressly or by implication authorizes use of FBI records for screening the applicant,
4. is not against public policy, and
5. specifically identifies the category of applicants or licensees for which FBI checks are authorized.

Related Bills

sSB 1094 (Files 372 and 789), favorably reported by the Human Services Committee, passed by the Senate as amended by Senate "A", and passed by the House as amended by Senate "A" and House "A", permits some certified relative caregivers to continue caring for abused and neglected children and allows DCF to waive licensing requirements in some cases. It was tabled for possible disagreeing action in the Senate on May 18, 2001.

sHB 6589 (File 40), favorably reported by the Judiciary Committee and passed by the House on May 22, 2001 as amended by House "A" contains provisions on guardian ad litem appointments similar to those contained in the underlying bill.

sHB 6891, favorably reported by the Judiciary Committee, contains provisions for permanency plan options and court reviews similar to those in the underlying bill and makes other changes in hearing procedures.

sSB 1437 (File 586), favorably reported by the Judiciary and Public Safety committees, creates a generic criminal records check procedure and mandates its use when any state statute requires such checks.

Legislative History

The House referred the bill to the Human Services Committee on April 19, to the Public Safety Committee on May 1, and to the Appropriations Committee on May 9. The committees reported the bill favorably without changes on April 25, May 8, and May 16, respectively.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 34 Nay 1

Human Services Committee

Joint Favorable Report
Yea 17 Nay 0

Public Safety Committee

Joint Favorable Report
Yea 19 Nay 0

Appropriations Committee

Joint Favorable Report
Yea 49 Nay 0