



General Assembly

January Session, 2001

Raised Bill No. 6891

LCO No. 4028

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE STREAMLINING OF THE CHILD PROTECTION SESSION HEARING PROCESS AND PERMANENCY HEARINGS AND MOTIONS FOR EXTENSION OR REVOCATION OF COMMITMENT.

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

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2 repealed and the following is substituted in lieu thereof:

3 (j) Upon finding and adjudging that any child or youth is uncared-
4 for, neglected or dependent, the court may commit [him] such child or
5 youth to the Commissioner of Children and Families. [for a maximum
6 period of twelve months, unless such period is extended in accordance
7 with the provisions of subsection (k) of this section] Such commitment
8 shall remain in effect until further order of the court pursuant to the
9 provisions of subsection (k) of this section, as amended by section 2 of
10 this at, provided such commitment [or any extension thereof] may be
11 revoked or parental rights terminated at any time by the court, or the
12 court may vest such child's or youth's care and personal custody in any
13 private or public agency which is permitted by law to care for
14 neglected, uncared-for or dependent children or youth or with any

15 person or persons found to be suitable and worthy of such
16 responsibility by the court. The court shall order specific steps which
17 the parent must take to facilitate the return of the child or youth to the
18 custody of such parent. The commissioner shall be the guardian of
19 such child or youth for the duration of the commitment, provided the
20 child or youth has not reached the age of eighteen years or, in the case
21 of a child or youth in full-time attendance in a secondary school, a
22 technical school, a college or a state-accredited job training program,
23 provided such child or youth has not reached the age of twenty-one,
24 by consent of such youth, or until another guardian has been legally
25 appointed, and in like manner, upon such vesting of [his] the care of of
26 such child or youth, such other public or private agency or individual
27 shall be the guardian of such child or youth until [he] such child or
28 youth has reached the age of eighteen years or, in the case of a child or
29 youth in full-time attendance in a secondary school, a technical school,
30 a college or a state-accredited job training program, until such child or
31 youth has reached the age of twenty-one years or until another
32 guardian has been legally appointed. Said commissioner may place
33 any child or youth so committed to [him] the commissioner in a
34 suitable foster home or in the home of a person related by blood to
35 such child or youth or in a licensed child-caring institution or in the
36 care and custody of any accredited, licensed or approved child-caring
37 agency, within or without the state, provided a child shall not be
38 placed outside the state except for good cause and unless the parents
39 of such child are notified in advance of such placement and given an
40 opportunity to be heard, or in a receiving home maintained and
41 operated by the Commissioner of Children and Families. In placing
42 such child or youth, said commissioner shall, if possible, select a home,
43 agency, institution or person of like religious faith to that of a parent of
44 such child or youth, if such faith is known or may be ascertained by
45 reasonable inquiry, provided such home conforms to the standards of
46 said commissioner and the commissioner shall, when placing siblings,
47 if possible, place such children together. As an alternative to
48 commitment, the court may place the child in the custody of the parent

49 or guardian with protective supervision by the Commissioner of
50 Children and Families subject to conditions established by the court.

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

53 [(k) (1) Ten months after the adjudication of neglect of the child or
54 youth or twelve months after the vesting of temporary care and
55 custody pursuant to subsection (b) of this section]

56 (k) (1) Nine months after placement of the child or youth in the care
57 and custody of the commissioner pursuant to a voluntary placement
58 agreement, or removal of a child or youth pursuant to subsection 17a-
59 101g or a court order issued by a court of competent jurisdiction,
60 whichever is earlier, the commissioner shall file a motion for review of
61 a permanency plan and to [extend] maintain or revoke the
62 commitment. [Ten] Nine months after a permanency plan has been
63 approved by the court pursuant to this subsection, [unless the court
64 has approved placement in long-term foster care with an identified
65 person or an independent living program, or the commissioner has
66 filed a petition for termination of parental rights or motion to transfer
67 guardianship,] the commissioner shall file a motion for review of the
68 permanency plan and to [extend] maintain or revoke the commitment.
69 Any party seeking to oppose the commissioner's permanency plan or
70 the maintaining or revocation of commitment is required to file a
71 motion in opposition within thirty days after the filing of the
72 commissioners motion for review of permanence plan and to maintain
73 or revoke commitment. A permanency hearing on any [such] motion
74 for review of permanency plan and to maintain or revoke commitment
75 shall be held within [sixty] ninety days of the filing of such motion.
76 The court shall hold evidentiary hearings in connection any contested
77 motion for review of permanence plan and to maintain or revoke
78 commitment. After the initial permanency hearing, subsequent
79 permanency hearings shall be held not less frequently than every
80 twelve months while the child or youth remains in the custody of the

81 Commissioner of Children and Families. The court shall provide notice
82 to the child or youth, and [his] the parent or guardian of such child or
83 youth of the time and place of the court hearing on any such motion
84 not less than fourteen days prior to such hearing.

85 (2) At [such] a permanency hearing held in accordance with the
86 provisions of subdivision (1) of this subsection, the court shall
87 determine whether it is appropriate to continue to make reasonable
88 efforts to reunify the child or youth with the parent, unless the court
89 has previously determined that such efforts are not appropriate
90 pursuant to this subdivision or section 17a-111b. In making this
91 determination, the court shall consider the best interests of the child,
92 including the child's need for permanency. If the court finds that
93 further efforts are not appropriate, the commissioner has no duty to
94 make further efforts to reunify the child or youth with the parent. If the
95 court finds that further efforts are appropriate, such efforts shall
96 ensure that the child or youth's health and safety are protected and
97 such efforts shall be specified by the court, including the services to be
98 provided to the parent, what steps the parent may take to address the
99 problem that prevents the child or youth from safely reuniting with
100 the parent and a time period, not longer than six months, for such
101 steps to be accomplished.

102 (3) At [such] a permanency hearing held in accordance with the
103 provisions of subdivision (1) of this subsection, the court shall approve
104 a permanency plan that is in the best interests of the child or youth and
105 takes into consideration the [child] child's or youth's need for
106 permanency. The child's or youth's health and safety shall be of
107 paramount concern in formulating such plan. Such permanency plan
108 may include the goal of (A) revocation of commitment and placement
109 of the child or youth with the parent or guardian, with or without
110 protective supervision; [(B) placing the child or youth in an
111 independent living program; (C)] (B) transfer of guardianship; [(D)
112 approval of] (C) long-term foster care with [an identified foster parent]

113 a relative licensed as a foster parent or certified as a relative caregiver;
114 [(E)] (D) adoption and filing of termination of parental rights; [(F) if the
115 permanency plan identifies adoption as an option, a thorough
116 adoption assessment and child specific recruitment. As used in this
117 subdivision, "thorough adoption assessment" means conducting and
118 documenting face-to-face interviews with the child, foster care
119 providers, and other significant parties and "child specific recruitment"
120 means recruiting an adoptive placement targeted to meet the
121 individual needs of the specific child, including, but not limited to, use
122 of the media, use of photo-listing services and any other in-state or
123 out-of-state resources that may be used to meet the specific needs of
124 the child, unless there are extenuating circumstances that indicate that
125 these efforts are not in the best interest of the child; or (G)] or (E) such
126 other [appropriate action] planned permanent living arrangement
127 ordered by the court, provided the Commissioner of Children and
128 Families has documented a compelling reason why it would not be in
129 the best interest of the child or youth for the permanency plan to
130 include the goals in subparagraphs (A) to (D), inclusive, of this
131 subdivision. Such other planned living arrangement may include, but
132 not be limited to, placement of a child or youth in an independent
133 living program or long term foster care with an identified foster
134 parent.

135 (4) If the court approves the permanency plan of adoption: (A) the
136 Commissioner of Children and Families shall conduct a thorough
137 adoption assessment and child-specific recruitment; and (B) the court
138 may order that the child be photo listed within thirty days if the court
139 determines that such photo-listing is in the best interest of the child. As
140 used in this subdivision, "thorough adoption assessment" means
141 conducting and documenting face-to-face interviews with the child,
142 foster care providers, and other significant parties and "child specific
143 recruitment" means recruiting an adoptive placement targeted to meet
144 the individual needs of the specific child, including, but not limited to,
145 use of the media, use of photo-listing services and any other in-state or

146 out-of-state resources that may be used to meet the specific needs of
147 the child, unless there are extenuating circumstances that indicate that
148 these efforts are not in the best interest of the child.

149 (5) At [the] a permanency [plan] hearing held in accordance with
150 the provisions of subdivision (1) of this subsection, the court shall
151 review the status of the child, the progress being made to implement
152 the permanency plan, [and] determine a timetable for attaining the
153 permanency [prescribed by the] plan and determine whether the
154 commissioner has made reasonable efforts to achieve the permanency
155 plan. The court shall [extend] maintain commitment if [extension] it is
156 in the best interests of the child or youth. [for a period of twelve
157 months.] The court shall revoke commitment if a cause for
158 commitment no longer exists and it is in the best interests of the child
159 or youth.

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

162 [(o) A foster parent shall have standing for the purposes of this
163 section in Superior Court in matters concerning the placement or
164 revocation of commitment of a foster child living with such parent. A
165 foster parent shall receive notice of any motion to revoke commitment
166 or any hearing on such motion. A foster parent who has cared for a
167 child or youth for not less than six months shall have standing to
168 comment on the best interests of such child or youth in any matter
169 under this section which is brought not more than one year after the
170 last day the foster parent provided such care.]

171 (o) Any foster parent, prospective adoptive parent or relative
172 licensed as a foster parent or certified as a relative caregiver, caring for
173 a child or youth shall have the right to notice and an opportunity to be
174 heard on the best interests of such child or youth at any permanency
175 hearing under this section or at a hearing on a motion to revoke

176 commitment. The commissioner shall provide notice to such foster
177 parent prospective parent or relative caregiver licensed as a foster
178 parent or certified as a relative caregiver of the time and place of such
179 hearing not less than fourteen days prior to such hearing.

180 Sec. 4. Section 46b-141 of the general statutes is repealed and the
181 following is substituted in lieu thereof:

182 (a) Except as otherwise limited by subsection (i) of section 46b-140,
183 commitment of children convicted as delinquent by the Superior Court
184 to the Department of Children and Families shall be for (1) an
185 indeterminate time up to a maximum of eighteen months, or (2) when
186 so convicted for a serious juvenile offense, up to a maximum of four
187 years at the discretion of the court, unless extended as hereinafter
188 provided.

189 (b) The Commissioner of Children and Families may [petition the
190 court] file a motion for an extension of the commitment as provided in
191 subdivision (1) of subsection (a) beyond the eighteen-month period on
192 the grounds that such extension is for the best interest of the child or
193 the community. The court shall give notice to the parent or guardian
194 and to the child at least fourteen days prior to the hearing upon such
195 [petition] motion. The court may, after hearing and upon finding that
196 such extension is in the best interest of the child or the community,
197 continue the commitment for an additional period of not more than
198 eighteen months. Not later than twelve months after a child is
199 committed to the Department of Children and Families in accordance
200 with subdivision (1) of subsection (a) of this section the court shall
201 hold a permanency hearing in accordance with subsection (d) of this
202 section. After the initial permanency hearing, subsequent permanency
203 hearings shall be held not less frequently than every twelve months
204 while the child remains committed to the Department of Children and
205 Families.

206 (c) The [Commissioner of Children and Families shall obtain judicial
207 review of] court shall hold a permanency hearing in accordance with

208 subsection (d) of this section for each child convicted as delinquent for
209 a serious juvenile offense as provided in subdivision (2) of subsection
210 (a) of this section within [eighteen] twelve months of commitment to
211 the Department of Children and Families and every [eighteen] twelve
212 months thereafter if the child remains committed to the Department of
213 Children and Families. Such [judicial review] hearing may include the
214 submission of a [petition] motion to the court by the commissioner to
215 either (1) modify such commitment, or (2) extend the commitment
216 beyond such four-year period on the grounds that such extension is for
217 the best interest of the child or the community. The court shall give
218 notice to the parent or guardian and to the child at least fourteen days
219 prior to the hearing upon such [petition] motion. The court, after
220 hearing, may modify such commitment or, upon finding that such
221 extension is in the best interest of the child or the community, continue
222 the commitment for an additional period of not more than eighteen
223 months.

224 (d) At least sixty days prior to each permanency hearing required
225 pursuant to subsections (b) and (c) of this section, the Commissioner of
226 Children and Families shall file a permanency plan with the court. At
227 each permanency hearing, the court shall review and approve a
228 permanency plan that is in the best interest of the child and takes into
229 consideration the child's need for permanency. Such permanency plan
230 may include the goal of: (1) Revocation of commitment and placement
231 of the child or youth with the parent or guardian, (2) transfer of
232 guardianship, (3) permanent placement with a relative, (4) adoption, or
233 (5) such other planned permanent living arrangement ordered by the
234 court, provided the Commissioner of Children and Families has
235 documented a compelling reason why it would not be in the best
236 interest of the child for the permanency plan to include the goals in
237 subdivisions (1) to (5), inclusive, of this subsection. Such other planned
238 permanent living arrangement may include, but not be limited to,
239 placement of the child in an independent living program. At any such
240 permanency hearing, the court shall also determine whether the
241 Commissioner of Children and Families has made reasonable efforts to

242 achieve the permanency plan.

243 [(d)] (e) All other commitments of delinquent, mentally deficient or
244 mentally ill children by the court pursuant to the provisions of section
245 46b-140, may be for an indeterminate time. Commitments may be
246 reopened and terminated at any time by said court, provided the
247 Commissioner of Children and Families shall be given notice of such
248 proposed reopening and a reasonable opportunity to present his views
249 thereon. The parents or guardian of such child may apply not more
250 than twice in any calendar year for such reopening and termination of
251 commitment. Any order of the court made under the provisions of this
252 section shall be deemed a final order for purposes of appeal, except
253 that no bond shall be required nor costs taxed on such appeal.

254 Sec. 5. Section 17a-42 of the general statutes is repealed and the
255 following is substituted in lieu thereof:

256 (a) There is established within the Department of Children and
257 Families a photo-listing service which shall include, but need not be
258 limited to, a book and an electronic format containing a photograph
259 and description of each child to be photo-listed. Such book and its
260 electronic format shall be distributed to all child care and child-placing
261 agencies, as such terms are defined in section 45a-707, and to other
262 organizations concerned with adoption. Such photo-listing service
263 shall recruit adoptive families for children who are legally free for
264 adoption under section 45a-725, and have remained in foster care or
265 institutions for a period of thirty days or more, such thirty days to
266 include any period of foster or institutional care immediately
267 preceding the date on which such child was legally free for adoption.
268 Such photo-listing service may recruit prospective adoptive families
269 for children who are not yet legally free for adoption under section
270 45a-725, provided the court has approved a permanency plan for
271 adoption pursuant to subdivision (3) of subsection (k) of section 46b-
272 129, as amended by this act. The Commissioner of Children and
273 Families shall employ under his direction and control such persons as

274 he deems necessary for the effective performance of such photo-listing
275 service.

276 (b) Under sections 17a-112 and 45a-717, the court may order that a
277 child be photo-listed within thirty days of the termination of parental
278 rights as a condition of granting an order of termination of parental
279 rights if the court determines that it is in the best interests of the child.
280 Under subdivision (3) of subsection (k) of section 46b-129, as amended
281 by this act, the court may order that a child be photo-listed within
282 thirty days of the approval of a permanency plan for adoption if the
283 court determines that it is in the best interest of the child. The court
284 shall not order that a child twelve years of age or older be photo-listed
285 unless such child consents to such photo-listing.

286 (c) Said commissioner shall adopt regulations, in accordance with
287 the provisions of chapter 54, to implement and maintain a photo-
288 listing service. Such regulations shall include, but not be limited to,
289 procedures for registration of children with the photo-listing service
290 and format and media selection for presenting photo-listed children to
291 the public. The commissioner shall, within available appropriations,
292 establish, maintain and distribute a photo-listing service book. The
293 commissioner, within available appropriations, shall contract with a
294 nonprofit agency to establish and maintain the photo-listing service in
295 its electronic format.

296 Sec. 6. Section 17a-43 of the general statutes is repealed and the
297 following is substituted in lieu thereof:

298 (a) Each child legally free for adoption or each child at legal risk, for
299 whom the photo-listing service may recruit an adoptive family under
300 subsection (a) of section 17a-42, shall, and any other such legally free
301 child may, be registered with the photo-listing service within ten
302 working days of becoming a child for whom such service may recruit
303 an adoptive family. Each such registration shall include a recent
304 photograph and written description of the child. Each such registration
305 shall be reported to the court that ordered termination of parental

306 rights.

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

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

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

Statement of Purpose:

To streamline child protection hearing process, permanency hearings
and motions for extension or revocation of commitment.

[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.]