



General Assembly

Substitute Bill No. 6891

January Session, 2001

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2 repealed and the following is substituted in lieu thereof: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 this act,
10 provided such commitment [or any extension thereof] may be revoked
11 or parental rights terminated at any time by the court, or the court may
12 vest such child's or youth's care and personal custody in any private or
13 public agency which is permitted by law to care for neglected,
14 uncared-for or dependent children or youth or with any person or
15 persons found to be suitable and worthy of such responsibility by the
16 court. The court shall order specific steps which the parent must take
17 to facilitate the return of the child or youth to the custody of such
18 parent. The commissioner shall be the guardian of such child or youth
19 for the duration of the commitment, provided the child or youth has
20 not reached the age of eighteen years or, in the case of a child or youth

21 in full-time attendance in a secondary school, a technical school, a
22 college or a state-accredited job training program, provided such child
23 or youth has not reached the age of twenty-one, by consent of such
24 youth, or until another guardian has been legally appointed, and in
25 like manner, upon such vesting of [his] the care of such child or youth,
26 such other public or private agency or individual shall be the guardian
27 of such child or youth until [he] such child or youth has reached the
28 age of eighteen years or, in the case of a child or youth in full-time
29 attendance in a secondary school, a technical school, a college or a
30 state-accredited job training program, until such child or youth has
31 reached the age of twenty-one years or until another guardian has
32 been legally appointed. Said commissioner may place any child or
33 youth so committed to [him] the commissioner in a suitable foster
34 home or in the home of a person related by blood to such child or
35 youth or in a licensed child-caring institution or in the care and
36 custody of any accredited, licensed or approved child-caring agency,
37 within or without the state, provided a child shall not be placed
38 outside the state except for good cause and unless the parents of such
39 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 section 17a-101g
59 or an order issued by a court of competent jurisdiction, whichever is
60 earlier, the commissioner shall file a motion for review of a
61 permanency plan and to [extend] maintain or revoke the commitment.
62 [Ten] Nine months after a permanency plan has been approved by the
63 court pursuant to this subsection, [unless the court has approved
64 placement in long-term foster care with an identified person or an
65 independent living program, or the commissioner has filed a petition
66 for termination of parental rights or motion to transfer guardianship,]
67 the commissioner shall file a motion for review of the permanency
68 plan and to [extend] maintain or revoke the commitment. Any party
69 seeking to oppose the commissioner's permanency plan or the
70 maintaining or revocation of commitment shall file a motion in
71 opposition within thirty days after the filing of the commissioner's
72 motion for review of the permanency plan and to maintain or revoke
73 commitment. A permanency hearing on any [such] motion for review
74 of the permanency plan and to maintain or revoke commitment shall
75 be held within [sixty] ninety days of the filing of such motion. The
76 court shall hold evidentiary hearings in connection with any contested
77 motion for review of the permanency plan and to maintain or revoke
78 commitment. The burden of proof shall be upon the commissioner to
79 establish that the commitment should be maintained. After the initial
80 permanency hearing, subsequent permanency hearings shall be held
81 not less frequently than every twelve months while the child or youth
82 remains in the custody of the Commissioner of Children and Families.
83 The court shall provide notice to the child or youth, and [his] the
84 parent or guardian of such child or youth of the time and place of the
85 court hearing on any such motion not less than fourteen days prior to
86 such hearing.

87 (2) At [such] a permanency hearing held in accordance with the
88 provisions of subdivision (1) of this subsection, the court shall

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

104 (3) At [such] a permanency hearing held in accordance with the
105 provisions of subdivision (1) of this subsection, the court shall approve
106 a permanency plan that is in the best interests of the child or youth and
107 takes into consideration the [child] child's or youth's need for
108 permanency. The child's or youth's health and safety shall be of
109 paramount concern in formulating such plan. Such permanency plan
110 may include the goal of (A) revocation of commitment and placement
111 of the child or youth with the parent or guardian, with or without
112 protective supervision; [(B) placing the child or youth in an
113 independent living program; (C)] (B) transfer of guardianship; [(D)
114 approval of] (C) long-term foster care with [an identified foster parent;
115 (E)] a relative licensed as a foster parent or certified as a relative
116 caregiver; (D) adoption and filing of termination of parental rights; [(F)
117 if the permanency plan identifies adoption as an option, a thorough
118 adoption assessment and child specific recruitment. As used in this
119 subdivision, "thorough adoption assessment" means conducting and
120 documenting face-to-face interviews with the child, foster care
121 providers, and other significant parties and "child specific recruitment"
122 means recruiting an adoptive placement targeted to meet the

123 individual needs of the specific child, including, but not limited to, use
124 of the media, use of photo-listing services and any other in-state or
125 out-of-state resources that may be used to meet the specific needs of
126 the child, unless there are extenuating circumstances that indicate that
127 these efforts are not in the best interest of the child; or (G)] or (E) such
128 other [appropriate action] planned permanent living arrangement
129 ordered by the court, provided the Commissioner of Children and
130 Families has documented a compelling reason why it would not be in
131 the best interest of the child or youth for the permanency plan to
132 include the goals in subparagraphs (A) to (D), inclusive, of this
133 subdivision. Such other planned permanent living arrangement may
134 include, but not be limited to, placement of a child or youth in an
135 independent living program or long term foster care with an identified
136 foster parent.

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

151 (5) At [the] a permanency [plan] hearing held in accordance with
152 the provisions of subdivision (1) of this subsection, the court shall
153 review the status of the child, the progress being made to implement
154 the permanency plan, [and] determine a timetable for attaining the

155 permanency [prescribed by the] plan and determine whether the
156 commissioner has made reasonable efforts to achieve the permanency
157 plan. The court shall [extend] maintain commitment if [extension] it is
158 in the best interests of the child or youth. [for a period of twelve
159 months.] The court shall revoke commitment if a cause for
160 commitment no longer exists and it is in the best interests of the child
161 or youth.

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

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

173 (o) Any foster parent, prospective adoptive parent or relative
174 licensed as a foster parent or certified as a relative caregiver, caring for
175 a child or youth shall have the right to notice and an opportunity to be
176 heard on the best interests of such child or youth at any permanency
177 hearing under this section or at a hearing on a motion to revoke
178 commitment. The commissioner shall provide notice to such foster
179 parent, prospective adoptive parent or relative licensed as a foster
180 parent or certified as a relative caregiver of the time and place of such
181 hearing not less than fourteen days prior to such hearing.

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

184 (a) Except as otherwise limited by subsection (i) of section 46b-140,
185 commitment of children convicted as delinquent by the Superior Court

186 to the Department of Children and Families shall be for (1) an
187 indeterminate time up to a maximum of eighteen months, or (2) when
188 so convicted for a serious juvenile offense, up to a maximum of four
189 years at the discretion of the court, unless extended as hereinafter
190 provided.

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

208 (c) The [Commissioner of Children and Families shall obtain judicial
209 review of] court shall hold a permanency hearing in accordance with
210 subsection (d) of this section for each child convicted as delinquent for
211 a serious juvenile offense as provided in subdivision (2) of subsection
212 (a) of this section within [eighteen] twelve months of commitment to
213 the Department of Children and Families and every [eighteen] twelve
214 months thereafter if the child remains committed to the Department of
215 Children and Families. Such [judicial review] hearing may include the
216 submission of a [petition] motion to the court by the commissioner to
217 either (1) modify such commitment, or (2) extend the commitment
218 beyond such four-year period on the grounds that such extension is for
219 the best interest of the child or the community. The court shall give

220 notice to the parent or guardian and to the child at least fourteen days
221 prior to the hearing upon such [petition] motion. The court, after
222 hearing, may modify such commitment or, upon finding that such
223 extension is in the best interest of the child or the community, continue
224 the commitment for an additional period of not more than eighteen
225 months.

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

245 [(d)] (e) All other commitments of delinquent, mentally deficient or
246 mentally ill children by the court pursuant to the provisions of section
247 46b-140, may be for an indeterminate time. Commitments may be
248 reopened and terminated at any time by said court, provided the
249 Commissioner of Children and Families shall be given notice of such
250 proposed reopening and a reasonable opportunity to present [his] the
251 commissioner's views thereon. The parents or guardian of such child
252 may apply not more than twice in any calendar year for such
253 reopening and termination of commitment. Any order of the court

254 made under the provisions of this section shall be deemed a final order
255 for purposes of appeal, except that no bond shall be required nor costs
256 taxed on such appeal.

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

259 (a) There is established within the Department of Children and
260 Families a photo-listing service which shall include, but need not be
261 limited to, a book and an electronic format containing a photograph
262 and description of each child to be photo-listed. Such book and its
263 electronic format shall be distributed to all child care and child-placing
264 agencies, as such terms are defined in section 45a-707, and to other
265 organizations concerned with adoption. Such photo-listing service
266 shall recruit adoptive families for children who are legally free for
267 adoption under section 45a-725, and have remained in foster care or
268 institutions for a period of thirty days or more, such thirty days to
269 include any period of foster or institutional care immediately
270 preceding the date on which such child was legally free for adoption.
271 Such photo-listing service may recruit prospective adoptive families
272 for children who are not yet legally free for adoption under section
273 45a-725, provided the court has approved a permanency plan for
274 adoption pursuant to subdivision (3) of subsection (k) of section 46b-
275 129, as amended by this act. The Commissioner of Children and
276 Families shall employ under [his] the commissioner's direction and
277 control such persons as [he] the commissioner deems necessary for the
278 effective performance of such photo-listing service.

279 (b) Under sections 17a-112 and 45a-717, the court may order that a
280 child be photo-listed within thirty days of the termination of parental
281 rights as a condition of granting an order of termination of parental
282 rights if the court determines that it is in the best interests of the child.
283 Under subdivision (3) of subsection (k) of section 46b-129, as amended
284 by this act, the court may order that a child be photo-listed within
285 thirty days of the approval of a permanency plan for adoption if the
286 court determines that it is in the best interest of the child. The court

287 shall not order that a child twelve years of age or older be photo-listed
288 unless such child consents to such photo-listing.

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

299 Sec. 6. Subsection (d) of section 17a-10 of the general statutes is
300 repealed and the following is substituted in lieu thereof:

301 (d) If the Superior Court requests a report on any committed child,
302 the commissioner shall be responsible for preparing and transmitting
303 such report to the requesting court. Not more than sixty days nor less
304 than thirty days prior to the expiration of the original commitment of
305 any child to the department, the commissioner may [petition the court]
306 file a motion for an extension of commitment pursuant to the
307 provisions of section 46b-141, as amended by this act. If the
308 commissioner, or the board of review pursuant to the provisions of
309 section 17a-15, at any time during the commitment of any child,
310 determines that termination of commitment of a child is in the best
311 interest of such child, the commissioner or the board may terminate
312 the commitment and such termination shall be effective without
313 further action by the court.

Statement of Legislative Commissioners:

Section 6 was added for consistency.

JUD **JOINT FAVORABLE SUBST.**