



General Assembly

Substitute Bill No. 6967

January Session, 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2 repealed and the following is substituted in lieu thereof: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 preadoptive or adoptive home prior to or at the time of registration.

9 Sec. 2. Section 17a-91 of the general statutes is repealed and the
10 following is substituted in lieu thereof:

11 The Commissioner of Children and Families shall report, on
12 February fifteenth annually, to the Governor and to the joint standing
13 committees of the General Assembly having cognizance of matters
14 relating to human services, the judiciary and human rights and
15 opportunities, with respect to the status, (1) as of the January first
16 preceding, of all children committed to the commissioner's custody,
17 including in such report the date of commitment with respect to each
18 child, [and] (2) of the central registry and monitoring system
19 established in accordance with subsection (d) of section 17a-110, and

20 (3) of the amount of time elapsed between the termination of parental
21 rights and the finalization of the adoption of the child.

22 Sec. 3. Section 17a-110a of the general statutes is repealed and the
23 following is substituted in lieu thereof:

24 (a) In order to achieve early permanency for children, decrease
25 children's length of stay in foster care, [and] reduce the number of
26 moves children experience in foster care and reduce the amount of
27 time between termination of parental rights and adoption, the
28 Commissioner of Children and Families shall establish a program for
29 concurrent permanency planning.

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

36 (c) The commissioner shall establish guidelines and protocols for
37 child-placing agencies involved in concurrent permanency planning,
38 including criteria for conducting concurrent permanency planning
39 based on relevant factors such as: (1) Age of the child and duration of
40 out-of-home placement; (2) prognosis for successful reunification with
41 parents; (3) availability of relatives and other concerned individuals to
42 provide support or a permanent placement for the child; (4) special
43 needs of the child; and (5) other factors affecting the child's best
44 interests, goals of concurrent permanency planning, support services
45 that are available for families, permanency options, and the
46 consequences of not complying with case plans.

47 (d) Within six months of out-of-home placement, the Department of
48 Children and Families shall complete an assessment of the likelihood
49 of the child's being reunited with either or both birth parents, based on
50 progress made to date. The Department of Children and Families shall
51 develop a concurrent permanency plan for families with poor

52 prognosis for reunification within such time period. Such assessment
53 and concurrent permanency plan shall be filed with the court.

54 (e) Concurrent permanency planning programs must include
55 involvement of parents and full disclosure of their rights and
56 responsibilities.

57 (f) The commissioner shall provide ongoing technical assistance,
58 support, and training for local child-placing agencies and other
59 individuals and agencies involved in concurrent permanency
60 planning.

61 Sec. 4. Subsection (o) of section 17a-112 of the general statutes is
62 repealed and the following is substituted in lieu thereof:

63 (o) In the case where termination of parental rights is granted, the
64 guardian of the person or statutory parent shall report to the court
65 within thirty days of the date judgment is entered on a case plan, as
66 defined by the federal Adoption Assistance and Child Welfare Act of
67 1980, for the child which shall include measurable objectives and time
68 schedules. At least every [six] three months thereafter, such guardian
69 or statutory parent shall make a report to the court on the progress
70 made on implementation of the plan. The court may convene a hearing
71 upon the filing of a report and shall convene a hearing for the purpose
72 of reviewing the plan for the child no more than twelve months from
73 the date judgment is entered and at least once a year thereafter until
74 the court determines that the adoption plan has become finalized. For
75 children where the commissioner has determined that adoption is
76 appropriate, the report on the implementation of the plan shall include
77 a description of the reasonable efforts the department is taking to
78 promote and expedite the adoptive placement and to finalize the
79 adoption of the child, including documentation of child specific
80 recruitment efforts. If the court determines that the department has not
81 made reasonable efforts to place a child in an adoptive placement or
82 that reasonable efforts have not resulted in the placement of the child,
83 the court may order the Department of Children and Families, within

84 available appropriations, to contract with a child-placing agency to
85 arrange for the adoption of the child. The department, as statutory
86 parent, shall continue to provide such care and services for the child
87 while a child-placing agency is arranging for the adoption of the child.

88 Sec. 5. Section 17a-114 of the general statutes is repealed and the
89 following is substituted in lieu thereof:

90 (a) No child in the custody of the Commissioner of Children and
91 Families shall be placed with any person, unless such person is
92 licensed by the department for that purpose. Any person licensed by
93 the department to accept placement of a child is deemed to be licensed
94 to accept placement as a foster family or prospective adoptive family.
95 The commissioner shall adopt regulations, in accordance with the
96 provisions of chapter 54, to establish the licensing procedures and
97 standards. [Any criminal records check conducted by the
98 commissioner shall be a criminal records check requested from the
99 State Police Bureau of Identification and the Federal Bureau of
100 Investigation.]

101 (b) The Commissioner of Children and Families shall arrange for the
102 fingerprinting of the applicant and all persons sixteen years of age and
103 older residing in the home of the applicant or licensee or for the
104 conducting of any other method of positive identification required by
105 the State Police Bureau of Identification or the Federal Bureau of
106 Identification. The fingerprints and other positive identifying
107 information shall be forwarded to the State Police Bureau of
108 Identification, which shall conduct a state criminal history records
109 check and submit the fingerprints or other identifying information to
110 the Federal Bureau of Investigation for a national criminal history
111 records check. The commissioner shall also determine whether the
112 applicant or licensee is part of the state child abuse registry established
113 pursuant to section 17a-101k.

114 [(b)] (c) Notwithstanding the requirements of subsection (a) of this
115 section, the commissioner may place a child with a relative who is not

116 licensed for a period of up to forty-five days provided a satisfactory
117 home visit is conducted, a basic assessment of the family is completed
118 and such relative attests that such relative and any adult living within
119 the household have not been convicted of a crime or arrested for a
120 felony against a person, for injury or risk of injury to or impairing the
121 morals of a child, or for the possession, use or sale of a controlled
122 substance. Placements with a relative beyond such forty-five-day
123 period shall be subject to certification by the commissioner, except that
124 a relative who was not certified prior to October 1, 2001, shall be
125 subject to licensure under subsection (a) of this section on or after
126 October 1, 2001. The commissioner shall adopt regulations, in
127 accordance with the provisions of chapter 54, to establish certification
128 procedures and standards for a caretaker who is a relative of such
129 child.

130 Sec. 6. Section 17a-121a of the general statutes is repealed and the
131 following is substituted in lieu thereof:

132 The Department of Children and Families may provide counseling
133 and referral services after adoption to adoptees and adoptive families
134 for whom the department provided such services before the adoption.
135 Postadoption services include assigning a mentor to a family, training
136 after licensing, support groups, behavioral management counseling,
137 therapeutic respite care, referrals to community providers, a telephone
138 help line and training of public and private mental health professionals
139 in postadoption issues.

140 Sec. 7. Section 17a-117 of the general statutes is repealed and the
141 following is substituted in lieu thereof:

142 (a) The Department of Children and Families may, and is
143 encouraged to contract with child-placing agencies to arrange for the
144 adoption of children who are free for adoption. If (1) a child for whom
145 adoption is indicated, cannot, after all reasonable efforts consistent
146 with the best interests of the child, be placed in adoption through
147 existing sources because the child is a special needs child and (2) the

148 adopting family meets the standards for adoption which any other
149 adopting family meets, the Commissioner of Children and Families
150 shall, before adoption of such child by such family, certify such child
151 as a special needs child and, after adoption, provide one or more of the
152 following subsidies for the adopting parents: (A) A special-need
153 subsidy, which is a lump sum payment paid directly to the person
154 providing the required service, to pay for an anticipated expense
155 resulting from the adoption when no other resource is available for
156 such payment; or (B) a periodic subsidy which is a payment to the
157 adopting family; and (C) in addition to the subsidies granted under
158 this subsection, any medical benefits which are being provided prior to
159 final approval of the adoption by the Court of Probate or the Superior
160 Court in accordance with the fee schedule and payment procedures
161 under the state Medicaid program administered by the Department of
162 Social Services shall continue as long as the child qualifies as a
163 dependent of the adoptive parent under the provisions of the Internal
164 Revenue Code. Such medical subsidy may continue only until the
165 child reaches age twenty-one. A special-need subsidy may only be
166 granted until the child reaches age eighteen. A periodic subsidy may
167 continue only until the child reaches age eighteen and is subject to
168 biennial review as provided for in section 17a-118. The amount of a
169 periodic subsidy shall not exceed the current costs of foster
170 maintenance care.

171 (b) Requests for subsidies after a final approval of the adoption by
172 the Court of Probate or the Superior Court may be considered at the
173 discretion of the commissioner for conditions resulting from or directly
174 related to the totality of circumstances surrounding the child prior to
175 placement in adoption. A written certification of the need for a subsidy
176 shall be made by the Commissioner of Children and Families in each
177 case and the type, amount and duration of the subsidy shall be
178 mutually agreed to by the commissioner and the adopting parents
179 prior to the entry of such decree. Any subsidy decision by the
180 Commissioner of Children and Families may be appealed by a licensed
181 child-placing agency or the adopting parent or parents to the Adoption

182 Subsidy Review Board established under subsection (c) of this section.
183 The commissioner shall adopt regulations establishing the procedures
184 for determining the amount and the need for a subsidy.

185 (c) There is established an Adoption Subsidy Review Board to hear
186 appeals under this section, section 17a-118 and section 17a-120. The
187 board shall consist of the Commissioner of Children and Families, or
188 the commissioner's designee, and a licensed representative of a
189 child-placing agency and an adoptive parent appointed by the
190 Governor. The Governor shall appoint an alternate licensed
191 representative of a child-placing agency and an alternate adoptive
192 parent. Such alternative members shall, when seated, have all the
193 powers and duties set forth in this section and sections 17a-118 and
194 17a-120. Whenever an alternate member serves in place of a member of
195 the board, such alternate member shall represent the same interest as
196 the member in whose place such alternative member serves. All
197 decisions of the board shall be based on the best interest of the child.
198 Appeals under this section shall be in accordance with the provisions
199 of chapter 54.

200 Sec. 8. Subsection (j) of section 45a-717 of the general statutes is
201 repealed and the following is substituted in lieu thereof:

202 (j) In the case where termination of parental rights is granted, the
203 guardian of the person or statutory parent shall report to the court
204 within [~~ninety~~] thirty days of the date judgment is entered on a case
205 plan, as defined by the federal Adoption Assistance and Child Welfare
206 Act of 1980, as amended from time to time, for the child. At least every
207 [~~six~~] three months thereafter, such guardian or statutory parent shall
208 make a report to the court on the implementation of the plan. The
209 court may convene a hearing upon the filing of a report and shall
210 convene a hearing for the purpose of reviewing the plan no more than
211 [~~fifteen~~] twelve months from the date judgment is entered and at least
212 once a year thereafter until such time as any proposed adoption plan
213 has become finalized.

214 Sec. 9. Subsection (k) of section 46b-129 of the general statutes is
215 repealed and the following is substituted in lieu thereof:

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

219 (k) (1) Ten months after placement of the child or youth in the care
220 and custody of the commissioner pursuant to a voluntary placement
221 agreement, or removal of a child or youth pursuant to subsection (c) of
222 section 17a-101g, or an order issued by a court of competent
223 jurisdiction, whichever is earlier, the commissioner shall file a motion
224 for review of a permanency plan and to extend or revoke the
225 commitment. Ten months after [a] each permanency plan [has been
226 approved by the court pursuant to this subsection, unless the court has
227 approved placement in long-term foster care with an identified person
228 or an independent living program, or the commissioner has filed a
229 petition for termination of parental rights or motion to transfer
230 guardianship] hearing required under this subsection, the
231 commissioner shall file a motion for review of the permanency plan
232 and to extend or revoke the commitment if the child or youth remains
233 in the custody of the commissioner. A hearing on any such motion
234 shall be held within sixty days of the filing. The court shall provide
235 notice to the child or youth, and [his] the parent or guardian of such
236 child or youth of the time and place of the court hearing [on any such
237 motion] not less than fourteen days prior to such hearing.

238 (2) At such hearing, the court shall determine whether it is
239 appropriate to continue to make reasonable efforts to reunify the child
240 or youth with the parent. In making this determination, the court shall
241 consider the best interests of the child, including the child's need for
242 permanency. If the court finds that further efforts are not appropriate,
243 the commissioner has no duty to make further efforts to reunify the
244 child or youth with the parent. If the court finds that further efforts are
245 appropriate, such efforts shall ensure that the child or youth's health
246 and safety are protected and such efforts shall be specified by the

247 court, including the services to be provided to the parent, what steps
248 the parent may take to address the problem that prevents the child or
249 youth from safely reuniting with the parent and a time period, not
250 longer than six months, for such steps to be accomplished.

251 (3) At [such] each permanency hearing, the court shall approve a
252 permanency plan that is in the best interests of the child or youth and
253 takes into consideration the [child] child's or youth's need for
254 permanency. The child's or youth's health and safety shall be of
255 paramount concern in formulating such plan. Such permanency plan
256 may include the goal of (A) revocation of commitment and placement
257 of the child or youth with the parent or guardian, with or without
258 protective supervision; [(B) placing the child or youth in an
259 independent living program; (C)] (B) transfer of guardianship; [(D)
260 approval of] (C) long-term foster care with [an identified foster parent;
261 (E)] a relative licensed as a foster parent or certified as a relative
262 caregiver; (D) adoption and filing of termination of parental rights;
263 [(F)] (E) if the permanency plan identifies adoption as an option, a
264 thorough adoption assessment and child specific recruitment. As used
265 in this subdivision, "thorough adoption assessment" means conducting
266 and documenting face-to-face interviews with the child, foster care
267 providers, and other significant parties and "child specific recruitment"
268 means recruiting an adoptive placement targeted to meet the
269 individual needs of the specific child, including, but not limited to, use
270 of the media, use of photo-listing services and any other in-state or
271 out-of-state resources that may be used to meet the specific needs of
272 the child, unless there are extenuating circumstances that indicate that
273 these efforts are not in the best interest of the child; or [(G)] (F) such
274 other [appropriate action] planned permanent living arrangement
275 ordered by the court, provided the commissioner has documented a
276 compelling reason why it would not be in the best interests of the child
277 or youth for the permanency plan to include the goals in
278 subparagraphs (A) to (D), inclusive, of this subdivision. Such other
279 planned permanent living arrangement may include, but not be
280 limited to, placement of the child or youth in an independent living

281 program or long-term foster care with an identified foster parent. At
282 the permanency plan hearing, the court shall review the status of the
283 child, the progress being made to implement the permanency plan and
284 determine a timetable for attaining the permanency prescribed by the
285 plan. The court shall extend commitment if extension is in the best
286 interests of the child or youth for a period of twelve months. The court
287 shall revoke commitment if a cause for commitment no longer exists
288 and it is in the best interests of the child or youth.

289 Sec. 10. Section 46b-129a of the general statutes is repealed and the
290 following is substituted in lieu thereof:

291 In proceedings in the Superior Court under section 46b-129, as
292 amended by this act: (1) The court may order the child, the parents, the
293 guardian, or other persons accused by a competent witness with
294 abusing the child, to be examined by one or more competent
295 physicians, psychiatrists or psychologists appointed by the court; (2) a
296 child shall be represented by counsel knowledgeable about
297 representing such children who shall be appointed by the court to
298 represent the child [whose fee shall be paid by the parents or guardian,
299 or the estate of the child, or, if such persons are unable to pay, by the
300 court. In all cases in which the court deems it appropriate, the court
301 shall also appoint a person, other than the person appointed to
302 represent the child, as guardian ad litem for such child to speak on
303 behalf of the best interests of the child, which] and to act as guardian
304 ad litem for the child, provided (A) the primary role of any counsel for
305 the child including the counsel who also serves as guardian ad litem,
306 shall be to advocate for the child in accordance with the Rules of
307 Professional Conduct, (B) a separate guardian ad litem shall be
308 appointed to speak on behalf of the best interest of the child if the
309 attorney for the child or the judge determines there is conflict of
310 interest between the stated position or wishes of the child and the
311 interests of the child, and (C) in the event that a separate guardian ad
312 litem is appointed, the person previously serving as both counsel and
313 guardian ad litem for the child shall continue to serve as counsel for
314 the child and a different person shall be appointed as guardian ad

315 litem, unless the court for good cause also appoints a different person
316 as counsel for the child. No person who has served as both counsel and
317 guardian ad litem for a child shall thereafter serve solely as the child's
318 guardian ad litem. The guardian ad litem is not required to be an
319 attorney-at-law but shall be knowledgeable about the needs and
320 protection of children. [and whose fee] The counsel and guardian ad
321 litem's fees, if any, shall be paid by the parents or guardian, or the
322 estate of the child, or, if such persons are unable to pay, by the court;
323 (3) the privilege against the disclosure of communications between
324 husband and wife shall be inapplicable and either may testify as to any
325 relevant matter; and (4) evidence that the child has been abused or has
326 sustained a nonaccidental injury shall constitute prima facie evidence
327 that shall be sufficient to support an adjudication that such child is
328 uncared for or neglected.

329 Sec. 11. Section 46b-141 of the general statutes is repealed and the
330 following is substituted in lieu thereof:

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

338 (b) The Commissioner of Children and Families may [petition the
339 court] file a motion for an extension of the commitment as provided in
340 subdivision (1) of subsection (a) of this section beyond the eighteen-
341 month period on the grounds that such extension is for the best
342 interest of the child or the community. The court shall give notice to
343 the parent or guardian and to the child at least fourteen days prior to
344 the hearing upon such [petition] motion. The court may, after hearing
345 and upon finding that such extension is in the best interest of the child
346 or the community, continue the commitment for an additional period
347 of not more than eighteen months. Not later than twelve months after

348 a child is committed to the commissioner in accordance with
349 subdivision (1) of subsection (a) of this section, the court shall hold a
350 permanency hearing in accordance with subsection (d) of this section.
351 Not more than twelve months after each such hearing, the court shall
352 hold a subsequent permanency hearing if the child remains committed
353 to the commissioner on the date of such subsequent hearing.

354 (c) The [Commissioner of Children and Families shall obtain judicial
355 review of] court shall hold a permanency hearing in accordance with
356 subsection (d) of this section for each child convicted as delinquent for
357 a serious juvenile offense as provided in subdivision (2) of subsection
358 (a) of this section within [eighteen] twelve months of commitment to
359 the Department of Children and Families and every [eighteen] twelve
360 months thereafter. Such [judicial review] hearing may include the
361 submission of a [petition] motion to the court by the commissioner to
362 either (1) modify such commitment, or (2) extend the commitment
363 beyond such four-year period on the grounds that such extension is for
364 the best interest of the child or the community. The court shall give
365 notice to the parent or guardian and to the child at least fourteen days
366 prior to the hearing upon such [petition] motion. The court, after
367 hearing, may modify such commitment or, upon finding that such
368 extension is in the best interest of the child or the community, continue
369 the commitment for an additional period of not more than eighteen
370 months.

371 (d) At all permanency hearings required pursuant to subsection (b)
372 or (c) of this section, the court shall review and approve a permanency
373 plan that is in the best interests of the child and takes into
374 consideration the child's need for permanency. Such permanency plan
375 may include the goal of: (1) Revocation of commitment and placement
376 of the child with the parent or guardian, (2) transfer of guardianship,
377 (3) permanent placement with a relative, (4) adoption, or (5) such other
378 planned permanent living arrangement ordered by the court, provided
379 the Commissioner of Children and Families has documented a
380 compelling reason why it would not be in the best interests of the child
381 for the permanency plan to include the goals in subdivisions (1) to (4),

382 inclusive, of this subsection. Such other planned permanent living
383 arrangement may include, but not be limited to, placement of the child
384 in an independent living program. At any such hearing, the court shall
385 also determine whether the Commissioner of Children and Families
386 has made reasonable efforts to achieve the permanency plan in effect.

387 [(d)] (e) All other commitments of delinquent, mentally deficient or
388 mentally ill children by the court pursuant to the provisions of section
389 46b-140, may be for an indeterminate time. Commitments may be
390 reopened and terminated at any time by said court, provided the
391 Commissioner of Children and Families shall be given notice of such
392 proposed reopening and a reasonable opportunity to present [his] the
393 commissioner's views thereon. The parents or guardian of such child
394 may apply not more than twice in any calendar year for such
395 reopening and termination of commitment. Any order of the court
396 made under the provisions of this section shall be deemed a final order
397 for purposes of appeal, except that no bond shall be required nor costs
398 taxed on such appeal.

399 Sec. 12. Subdivision (1) of subsection (a) of section 45a-724 of the
400 general statutes is repealed and the following is substituted in lieu
401 thereof:

402 (1) A statutory parent appointed under the provisions of section
403 17a-112, as amended by this act, section 45a-717, as amended by this
404 act, or section 45a-718 may, by written agreement, subject to the
405 approval of the Court of Probate as provided in section 45a-727, as
406 amended by this act, or subject to the approval of the Superior Court
407 for juvenile matters pursuant to any petition for termination of
408 parental rights filed under section 17a-112, as amended by this act, or
409 transferred to the Superior Court for juvenile matters under section
410 45a-715, give in adoption to any adult person any minor child of whom
411 he or she is the statutory parent; provided, if the child has attained the
412 age of twelve, the child shall consent to the agreement.

413 Sec. 13. Section 45a-727 of the general statutes is repealed and the

414 following is substituted in lieu thereof:

415 (a) (1) Each adoption matter shall be instituted by filing an
416 application in a Court of Probate, or with the Superior Court for
417 juvenile matters where termination of parental rights to the child
418 occurred pursuant to section 17a-112, as amended by this act, or 45a-
419 715, together with the written agreement of adoption, in duplicate.
420 One of the duplicates shall be sent immediately to the Commissioner
421 of Children and Families.

422 (2) The application shall incorporate a declaration that to the best of
423 the knowledge and belief of the declarant there is no other proceeding
424 pending or contemplated in any other court affecting the custody of
425 the child to be adopted, or if there is such a proceeding, a statement in
426 detail of the nature of the proceeding and affirming that the proposed
427 adoption would not conflict with or interfere with the other
428 proceeding. The court shall not proceed on any application which does
429 not contain such a declaration. The application shall be signed by one
430 or more of the parties to the agreement, who may waive notice of any
431 hearing on it. For the purposes of this declaration, visitation rights
432 granted by any court shall not be considered as affecting the custody of
433 the child.

434 (3) An application for the adoption of a minor child not related to
435 the adopting parents shall not be accepted by the Court of Probate or
436 by the Superior Court for juvenile matters where termination of
437 parental rights to the child occurred pursuant to section 17a-112, as
438 amended by this act, or 45a-715, unless (A) the child sought to be
439 adopted has been placed for adoption by the Commissioner of
440 Children and Families or a child-placing agency, and the placement for
441 adoption has been approved by the commissioner or a child-placing
442 agency; (B) the placement requirements of this section have been
443 waived by the Adoption Review Board as provided in section 45a-764;
444 (C) the application is for adoption of a minor child by a stepparent as
445 provided in section 45a-733; or (D) the application is for adoption of a
446 child by another person who shares parental responsibility for the

447 child with the parent as provided in subdivision (3) of subsection (a) of
448 section 45a-724. The commissioner or a child-placing agency may place
449 a child in adoption who has been identified or located by a prospective
450 parent, provided any such placement shall be made in accordance with
451 regulations promulgated by the commissioner pursuant to section
452 45a-728. If any such placement is not made in accordance with such
453 regulations, the adoption application shall not be approved by the
454 Court of Probate or by the Superior Court for juvenile matters where
455 termination of parental rights to the child occurred pursuant to section
456 17a-112, as amended by this act, or 45a-715.

457 (4) The application and the agreement of adoption shall be filed in
458 the Court of Probate for the district where the adopting parent resides
459 or in the district where the main office or any local office of the
460 statutory parent is located or shall be filed in the Superior Court for
461 juvenile matters where termination of parental rights to the child
462 occurred pursuant to section 17a-112, as amended by this act, or 45a-
463 715.

464 (5) The provisions of section 17a-152, regarding placement of a child
465 from another state, and section 17a-175, regarding the interstate
466 compact on the placement of children, shall apply to adoption
467 placements.

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

475 (2) The report shall be filed with the Court of Probate or shall be
476 filed with the Superior Court for juvenile matters where termination of
477 parental rights to the child occurred pursuant to section 17a-112, as
478 amended by this act, or 45a-715, within the sixty-day period. The

479 report shall indicate the physical and mental status of the child and
480 shall also contain such facts as may be relevant to determine whether
481 the proposed adoption will be in the best interests of the child,
482 including the physical, mental, genetic and educational history of the
483 child and the physical, mental, social and financial condition of the
484 parties to the agreement and the biological parents of the child, if
485 known, and whether the best interests of the child would be served in
486 accordance with the criteria set forth in section 45a-727a. The report
487 shall include a history of physical, sexual or emotional abuse suffered
488 by the child, if any. The report may set forth conclusions as to whether
489 or not the proposed adoption will be in the best interests of the child.

490 (3) The physical, mental and genetic history of the child shall
491 include information about: (A) The child's health status at the time of
492 placement; (B) the child's birth, neonatal, and other medical,
493 psychological, psychiatric, and dental history information; (C) a record
494 of immunizations for the child; and (D) the available results of
495 medical, psychological, psychiatric and dental examinations of the
496 child. The report shall include information, to the extent known, about
497 past and existing relationships between the child and the child's
498 siblings, biological parents, extended family, and other persons who
499 have had physical possession of or legal access to the child. The
500 educational history of the child shall include, to the extent known,
501 information about the enrollment and performance of the child in
502 educational institutions, results of educational testing and
503 standardized tests for the child, and special educational needs, if any,
504 of the child.

505 (4) The adoptive parents are entitled to receive copies of the records
506 and other information relating to the history of the child maintained by
507 the commissioner or child-placing agency. The adoptive parents are
508 entitled to receive copies of the records, provided if required by law,
509 the copies have been edited to protect the identity of the biological
510 parents and any other person whose identity is confidential and other
511 identifying information relating to the history of the child. It is the
512 duty of the person placing the child for adoption to edit, to the extent

513 required by law, the records and information to protect the identity of
514 the biological parents and any other person whose identity is
515 confidential.

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

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

527 (c) (1) Upon the expiration of the sixty-day period or upon the
528 receipt of such report, whichever is first, the Court of Probate or the
529 Superior Court for juvenile matters where termination of parental
530 rights to the child occurred pursuant to section 17a-112, as amended by
531 this act, or 45a-715, shall set a day for a hearing upon the agreement
532 and shall give reasonable notice of the hearing to the parties to the
533 agreement, the child-placing agency if such agency is involved in the
534 adoption, the Commissioner of Children and Families and the child, if
535 over twelve years of age.

536 (2) At the hearing the [court] Probate Court or the Superior Court,
537 where appropriate, may deny the application, enter a final decree
538 approving the adoption if it is satisfied that the adoption is in the best
539 interests of the child or order a further investigation and written report
540 to be filed, in duplicate, within whatever period of time it directs. A
541 duplicate of such report shall be sent to the commissioner. The court
542 may adjourn the hearing to a day after that fixed for filing the report. If
543 such report has not been filed with the court within the specified time,
544 the court may thereupon deny the application or enter a final decree in

545 the manner provided in this section.

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

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

560 Sec. 14. Section 45a-736 of the general statutes is repealed and the
561 following is substituted in lieu thereof:

562 Any court of probate or the Superior Court for juvenile matters
563 where termination of parental rights to the child occurred pursuant to
564 section 17a-112, as amended by this act, or 45a-715, as part of its
565 approval of any agreement of adoption or declaration of an intention
566 to adopt, may change the name of the person adopted, as requested by
567 the adopting parent or parents.

568 Sec. 15. Section 45a-745 of the general statutes is repealed and the
569 following is substituted in lieu thereof:

570 (a) For each final decree of adoption decreed by a court of probate
571 or by the Superior Court for juvenile matters, the clerk of the court
572 shall prepare a record on a form prescribed by the Department of
573 Public Health. The record shall include all facts necessary to locate and
574 identify the original birth certificate of the adopted person and to
575 establish the new birth certificate of the adopted person, and shall

576 include official notice from the court of the adoption, including
577 identification of the court action and proceedings.

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

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

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

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

597 Sec. 16. Section 45a-748 of the general statutes is repealed and the
598 following is substituted in lieu thereof:

599 Each child-placing agency or the department shall be required to
600 make a reasonable effort to obtain the information provided for in
601 section 45a-746 for each child being placed for adoption or for whom
602 there is a probability of adoption, but the lack of such information shall
603 not be a bar to the granting of a decree of adoption, provided the child-
604 placing agency or department has made a reasonable effort to obtain
605 the information. If the judge of probate or the judge of the appropriate
606 Superior Court for juvenile matters decides that a reasonable effort has

607 not been made to obtain the information or that the information is
608 being unreasonably withheld, the judge may order the child-placing
609 agency or department to make a reasonable effort to obtain the
610 information or to release the information. Any child-placing agency or
611 department aggrieved by the order may appeal to the Superior Court if
612 it is an appeal from a probate court decision, or to the Appellate Court
613 if it is an appeal from a decision of the Superior Court for juvenile
614 matters.

615 Sec. 17. Section 45a-752 of the general statutes is repealed and the
616 following is substituted in lieu thereof:

617 (a) Any person requesting information under section 45a-746 who is
618 of the opinion that any item of information is being withheld by the
619 child-placing agency or department, or any person requesting
620 information under section 45a-751 who has been refused release of the
621 information, may petition the Court of Probate or the Superior Court
622 for juvenile matters for a hearing on the matter. No petition shall be
623 filed if the consents required by section 45a-751b have been denied.
624 Such petition may be filed in the court of probate in the probate district
625 where the adoption was finalized or where the child-placing agency or
626 department has an office or, in the case of a petition by a person who
627 resides in this state, may be filed in the court of probate for the district
628 in which such person resides or in the Superior Court for juvenile
629 matters where termination of parental rights to the child occurred
630 pursuant to section 17a-112, as amended by this act, or 45a-715 and
631 there is a pending application to such Superior Court for adoption of
632 the child.

633 (b) When a petition, filed under the provisions of subsection (a) of
634 this section, is received by the court and if such court is satisfied as to
635 the identity of the petitioner, the court shall first refer the matter
636 within thirty days of receipt of the petition to an advisory panel
637 consisting of four members appointed from a list of panel members
638 provided by the Probate Court Administrator. This list shall include
639 adult adopted persons, biological parents, adoptive parents and social

640 workers experienced in adoption matters. In convening this panel, the
641 court shall make a reasonable effort to include one member from each
642 category of qualified persons. Such panel members shall serve without
643 compensation. Within thirty days of referral of the matter the panel
644 shall begin interviewing witnesses, including the petitioner if the
645 petitioner wants to be heard, and reviewing such other evidence it may
646 deem relevant, and within forty-five days following its initial meeting,
647 shall render a report including recommendations to [the judge of
648 probate] either the Probate Court or the Superior Court for juvenile
649 matters having jurisdiction. The court shall set a day for a hearing on
650 the petition which hearing shall be held not more than thirty days after
651 receiving the panel's report and shall give notice of the hearing to the
652 petitioner and the child-placing agency. The court shall render a
653 decision within forty-five days after the last hearing on the merits as to
654 whether the requested information should be released under the
655 relevant statutes. If the applicant requests the assistance of the child-
656 placing agency or department in locating a person to be identified, the
657 provisions of section 45a-753, as amended by this act, shall apply.

658 Sec. 18. Section 45a-753 of the general statutes is repealed and the
659 following is substituted in lieu thereof:

660 (a) If a request is received pursuant to section 45a-751, the child-
661 placing agency or department which has agreed to attempt to locate
662 the person or persons whose identity is being requested or the child-
663 placing agency or department which furnished a report ordered by the
664 court following a petition made under subsection (f) of this section
665 shall not be required to expend more than ten hours time within sixty
666 days of receipt of the request unless the child-placing agency or
667 department notifies the authorized applicant of a delay and states the
668 reason for the delay. The child-placing agency or department may
669 charge the applicant reasonable compensation and be reimbursed for
670 expenses in locating any person whose identity is being requested. The
671 obtaining of such consent shall be accomplished in a manner which
672 will protect the confidentiality of the communication and shall be done
673 without disclosing the identity of the applicant. For the purposes of

674 this section any records at the Court of Probate or the Superior Court
675 shall be available to an authorized representative of the child-placing
676 agency or department to which the request has been made.

677 (b) If the child-placing agency or department is out-of-state and
678 unwilling to expend time for such purpose, the court of probate which
679 finalized the adoption or terminated parental rights or the superior
680 court which terminated parental rights or which finalized the adoption
681 shall upon petition appoint a licensed or approved child-placing
682 agency or the department to complete the requirements of this section.

683 (c) If the relative whose identity is requested cannot be located or
684 appears to be incompetent but has not been legally so declared, the
685 Court of Probate or the Superior Court shall appoint a guardian ad
686 litem under the provisions of section 45a-132, at the expense of the
687 person making the request. The guardian ad litem shall decide
688 whether to give consent on behalf of the relative whose identity is
689 being requested.

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

694 (e) Such guardian ad litem or legal representative shall give such
695 consent unless after investigation [he] such guardian or legal
696 representative concludes that it would not be in the best interest of the
697 adult person to be identified for such consent to be given. If release of
698 the information requires the consent of such guardian ad litem or legal
699 representative, or if the person whose identity is sought is deceased,
700 only the following information may be released: (1) All names by
701 which the person whose identity is being sought has been known, and
702 all known addresses; (2) the date and place of such person's birth; (3)
703 all places where such person was employed; (4) such person's Social
704 Security number; (5) the names of educational institutions such person
705 attended; and (6) any other information that may assist in the search of

706 a person who cannot be located.

707 (f) (1) If (A) the person whose identity is being sought cannot be
708 located or is incompetent, or (B) the child-placing agency or
709 department has not located the person within sixty days, the
710 authorized applicant may petition for access to the information to the
711 court of probate or the superior court which terminated the parental
712 rights or to the court of probate which approved the adoption or the
713 Superior Court for juvenile matters.

714 (2) Within fifteen days of receipt of the petition, the court shall order
715 the child-placing agency or department which has access to such
716 information to present a report. The report by the child-placing agency
717 or department shall be completed within sixty days after receipt of the
718 order from the court.

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

722 (4) The report shall determine through an interview with the adult
723 adopted or adult adoptable person and through such other means as
724 may be necessary whether (A) release of the information would be
725 seriously disruptive to or endanger the physical or emotional health of
726 the authorized applicant, and (B) release of the information would be
727 seriously disruptive to or endanger the physical or emotional health of
728 the person whose identity is being requested.

729 (5) Upon receipt of the report, or upon expiration of sixty days,
730 whichever is sooner, the court shall set a time and place for hearing not
731 later than fifteen days after receipt of the report or expiration of such
732 sixty days, whichever is sooner. The court shall immediately give
733 notice of the hearing to the authorized applicant and to the child-
734 placing agency or the department.

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

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

740 (8) The requested information shall be provided to the authorized
741 applicant unless the court determines that: (A) Consent has not been
742 granted by a guardian ad litem appointed by the court to represent the
743 person whose identity has been requested; (B) release of the
744 information would be seriously disruptive to or endanger the physical
745 or emotional health of the authorized applicant; or (C) release of the
746 information would be seriously disruptive to or endanger the physical
747 or emotional health of the person whose identity is being requested.

748 (9) If the court denies the petition and determines that it would be in
749 the best interests of the person whose identity is being requested to be
750 notified that the authorized applicant has petitioned the court for
751 identifying information, the court shall request the child-placing
752 agency or department to so notify the person whose identity is being
753 requested. The notification shall be accomplished in a manner which
754 will protect the confidentiality of the communication and shall be done
755 without disclosing the identity of the authorized applicant. If the
756 person whose identity is being requested is so notified, the authorized
757 applicant who petitioned the court shall be informed that this
758 notification was given.

759 Sec. 19. Subsection (d) of section 17a-10 of the general statutes is
760 repealed and the following is substituted in lieu thereof:

761 (d) If the Superior Court requests a report on any committed child,
762 the commissioner shall be responsible for preparing and transmitting
763 such report to the requesting court. Not more than sixty days nor less
764 than thirty days prior to the expiration of the original commitment of
765 any child to the department, the commissioner may [petition the court]
766 file a motion for an extension of commitment pursuant to the
767 provisions of section 46b-141, as amended by this act. If the
768 commissioner, or the board of review pursuant to the provisions of

769 section 17a-15, at any time during the commitment of any child,
770 determines that termination of commitment of a child is in the best
771 interest of such child, the commissioner or the board may terminate
772 the commitment and such termination shall be effective without
773 further action by the court.

JUD *Joint Favorable Subst.*

HS *Joint Favorable*

PS *Joint Favorable*

APP *Joint Favorable*