



General Assembly

**Amendment**

February Session, 2002

LCO No. 4963

\*SB0033304963SD0\*

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.

REP. MUSHINSKY, 85<sup>th</sup> Dist.

To: Subst. Senate Bill No. 333

File No. 211

Cal. No. 161

**"AN ACT CONCERNING CHILD WELFARE."**

1 Strike everything after the enacting clause and insert the following  
2 in lieu thereof:

3 "Section 1. Section 5 of public act 01-121 is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2002*):

5 (a) The State Prevention Council shall encourage the direct  
6 involvement of the public and local community partnerships with state  
7 government to encourage prevention.

8 (b) Not later than July 1, 2004, the State Prevention Council shall  
9 submit to the Secretary of the Office of Policy and Management and  
10 the joint standing committee of the General Assembly having  
11 cognizance of matters relating to appropriations its recommendations  
12 concerning the potential expansion, including potential use of  
13 benchmarks to measure the well-being of children and families and the  
14 effectiveness of state prevention programs, and the identification of

15 indicators of risk for children in the areas of education, physical and  
16 mental health, substance abuse, child welfare and protection, and  
17 juvenile justice, or termination of the State Prevention Council  
18 pursuant to section 2c-12.

19 Sec. 2. (NEW) (*Effective from passage*) On and after the effective date  
20 of this section, the Department of Children and Families shall respond,  
21 within sixty days of receipt of an audit by the Auditors of Public  
22 Accounts, to any finding or recommendation in such audit in a report  
23 submitted, in accordance with section 11-4a of the general statutes, to  
24 the Auditors of Public Accounts, the joint standing committee of the  
25 General Assembly having cognizance of matters relating to human  
26 services and the select committee of the General Assembly having  
27 cognizance of matters relating to children.

28 Sec. 3. (NEW) (*Effective January 1, 2003*) The Department of Children  
29 and Families shall allow foster families and persons receiving  
30 payments pursuant to section 17a-117 or 17a-126 of the general statutes  
31 to receive such payments by electronic direct deposit to their accounts  
32 in a bank, Connecticut credit union or federal credit union, as defined  
33 in section 36a-2 of the general statutes.

34 Sec. 4. Section 17a-11 of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective from passage*):

36 (a) The commissioner may, in [his] the commissioner's discretion,  
37 admit to the department on a voluntary basis any child or youth who,  
38 in [his] the commissioner's opinion, could benefit from any of the  
39 services offered or administered by, or under contract with, or  
40 otherwise available to, the department. Application for voluntary  
41 admission shall be made in writing by the parent or guardian of a child  
42 under fourteen years of age or by such person himself or herself if he  
43 or she is a child fourteen years of age or older or a youth.

44 (b) A child or youth voluntarily admitted to the department shall be  
45 deemed to be within the care of the commissioner until such admission  
46 is terminated. The commissioner shall terminate the admission of any

47 child or youth voluntarily admitted to the department within ten days  
48 after receipt of a written request for termination from a parent or  
49 guardian of any child under fourteen years of age or from a child if  
50 such child is fourteen years of age or [over] older, or youth, unless  
51 prior to the expiration of that time the commissioner has sought and  
52 received from the Superior Court an order of temporary custody as  
53 provided by law. The commissioner may terminate the admission of  
54 any child or youth voluntarily admitted to the department after giving  
55 reasonable notice in writing to the parent or guardian of any child  
56 under fourteen years of age and to a child [over] fourteen years of age  
57 or older, and to any youth. Any child or youth admitted voluntarily to  
58 the department may be placed in, or transferred to, any resource,  
59 facility or institution within the department or available to the  
60 commissioner except the Connecticut Juvenile Training School,  
61 provided the commissioner shall give written notice to such child or  
62 youth and to the parent or guardian of the child of [his] the  
63 commissioner's intention to make a transfer at least ten days prior to  
64 any actual transfer, unless written notice is waived by those entitled to  
65 receive it, or unless an emergency commitment of such child or youth  
66 is made pursuant to section 17a-502.

67 (c) Not more than one hundred twenty days after admitting a child  
68 or youth on a voluntary basis, the department shall petition the  
69 probate court for the district in which a parent or guardian of the child  
70 or youth resides for a determination as to whether continuation in care  
71 is in the child's or youth's best interest and, if so, whether there is an  
72 appropriate [case service] permanency plan. Upon receipt of such  
73 application, the court shall set a time and place for hearing to be held  
74 within thirty days of receipt of the application, unless continued by the  
75 court for cause shown. The court shall order notice of the hearing to be  
76 given by regular mail at least five days prior to the hearing to the  
77 Commissioner of Children and Families, and by certified mail, return  
78 receipt requested, at least five days prior to the hearing to the parents  
79 or guardian of the child and the minor, if over twelve years of age. If  
80 the whereabouts of the parent or guardian are unknown, or if delivery

81 cannot reasonably be effected, then notice shall be ordered to be given  
82 by publication. In making its determination, the court shall consider  
83 the items specified in subsection (d) of this section. The court shall  
84 possess continuing jurisdiction in proceedings under this section. [and  
85 shall conduct a further dispositional hearing whenever it deems  
86 necessary or desirable, but at least every twelve months.]

87 [(d) Not more than twelve months after a child or youth is admitted  
88 to the department on a voluntary basis, the commissioner shall file a  
89 motion in the probate court requesting a dispositional hearing on the  
90 status of the child or youth. Upon receipt of such motion, the court  
91 shall set a time and place for hearing to be held within thirty days of  
92 receipt of the motion, unless continued by the court for cause shown.  
93 The court shall order notice of the hearing to be given in accordance  
94 with subsection (c) of this section. At the dispositional hearing, all  
95 parties shall be heard and oral or written reports, containing  
96 recommendations as to the best interests of the child or youth may be  
97 presented. In determining its order of disposition, the court shall  
98 consider among other things: (1) The appropriateness of the  
99 department's plan for service to the child or youth and his family; (2)  
100 the treatment and support services that have been offered and  
101 provided to the child or youth to strengthen and reunite the family; (3)  
102 if return home is not likely for the child or youth, the efforts that have  
103 been made or should be made to evaluate and plan for other modes of  
104 care; and (4) any further efforts which have been or will be made to  
105 promote the best interests of the child or youth. At the conclusion of  
106 the hearing, the court shall, in accordance with the best interests of the  
107 child or youth, enter an appropriate order of disposition. The order  
108 may: (A) Direct that the services being provided, or the placement of  
109 the child or youth and reunification efforts, be continued if the court,  
110 after hearing, determines that continuation of the child or youth in  
111 services or placement is in the child or youth's best interests or (B)  
112 direct that the child or youth's services or placement be modified to  
113 reflect the child or youth's best interest.]

114 (d) (1) Ten months after admitting a child or youth on a voluntary

115 basis and annually thereafter if the child or youth remains in the  
116 custody of the commissioner, the commissioner shall file a motion for  
117 review of a permanency plan. A hearing on such motion shall be held  
118 not later than thirty days after the filing of such motion. The court shall  
119 provide notice to the child or youth and such child's or youth's parent  
120 or guardian of the time and place of the hearing on such motion not  
121 less than ten days prior to the date of such hearing.

122 (2) At a permanency hearing held in accordance with the provisions  
123 of subdivision (1) of this subsection, the court shall approve a  
124 permanency plan that is in the best interests of the child or youth and  
125 takes into consideration the child's or youth's need for permanency.  
126 The health and safety of the child or youth shall be of paramount  
127 concern in formulating such plan. Such permanency plan may include  
128 the goal of (A) placement of the child or youth with the parent or  
129 guardian, (B) transfer of guardianship, (C) long-term foster care with a  
130 relative licensed as a foster parent or certified as a relative caregiver,  
131 (D) termination of parental rights and adoption, or (E) such other  
132 planned permanent living arrangement ordered by the court provided  
133 the commissioner has documented a compelling reason why it would  
134 not be in the best interest of the child or youth for the permanency  
135 plan to include the goals in subparagraphs (A) to (D), inclusive, of this  
136 subdivision. Such other planned permanent living arrangement may  
137 include, but not be limited to, placement of a child or youth in an  
138 independent living program or long-term foster care with an identified  
139 foster parent.

140 (3) At a permanency hearing, the court shall review the status of the  
141 child, the progress being made to implement the permanency plan,  
142 determine a timetable for attaining the permanency prescribed by the  
143 plan and determine whether the commissioner has made reasonable  
144 efforts to achieve the permanency plan.

145 (e) The commissioner shall adopt regulations in accordance with  
146 chapter 54 describing the documentation required for voluntary  
147 admission and for informal administrative case review, upon request,

148 of any denial of an application for voluntary admission.

149 (f) Any person aggrieved by a decision of the commissioner denying  
150 voluntary services may appeal such decision through an  
151 administrative hearing held pursuant to chapter 54.

152 (g) Notwithstanding any provision of sections 17a-1 to 17a-26,  
153 inclusive, and 17a-28 to 17a-49, inclusive, to the contrary, any person  
154 already under the care and supervision of the Commissioner of  
155 Children and Families who has passed [his] such person's eighteenth  
156 birthday but has not yet reached [his] such person's twenty-first  
157 birthday, may be permitted to remain voluntarily under the  
158 supervision of the commissioner, provided said commissioner, in [his]  
159 said commissioner's discretion, determines that such person would  
160 benefit from further care and support from the Department of  
161 Children and Families.

162 (h) Upon motion of any interested party in a Probate Court  
163 proceeding under this section, the probate court of record may transfer  
164 the file for cause shown to a probate court for a district other than the  
165 district in which the initial or dispositional hearing was held. The file  
166 shall be transferred by the Probate Court of record making copies of all  
167 recorded documents in the court file, certifying each of them, and  
168 delivering the certified copies to the probate court to which the matter  
169 is transferred.

170 Sec. 5. Section 17a-114 of the general statutes, as amended by section  
171 1 of public act 01-70, section 11 of public act 01-142 and section 4 of  
172 public act 01-159, is repealed and the following is substituted in lieu  
173 thereof (*Effective October 1, 2002*):

174 (a) No child in the custody of the Commissioner of Children and  
175 Families shall be placed with any person, unless such person is  
176 licensed by the department for that purpose. Any person licensed by  
177 the department to accept placement of a child is deemed to be licensed  
178 to accept placement as a foster family or prospective adoptive family.  
179 The commissioner shall adopt regulations, in accordance with the

180 provisions of chapter 54, to establish the licensing procedures and  
181 standards.

182 (b) The commissioner shall require an applicant for a license or a  
183 renewal of a license under this section and any person sixteen years of  
184 age or older residing in the household of such applicant to submit to  
185 state and national criminal history records checks before issuing a  
186 license to accept placement of a child. The criminal history records  
187 check shall be conducted in accordance with section 31 of public act 01-  
188 175. The commissioner shall also check the state child abuse registry  
189 established pursuant to section 17a-101k, as amended, for the name of  
190 such applicant and any such person.

191 [(b)] (c) Notwithstanding the requirements of subsection (a) of this  
192 section, the commissioner may place a child with a relative who is not  
193 licensed for a period of up to ninety days when such placement is in  
194 the best interests of the child, provided a satisfactory home visit is  
195 conducted, a basic assessment of the family is completed and such  
196 relative attests that such relative and any adult living within the  
197 household have not been convicted of a crime or arrested for a felony  
198 against a person, for injury or risk of injury to or impairing the morals  
199 of a child, or for the possession, use or sale of a controlled substance.  
200 Any such relative who accepts placement of a child in excess of such  
201 ninety-day period shall be subject to licensure by the commissioner,  
202 except that any such relative who, prior to July 1, 2001, had been  
203 certified by the commissioner to provide care for a related child may  
204 continue to maintain such certification if such relative continues to  
205 meet the regulatory requirements and the child remains in such  
206 relative's care. The commissioner may grant a waiver, for a child  
207 placed with a relative, on a case-by-case basis, from such procedure or  
208 standard, except any safety standard, based on the home of the relative  
209 and the needs and best interests of such child. The reason for any  
210 waiver granted shall be documented. The commissioner shall adopt  
211 regulations, in accordance with the provisions of chapter 54, to  
212 establish certification procedures and standards for a caretaker who is  
213 a relative of such child.

214 [(c) The Commissioner of Children and Families, when conducting  
 215 any criminal history records check, shall arrange for the fingerprinting  
 216 or for the conducting of any other method of positive identification  
 217 required by the State Police Bureau of Identification or the Federal  
 218 Bureau of Identification. The fingerprints and other positive  
 219 identifying information shall be forwarded to the State Police Bureau  
 220 of Identification, which shall conduct a state criminal history records  
 221 check and submit the fingerprints or other identifying information to  
 222 the Federal Bureau of Investigation for a national criminal history  
 223 records check. The commissioner shall also check the state child abuse  
 224 registry established pursuant to section 17a-101k for the name of such  
 225 applicant or licensee.]

226 Sec. 6. (NEW) (*Effective from passage*) The Commissioner of Children  
 227 and Families shall (1) require each applicant for a position with the  
 228 department to state whether such person has ever been convicted of a  
 229 crime or whether criminal charges are pending against such person at  
 230 the time of such person's application, and (2) require each applicant to  
 231 submit to state and national criminal history records checks. The  
 232 criminal history records checks required pursuant to this section shall  
 233 be conducted in accordance with section 31 of public act 01-175. The  
 234 commissioner shall also check the state child abuse registry established  
 235 pursuant to section 17a-101k of the general statutes, as amended, for  
 236 the name of such applicant."

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| This act shall take effect as follows: |                        |
| Section 1                              | <i>July 1, 2002</i>    |
| Sec. 2                                 | <i>from passage</i>    |
| Sec. 3                                 | <i>January 1, 2003</i> |
| Sec. 4                                 | <i>from passage</i>    |
| Sec. 5                                 | <i>October 1, 2002</i> |
| Sec. 6                                 | <i>from passage</i>    |