



House of Representatives

General Assembly

File No. 275

January Session, 2003

House Bill No. 6118

House of Representatives, April 9, 2003

The Committee on Human Services reported through REP. VILLANO of the 91st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING PLACEMENT OF CHILDREN COMMITTED TO THE DEPARTMENT OF CHILDREN AND FAMILIES.

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

1 Section 1. Section 17a-110 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) As used in this section, "child" means a person under the age of
4 eighteen years; "foster child" means a child placed temporarily in a
5 home, pending permanent placement; "permanent home" means a
6 home for a child with the child's genetic or adoptive parents
7 considered to be such child's permanent residence; and "permanency
8 placement services" means services that are designed and rendered for
9 the purpose of relocating a foster child with such child's legal family or
10 finding a permanent home for such child, including, but not limited to,
11 the following: (1) Treatment services for the child and the genetic
12 family; (2) preplacement planning; (3) appropriate court proceedings
13 to effect permanent placement, including, but not limited to, the

14 following: (A) Termination of parental rights; (B) revocation of
15 commitment; (C) removal or reinstatement of guardianship; (D)
16 temporary custody; (4) recruitment and screening of permanent
17 placement homes; (5) home study and evaluation of permanent
18 placement homes; (6) placement of children in permanent homes; (7)
19 postplacement supervision and services to such homes following
20 finalization of such placements in the courts; and (8) other services
21 routinely performed by caseworkers doing similar work in the
22 Department of Children and Families.

23 (b) At a hearing held in accordance with subsection (k) of section
24 46b-129 and section 17a-111b, the court shall determine the
25 appropriateness of continuing efforts to reunify a child with the child's
26 family. If the court finds that such efforts are not appropriate, the
27 Department of Children and Families shall within sixty days of such
28 finding either (1) file a petition for the termination of parental rights,
29 (2) file a motion to revoke the commitment and vest the custody and
30 guardianship of the child on a permanent or long-term basis in an
31 appropriate individual or couple, or (3) file a written permanency plan
32 with the court for permanent or long-term foster care, which plan shall
33 include an explanation of the reason that neither termination of
34 parental rights nor custody and guardianship is appropriate for the
35 child. The court shall promptly convene a hearing for the purpose of
36 reviewing such written plan. Reasonable efforts shall be made to place
37 the child in a residential setting designed to meet the child's needs
38 until such time as a permanent home is found or the child is adopted.
39 If the permanency plan calls for placing the child for adoption or in
40 some other permanent home, good faith efforts shall be made to place
41 the child for adoption or in some other alternative home.

42 (c) Not later than January 1, 2000, the Department of Children and
43 Families shall adopt regulations in accordance with chapter 54 to
44 establish standards for permanency plans which shall include, but not
45 be limited to: (1) Assessment of kin, foster parents or other potential
46 adoptive parents for adopting a child; (2) preparing children for
47 adoption; (3) collaboration between family foster care services and

48 adoption services; (4) transracial and cross-racial adoption; (5) open
 49 adoption; and (6) foster care and adoption subsidies.

50 (d) Not later than January 1, 2000, the Department of Children and
 51 Families shall, within available appropriations, establish and maintain
 52 (1) a central registry of all children for whom a permanency plan has
 53 been formulated and in which adoption is recommended, and (2) a
 54 system to monitor the progress in implementing the permanency plan
 55 for such children.

56 (e) Whenever the Commissioner of Children and Families deems it
 57 necessary or advisable in order to carry out the purposes of this
 58 section, the commissioner may contract with any private child-placing
 59 agency, as defined in section 45a-707, for a term of not less than three
 60 years and not more than five years, to provide any one or more
 61 permanency placement services on behalf of the Department of
 62 Children and Families. Whenever any contract is entered into under
 63 this section which requires private agencies to perform casework
 64 services, such as the preparation of applications and petitions for
 65 termination of parental rights, guardianship or other custodial matters,
 66 or which requires court appearances, the Attorney General shall
 67 provide legal services for the Commissioner of Children and Families
 68 notwithstanding that some of the services have been performed by
 69 caseworkers of private agencies, except that no such legal services shall
 70 be provided unless the Commissioner of Children and Families is a
 71 legal party to any court action hereunder.

72 (f) The Commissioner of Children and Families may accept funds
 73 from any source to implement the provisions of this section.

This act shall take effect as follows:	
Section 1	October 1, 2003

KID *Joint Favorable C/R*

HS

HS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Children and Families	General Fund	See Below	See Below
Department of Education	General Fund	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Local Boards of Education	See Below	See Below	See Below

Explanation

The bill requires the Department of Children and Families to make reasonable efforts to place a child in the agency’s custody in a residential setting designed to meet the child’s needs until such time as a permanent home is found or the child is adopted.

Should the term “residential setting” be interpreted to cover the full spectrum of placement options now available to DCF (from foster care to inpatient hospitalization), no fiscal impact will ensue. The agency currently adheres to federal guidelines regarding the placement of children, which indicate that the least restrictive appropriate setting must be used.

If, however, “residential setting” is instead interpreted to mean the level of care provided by a twenty-four hour residential treatment facility, a potentially significant cost could result. For example, the average cost differential between care in a foster home and institutionalized care provided by a safe home is \$64,605 per child per year. Any cost increase would be partially offset by increased federal financial participation. Also, under this interpretation the State Department of Education (SDE) and local boards of education could

potentially experience significant cost increases for special education services associated with these placements. Local school districts are responsible for one times the average per pupil cost for special education students placed by state agencies. The SDE picks up all additional costs.

No fiscal impact is anticipated in response to a provision of the bill which allows the commissioner of children and families to accept funds from any source to implement Section 17a-110 CGS. This authority is already granted to the commissioner under Section 17a-18 CGS.

OLR Bill Analysis

HB 6118

AN ACT CONCERNING PLACEMENT OF CHILDREN COMMITTED TO THE DEPARTMENT OF CHILDREN AND FAMILIES**SUMMARY:**

By law, when a child is removed from home and placed in Department of Children and Families (DCF) custody either voluntarily or due to abuse and neglect, a court must hold a hearing nine months after placement and annually thereafter to review the department's permanency plan for the child, or DCF can request a hearing to determine if it should continue to make reasonable efforts to reunite the child with his family. If a court finds at such a hearing that continuing reunification efforts are not appropriate, DCF must either (1) seek to terminate the parents' rights to the child, which makes him available for adoption; (2) move to transfer guardianship of the child to another party; or (3) file a plan for permanent or long-term foster care for the child.

This bill requires DCF to make reasonable efforts, if the court finds reunification is not appropriate, to place the child in a residential setting designed to meet the child's needs until he is adopted or until a permanent home is found for him. And it allows the DCF commissioner to accept funds from any source to (1) facilitate such placements; (2) maintain an adoption registry and permanency plan monitoring system; and (3) contract with private child-placing agencies for permanency placement services, which include treatment services, preplacement planning, recruitment and evaluation of permanent placement, and postplacement supervision.

EFFECTIVE DATE: October 1, 2003

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 11 Nay 2

Human Services Committee

Joint Favorable Report
Yea 18 Nay 0