



General Assembly

January Session, 2003

Raised Bill No. 1127

LCO No. 4105

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT REVISING CERTAIN SECTIONS OF THE GENERAL STATUTES CONCERNING 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 Section 17a-1 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 As used in sections 17a-1 to [17a-26] 17a-155, inclusive, as amended
4 by this act, [17a-28 to 17a-49, inclusive, 17a-127 and 46b-120,] unless
5 otherwise provided in said sections:

6 (1) "Commissioner" means the Commissioner of Children and
7 Families;

8 (2) "Council" means the State Advisory Council on Children and
9 Families;

10 (3) "Advisory committee" means the Children's Behavioral Health
11 Advisory Committee to the council;

12 (4) "Department" means the Department of Children and Families;

13 (5) "Child" means any person under sixteen years of age, except as
14 otherwise specified;

15 (6) "Youth" means any person at least sixteen years of age and under
16 [nineteen] eighteen years of age;

17 [(7) "Delinquent child" shall have the meaning ascribed thereto in
18 section 46b-120;]

19 (7) "Delinquent" means a child or youth who has been convicted in
20 Superior Court for Juvenile Matters for a violation of (A) any federal or
21 state law or municipal or local ordinance, other than an ordinance
22 regulating behavior of a child in a family with service needs, (B) any
23 order of said court, or (C) any conditions of probation as ordered by
24 said court;

25 (8) "Child or youth with behavioral health needs" means a child or
26 youth who is suffering from one or more mental disorders, as defined
27 in the most recent edition of the American Psychiatric Association's
28 "Diagnostic and Statistical Manual of Mental Disorders";

29 (9) "Individual service plan" means a written plan to access
30 specialized, coordinated and integrated care for a child or youth with
31 complex behavioral health service needs that is designed to meet the
32 needs of the child or youth and his or her family and may include,
33 when appropriate (A) an assessment of the individual needs of the
34 child or youth, (B) an identification of service needs, (C) an
35 identification of services that are currently being provided, (D) an
36 identification of opportunities for full participation by parents or
37 emancipated minors, (E) include a reintegration plan when an out-of-
38 home placement is made or recommended, (F) an identification of
39 criteria for evaluating the effectiveness and appropriateness of such
40 plan, and (G) coordination of the individual service plan with any
41 educational services provided to the child or youth. The plan shall be
42 subject to review at least every six months or upon reasonable request
43 by the parent based on a changed circumstance, and be approved, in

44 writing, by the parents, guardian of a child or youth and emancipated
45 minors;

46 (10) "Family" means a child or youth with behavioral health needs
47 and (A) one or more biological or adoptive parents, except for a parent
48 whose parental rights have been terminated, (B) one or more persons
49 to whom legal custody or guardianship has been given, or (C) one or
50 more adults who have a primary responsibility for providing
51 continuous care to such child or youth;

52 (11) "Parent" means a biological or adoptive parent, except a parent
53 whose parental rights have been terminated;

54 (12) "Guardian" means a person who has a judicially created
55 relationship between a child or youth and such person that is intended
56 to be permanent and self-sustaining as evidenced by the transfer to
57 such person of the following parental rights with respect to the child or
58 youth: (A) The obligation of care and control; (B) the authority to make
59 major decisions affecting the child's or youth's welfare, including, but
60 not limited to, consent determinations regarding marriage, enlistment
61 in the armed forces and major medical, psychiatric or surgical
62 treatment; (C) the obligation of protection of the child or youth; (D) the
63 obligation to provide access to education; and (E) custody of the child
64 or youth;

65 (13) "Serious emotional disturbance" and "seriously emotionally
66 disturbed" means, with regard to a child or youth, that the child or
67 youth (A) has a range of diagnosable mental, behavioral or emotional
68 disorders of sufficient duration to meet diagnostic criteria specified in
69 the most recent edition of the American Psychiatric Association's
70 "Diagnostic and Statistical Manual of Mental Disorders", and (B)
71 exhibits behaviors that substantially interfere with or limit the child's
72 or youth's ability to function in the family, school or community and
73 are not a temporary response to a stressful situation;

74 (14) "Child or youth with complex behavioral health service needs"

75 means a child or youth with behavioral health needs who needs
76 specialized, coordinated behavioral health services;

77 (15) "Transition services" means services in the areas of education,
78 employment, housing and community living designed to assist a youth
79 with a serious emotional disturbance who is transitioning into
80 adulthood; [and]

81 (16) "Community collaborative" means a local consortium of public
82 and private health care providers, parents and guardians of children
83 with behavioral health needs and service and education agencies that
84 have organized to develop coordinated comprehensive community
85 resources for children or youth with complex behavioral health service
86 needs and their families in accordance with principles and goals of
87 Connecticut Community KidCare;

88 (17) "Abused" means that a child or youth (A) has been inflicted
89 with physical injury or injuries other than by accidental means, or (B)
90 has injuries which are at variance with the history given of them, or (C)
91 is in a condition which is the result of maltreatment such as, but not
92 limited to, malnutrition, sexual molestation or exploitation,
93 deprivation of necessities, emotional maltreatment or cruel
94 punishment;

95 (18) "Adoption" means the establishment by court order of the legal
96 relationship of parent and child or youth;

97 (19) "Business day" means Monday through Friday except when a
98 legal holiday falls thereon;

99 (20) "Child care facility" means a congregate residential setting for
100 the out-of-home placement of children or youth, licensed by the
101 department;

102 (21) "Child-placing agency" means any agency within or outside the
103 state of Connecticut licensed or approved by the commissioner in
104 accordance with sections 17a-149 and 17a-151, as amended by this act,

105 and in accordance with such standards which shall be established by
106 regulations of the department;

107 (22) "Extended day treatment" means a supplementary care
108 community-based program providing a comprehensive
109 multidisciplinary approach to treatment and rehabilitation of
110 emotionally disturbed, mentally ill, behaviorally disordered or
111 multihandicapped children and youth during the hours immediately
112 before and after school while they reside with their parents, legal
113 guardians, foster family, relative caregivers or other extended family;

114 (23) "Foster child" means a child or youth placed temporarily in a
115 home, pending permanent placement;

116 (24) "Foster family" means a person or persons, licensed or certified
117 by the department or approved by a licensed child-placing agency, for
118 the care of a child or children or youth in a private home;

119 (25) "Guardianship" means guardianship, unless otherwise
120 specified, of the person of a child or youth and refers to the obligation
121 of care and control, the right to custody and the duty and authority to
122 make major decisions affecting such child or youth's welfare,
123 including, but not limited to, consent determinations regarding
124 marriage, enlistment in the armed forces and major medical,
125 psychiatric or surgical treatment;

126 (26) "Hospital for mental illness of children" means any hospital,
127 which provides, in whole or in part, diagnostic or treatment services
128 for mental disorders of children and youth, but shall not include any
129 correctional institution of this state;

130 (27) "Mental disorder" means a mental or emotional condition which
131 has substantial adverse effects on a child's or youth's ability to
132 function so as to jeopardize his or her health, safety or welfare or that
133 of others, but does not include mental retardation;

134 (28) "Neglected" means that a child or youth (A) has been

135 abandoned, or (B) is being denied proper care and attention,
136 physically, educationally, emotionally or morally, or (C) is being
137 permitted to live under conditions, circumstances or associations
138 injurious to the well-being of the child or youth, or (D) has been
139 abused;

140 (29) "Permanency placement services" means services that are
141 designed and rendered for the purpose of relocating a foster child with
142 such child's legal family or finding a permanent home for such child,
143 including, but not limited to, the following: (A) Treatment services for
144 the child or youth and the biological family; (B) preplacement
145 planning; (C) appropriate court proceedings to effect permanent
146 placement, including, but not limited to, the following: (i) Termination
147 of parental rights; (ii) revocation of commitment; (iii) removal or
148 reinstatement of guardianship; (iv) temporary custody; (D) recruitment
149 and screening of permanent placement homes; (E) home study and
150 evaluation of permanent placement homes; (F) placement of children
151 and youth in permanent homes; (G) postplacement supervision and
152 services to such homes following finalization of such placements in the
153 courts; and (H) other services routinely performed by caseworkers
154 doing similar work in the Department of Children and Families;

155 (30) "Permanent family residence" means a child care facility which
156 is licensed as a permanent family residence by the Department of
157 Children and Families;

158 (31) "Permanent home" means a home for a child or youth with the
159 child's or youth's biological or adoptive parents considered to be such
160 child's or youth's permanent residence;

161 (32) "Person entrusted with the care of a child or youth" means a
162 person given access to a child or youth by a person responsible for the
163 health, welfare or care of a child or youth for the purpose of providing
164 education, child care, counseling, spiritual guidance, coaching,
165 training, instruction, tutoring or mentoring of such child or youth;

166 (33) "Person responsible for the health, welfare or care of a child or
167 youth" means (A) a child's or a youth's parent, guardian or foster
168 parent; (B) an employee of a public or private residential home, agency
169 or institution or other person legally responsible in a residential
170 setting; or (C) any staff person providing out-of-home care, including
171 care provided in a child day care center, family day care home or
172 group day care home, as defined in section 19a-77;

173 (34) "Placement" means the physical transfer of a child or youth by
174 the department, a child placing agency or a person designated by the
175 department or child-placing agency to a child care agency, permanent
176 family residence, foster family, prospective adoptive family or facility
177 operated or licensed by the department, the Department of Public
178 Health or the Department of Mental Retardation;

179 (35) "Prospective adoptive family" means a person or persons,
180 licensed by the department or approved by a licensed child-placing
181 agency, who is awaiting the placement of, or who has a child or
182 children or youth placed in their home for the purposes of adoption;

183 (36) "Protective services" means public child welfare services
184 provided after complaints of abuse, neglect or abandonment, but in the
185 absence of an adjudication or assumption of jurisdiction by a court;

186 (37) "Protective supervision" means a status created by court order
187 following adjudication of neglect whereby a child's or youth's place of
188 abode is not changed but assistance directed at correcting the neglect is
189 provided at the request of the court through the department or such
190 other social agency as the court may specify;

191 (38) "Receiving home" means a facility operated by the department
192 to receive and temporarily care for children and youth in the
193 guardianship or care of the commissioner;

194 (39) "Relative caregiver" means a person who is caring for a child or
195 youth related to such person because the parent of the child or youth

196 has died or become otherwise unable to care for the child or youth for
197 reasons that make reunification with the parent not a viable option
198 within the foreseeable future;

199 (40) "Special needs child or youth" is a child or youth who is a ward
200 of the commissioner or is to be placed by a licensed child-placing
201 agency and is difficult to place in adoption because of one or more
202 conditions including, but not limited to, physical or mental disability,
203 serious emotional maladjustment, a recognized high risk of physical or
204 mental disability, age or racial or ethnic factors which present a barrier
205 to adoption or is a member of a sibling group which should be placed
206 together, or because the child or youth has established significant
207 emotional ties with prospective adoptive parents while in their care as
208 a foster child and has been certified as a special needs child or youth
209 by the commissioner;

210 (41) "Statutory parent" means the commissioner or the child-placing
211 agency appointed by the court for the purpose of giving a child or
212 youth in adoption;

213 (42) "Termination of parental rights" means the complete severance
214 by court order of the legal relationship, with all its rights and
215 responsibilities, between the child or youth and such child's or youth's
216 parent or parents so that the child or youth is free for adoption except
217 it shall not affect the right of inheritance of such child or youth or the
218 religious affiliation of such child or youth; and

219 (43) "Uncared for" means a child or youth who is homeless or whose
220 home cannot provide the specialized care that the physical, emotional
221 or mental condition of the child or youth requires.

222 Sec. 2. Section 17a-3 of the general statutes is repealed and the
223 following is substituted in lieu thereof (*Effective October 1, 2003*):

224 The department shall plan, create, develop, operate or arrange for,
225 administer and evaluate a comprehensive and integrated state-wide

226 program of services, including preventive services, for children and
227 youth whose behavior does not conform to the law or to acceptable
228 community standards, or who are mentally ill, including deaf and
229 hearing impaired children and youth who are mentally ill, emotionally
230 disturbed, substance abusers, delinquent, abused, neglected or
231 uncared for, including all children and youth who are or may be
232 committed to it by any court, and all children and youth voluntarily
233 admitted to the department for services of any kind. Services shall not
234 be denied to any such child or youth solely because of other
235 complicating or multiple disabilities. The department shall work in
236 cooperation with other child-serving agencies and organizations to
237 provide or arrange for preventive programs, including but not limited
238 to teenage pregnancy and youth suicide prevention, for children and
239 youth and their families. The program shall provide services and
240 placements that are clinically indicated and appropriate to the needs of
241 the child or youth. In furtherance of this purpose, the department
242 shall: [(a)] (1) Maintain the Connecticut Juvenile Training School and
243 other appropriate facilities exclusively for delinquents; [(b)] (2)
244 develop a comprehensive program for prevention of problems of
245 children and youth and provide a flexible, innovative and effective
246 program for the placement, care and treatment of children and youth
247 committed by any court to the department, transferred to the
248 department by other departments, or voluntarily admitted to the
249 department; [(c)] (3) provide appropriate services to families of
250 children and youth as needed to achieve the purposes of sections 17a-1
251 to 17a-26, inclusive, as amended by this act, 17a-28 to 17a-49, inclusive,
252 and 17a-51; [(d)] (4) establish incentive paid work programs for
253 children and youth under the care of the department and the rates to
254 be paid such children and youth for work done in such programs and
255 may provide allowances to children and youth in [his] the
256 commissioner's custody; [(e)] (5) be responsible to collect, interpret and
257 publish statistics relating to children and youth within the department;
258 [(f)] (6) conduct studies of any program, service or facility developed,
259 operated, contracted for or supported by the department in order to

260 evaluate its effectiveness; [(g)] (7) establish staff development and
261 other training and educational programs designed to improve the
262 quality of departmental services and programs, provided no social
263 worker trainee shall be assigned a case load prior to completing
264 training, and may establish educational or training programs for
265 children, youth, parents or other interested persons on any matter
266 related to the promotion of the well-being of children and youth, or the
267 prevention of mental illness, emotional disturbance, delinquency and
268 other disabilities in children and youth; [(h)] (8) develop and
269 implement aftercare and follow-up services appropriate to the needs of
270 any child or youth under [his] the commissioner's care; [(i)] (9)
271 establish a case audit unit to monitor each region's compliance with
272 regulations and procedures; [(j)] (10) develop and maintain a database
273 listing available community service programs funded by the
274 department; [(k)] (11) provide outreach and assistance to persons
275 caring for children and youth whose parents are unable to do so by
276 informing such persons of programs and benefits for which they may
277 be eligible; [(l)] (12) collect data sufficient to identify the housing needs
278 of children and youth served by the department and share such data
279 with the Department of Economic and Community Development;
280 [(m)] (13) prepare and submit biennially to the General Assembly a
281 five-year master plan. The master plan shall include, but not be limited
282 to: [(1)] (A) The long-range goals and the current level of attainment of
283 such goals of the department; [(2)] (B) a detailed description of the
284 types and amounts of services presently provided to the department's
285 clients; [(3)] (C) a detailed forecast of the service needs of current and
286 projected target populations; [(4)] (D) detailed cost projections for
287 alternate means of meeting projected needs; [(5)] (E) funding priorities
288 for each of the five years included in the plan and specific plans
289 indicating how the funds are to be used; [(6)] (F) a written plan for the
290 prevention of child abuse and neglect; [(7)] (G) a comprehensive
291 mental health plan for children and [adolescents] youth, including
292 children and youth with complicating or multiple disabilities; [(8)] (H)
293 a comprehensive plan for children and youth who are substance

294 abusers, developed in conjunction with the Department of Mental
295 Health and Addiction Services pursuant to the provisions of sections
296 19a-2a and 19a-7; and [(9)] (I) an overall assessment of the adequacy of
297 children's services in Connecticut. The plan shall be prepared within
298 existing funds appropriated to the department; and [(n)] (14) prepare a
299 plan to keep children or youth who are convicted as delinquent and
300 will be committed to the Department of Children and Families and
301 placed in the Connecticut Juvenile Training School in such facility for
302 at least one year after their referral to the department, which plan shall
303 include provisions for development of a comprehensive approach to
304 juvenile rehabilitation.

305 Sec. 3. Subsection (a) of section 17a-4 of the general statutes is
306 repealed and the following is substituted in lieu thereof (*Effective*
307 *October 1, 2003*):

308 (a) There shall be a State Advisory Council on Children and
309 Families which shall consist of seventeen members appointed by the
310 Governor, including at least five persons who are child care
311 professionals, one child psychiatrist licensed to practice medicine in
312 this state and at least one attorney. The balance of the advisory council
313 shall be representative of young persons, parents and others interested
314 in the delivery of services to children and youth. No less than fifty per
315 cent of the council's members shall be parents or family members of
316 children and youth who have received, or are receiving, behavioral
317 health, child welfare services or juvenile services and no more than
318 half the members of the council shall be persons who receive income
319 from a private practice or any public or private agency that delivers
320 mental health, substance abuse, child abuse prevention and treatment,
321 child welfare services or juvenile services. Members of the council shall
322 serve without compensation, except for necessary expenses incurred in
323 the performance of their duties. Members shall serve on the council for
324 terms of two years each and no member shall serve for more than two
325 consecutive terms. The commissioner shall be an ex-officio member of
326 the council without vote and shall attend its meetings. Any member

327 who fails to attend three consecutive meetings or fifty per cent of all
328 meetings during any calendar year shall be deemed to have resigned.
329 The council shall elect a chairperson and vice-chairperson to act in the
330 chairperson's absence.

331 Sec. 4. Section 17a-4a of the general statutes is repealed and the
332 following is substituted in lieu thereof (*Effective October 1, 2003*):

333 (a) There is established a Children's Behavioral Health Advisory
334 Committee to the State Advisory Council on Children and Families
335 which shall promote and enhance the provision of behavioral health
336 services for all children and youth in this state.

337 (b) The Children's Behavioral Health Advisory Committee shall be
338 composed of the following ex-officio voting members: (1) The
339 Commissioner of Children and Families or the commissioner's
340 designee; (2) the Commissioner of Social Services or the
341 commissioner's designee; (3) the Executive Director of the Children's
342 Health Council or said director's designee; (4) the Chief Court
343 Administrator or said administrator's designee; (5) the Commissioner
344 of Education or the commissioner's designee; (6) the Commissioner of
345 Mental Health and Addiction Services or the commissioner's designee;
346 (7) the Commissioner of Mental Retardation or the commissioner's
347 designee; (8) the executive director of the Office of Protection and
348 Advocacy for Persons with Disabilities or the director's designee; and
349 the following public members: (A) Two members appointed by the
350 Governor, one member who shall be a parent of a child or youth who
351 receives behavioral health services and the other a provider of
352 behavioral health services; (B) one member each shall be appointed by
353 the president pro tempore of the Senate, the speaker of the House of
354 Representatives, the majority leader of the Senate, the majority leader
355 of the House of Representatives, the minority leader of the Senate and
356 the minority leader of the House of Representatives, all of whom shall
357 be knowledgeable on issues relative to children and youth in need of
358 behavioral health services and family supports; and (C) sixteen

359 members appointed by the chairperson of the State Advisory Council
360 on Children and Families. The membership of the advisory committee
361 shall fairly and adequately represent parents of children and youth
362 who have a serious emotional disturbance. At least fifty-one per cent of
363 the members of the advisory committee shall be persons who are
364 parents or relatives of a child or youth who has or had a serious
365 emotional disturbance or persons who had a serious emotional
366 disturbance as a child or youth and no more than half the members of
367 the committee shall be persons who receive income from a private
368 practice or any public or private agency that delivers behavioral health
369 services.

370 (c) [All appointments to the advisory committee shall be made no
371 later than sixty days after July 1, 2000.] Any vacancy shall be filled by
372 the appointing authority. Members shall serve two-year terms and no
373 public member shall serve for more than two consecutive terms.

374 (d) The advisory committee shall elect two cochairpersons from
375 among its members, one of whom shall be the parent of a child or
376 youth with a serious emotional disturbance. The advisory committee
377 shall meet at least bimonthly. Members of the advisory committee
378 shall serve without compensation, except for necessary expenses
379 incurred in the performance of their duties.

380 (e) Not later than October first of each year, the advisory committee
381 shall submit a status report on local systems of care and practice
382 standards for state-funded behavioral health programs to the State
383 Advisory Council on Children and Families.

384 (f) Not later than October first of each odd-numbered year, the
385 advisory committee shall submit recommendations concerning the
386 provision of behavioral health services for all children and youth in the
387 state to the State Advisory Council on Children and Families. The
388 recommendations shall address, but shall not be limited to, the
389 following: (1) The target population for children and youth with
390 behavioral health needs, and assessment and benefit options for

391 children and youth with such needs; (2) the appropriateness and
392 quality of care for children and youth with behavioral health needs; (3)
393 the coordination of behavioral health services provided under the
394 HUSKY Plan with services provided by other publicly-funded
395 programs; (4) performance standards for preventive services, family
396 supports and emergency service training programs; (5) assessments of
397 community-based and residential care programs; (6) outcome
398 measurements by reviewing provider practice; and (7) a medication
399 protocol and standards for the monitoring of medication and after-care
400 programs.

401 Sec. 5. Section 17a-6 of the general statutes is repealed and the
402 following is substituted in lieu thereof (*Effective October 1, 2003*):

403 The commissioner or the commissioner's designee shall:

404 [(a)] (1) Establish or contract for the use of a variety of facilities and
405 services for identification, evaluation, discipline, rehabilitation,
406 aftercare, treatment and care of children and youth in need of the
407 department's services;

408 [(b)] (2) Administer in a coordinated and integrated manner all
409 institutions and facilities which are or may come under the jurisdiction
410 of the department and may appoint advisory groups for any such
411 institution or facility;

412 [(c)] (3) Encourage the development of programs and the
413 establishment of facilities for children and youth by public or private
414 agencies and groups;

415 [(d)] (4) Enter into cooperative arrangements with public or private
416 agencies outside the state;

417 [(e)] (5) Insure that all children and youth under the commissioner's
418 supervision have adequate food, clothing, shelter and adequate
419 medical, dental, psychiatric, psychological, social, religious and other
420 services;

421 [(f)] (6) Provide, in the commissioner's discretion, needed service to
422 any municipality, agency, or person, whether or not such person is
423 committed to the commissioner;

424 [(g)] (7) Adopt and enforce regulations and establish rules for the
425 internal operation and administration of the department in accordance
426 with chapter 54;

427 [(h)] (8) Undertake, contract for or otherwise stimulate research
428 concerning children and youth;

429 [(i)] (9) Subject to the provisions of chapter 67, appoint such
430 professional, technical and other personnel as may be necessary for the
431 efficient operation of the department;

432 [(j)] (10) Coordinate the activities of the department with those of
433 other state departments, municipalities and private agencies concerned
434 with providing services for children and youth and their families;

435 [(k)] (11) Act as administrator of the Interstate Compact on Juveniles
436 established by section 46b-151a, when so designated by the Governor
437 in accordance with section 46b-151c;

438 [(l)] (12) Provide or arrange for the provision of suitable education
439 for (A) every child and youth under the commissioner's supervision,
440 either in public schools, special educational programs, private schools,
441 educational programs within the institutions or facilities under the
442 commissioner's jurisdiction, or work and training programs otherwise
443 provided by law, and (B) for any person under twenty-one years of age
444 under the commissioner's supervision either in a secondary school, a
445 technical school, an institution of higher education or a state-accredited
446 job training program. The suitability of educational programs
447 provided by the commissioner shall be subject to review by the
448 Department of Education;

449 [(m)] (13) Submit to the state advisory council for its comment
450 proposals for new policies or programs and the proposed budget for

451 the department;

452 [(n)] (14) Have any and all other powers and duties as are necessary
453 to administer the department and implement the purposes of sections
454 17a-1 to 17a-26, inclusive, as amended by this act, and 17a-28 to 17a-49,
455 inclusive;

456 [(o)] (15) Conduct and render a final decision in administrative
457 hearings; and

458 [(p)] (16) Provide programs for [juvenile offenders] delinquent
459 children and youth that are gender specific in that they
460 comprehensively address the unique needs of a targeted gender group.

461 Sec. 6. Section 17a-10 of the general statutes is repealed and the
462 following is substituted in lieu thereof (*Effective October 1, 2003*):

463 (a) Any child or youth committed to the department by the Superior
464 Court shall be deemed to be within the custody of the commissioner
465 until such commitment has been terminated.

466 (b) The commissioner shall pay for the support and maintenance of
467 any delinquent child or youth who is in residence in any of the
468 department's institutions or facilities or in transit from one institution
469 or facility to another. The commissioner, in his or her sole discretion,
470 may, if he or she has sufficient funds, pay for the support and
471 maintenance of any other child or youth who is in [his] the
472 commissioner's custody. If a child or youth is in the custody of the
473 commissioner and also committed to the Commissioner of Social
474 Services, the Commissioner of Social Services shall pay for [his] such
475 child's or youth's support and maintenance when [he] the child or
476 youth is living elsewhere than in an institution or facility of the
477 Department of Children and Families, unless there is other provision
478 for [his] the child's or youth's support. Nothing in this section shall
479 exempt any person from liability of support of children or youth under
480 the supervision of the commissioner, when otherwise provided by law.

481 (c) When deemed in the best interests of a child or youth in the
482 custody of the commissioner, the commissioner, [his] the
483 commissioner's designee, a superintendent or assistant superintendent
484 or, when the child or youth is in transit between department facilities,
485 a designee of the commissioner, may authorize, on the advice of a
486 physician licensed to practice in the state, medical treatment, including
487 surgery, to insure the continued good health or life of the child or
488 youth. Any of said persons may, when [he deems it] deemed to be in
489 the best interests of the child or youth, authorize, on the advice of a
490 dentist licensed to practice in the state, dentistry, including dental
491 surgery, to insure the continued good health of the child or youth.
492 Upon such authorization, the commissioner shall exercise due
493 diligence to inform the parents or guardian prior to taking such action,
494 and in all cases shall send notice to the parents or guardian by letter to
495 their last-known address informing them of the actions taken, of their
496 necessity and of the outcome, but in a case where the commissioner
497 fails to notify, such failure will not affect the validity of the
498 authorization.

499 (d) If the Superior Court requests a report on any committed child
500 or youth, the commissioner shall be responsible for preparing and
501 transmitting such report to the requesting court. Not more than sixty
502 days nor less than thirty days prior to the expiration of the original
503 delinquency commitment of any child or youth to the department, the
504 commissioner may file a motion for an extension of commitment
505 pursuant to the provisions of section 46b-141. If the commissioner, or
506 the board of review pursuant to the provisions of section 17a-15, as
507 amended by this act, at any time during the delinquency commitment
508 of [any] a child or youth, determines that termination of the
509 delinquency commitment of [a] such child or youth is in the best
510 interest of such child or youth, the commissioner or the board may
511 terminate the delinquency commitment and such termination shall be
512 effective without further action by the court.

513 Sec. 7. Section 17a-11 of the general statutes is repealed and the

514 following is substituted in lieu thereof (*Effective October 1, 2003*):

515 (a) The commissioner may, in the commissioner's discretion, admit
516 to the department on a voluntary basis any child or youth who, in the
517 commissioner's opinion, could benefit from any of the services offered
518 or administered by, or under contract with, or otherwise available to,
519 the department. Application for voluntary admission shall be made in
520 writing by the parent or guardian of a child under fourteen years of
521 age or by such person himself or herself if he or she is a child fourteen
522 years of age or older or a youth.

523 (b) A child or youth voluntarily admitted to the department shall be
524 deemed to be within the care of the commissioner until such admission
525 is terminated. The commissioner shall terminate the admission of any
526 child or youth voluntarily admitted to the department within ten days
527 after receipt of a written request for termination from a parent or
528 guardian of any child under fourteen years of age or from a child if
529 such child is fourteen years of age or older, or youth, unless prior to
530 the expiration of that time the commissioner has sought and received
531 from the Superior Court an order of temporary custody as provided by
532 law. The commissioner may terminate the admission of any child or
533 youth voluntarily admitted to the department after giving reasonable
534 notice in writing to the parent or guardian of any child under fourteen
535 years of age and to a child fourteen years of age or older, and to any
536 youth. Any child or youth admitted voluntarily to the department may
537 be placed in, or transferred to, any resource, facility or institution
538 within the department or available to the commissioner except the
539 Connecticut Juvenile Training School, provided the commissioner shall
540 give written notice to such child or youth and to the parent or
541 guardian of the child or youth of the commissioner's intention to make
542 a transfer at least ten days prior to any actual transfer, unless written
543 notice is waived by those entitled to receive it, or unless an emergency
544 commitment of such child or youth is made pursuant to section 17a-
545 502.

546 (c) Not more than one hundred twenty days after admitting a child
547 or youth on a voluntary basis, the department shall petition the
548 probate court for the district in which a parent or guardian of the child
549 or youth resides for a determination as to whether continuation in care
550 is in the child's or youth's best interest and, if so, whether there is an
551 appropriate case service or permanency plan. A permanency plan shall
552 be prepared for all children and youth in out of home placement
553 pursuant to the provisions of subsection (d) of this section. Upon
554 receipt of such application, the court shall set a time and place for
555 hearing to be held within thirty days of receipt of the application,
556 unless continued by the court for cause shown. The court shall order
557 notice of the hearing to be given by regular mail at least five days prior
558 to the hearing to the Commissioner of Children and Families, and by
559 certified mail, return receipt requested, at least five days prior to the
560 hearing to the parents or guardian of the child or youth and the minor,
561 if over twelve years of age. If the whereabouts of the parent or
562 guardian are unknown, or if delivery cannot reasonably be effected,
563 then notice shall be ordered to be given by publication. In making its
564 determination, the court shall consider the items specified in
565 subsection (d) of this section. The court shall possess continuing
566 jurisdiction in proceedings under this section.

567 (d) (1) Ten months after admitting a child or youth on a voluntary
568 basis and annually thereafter if the child or youth remains in the
569 custody of the commissioner and is in out-of-home placement, the
570 commissioner shall file a motion for review of a permanency plan. A
571 hearing on such motion shall be held not later than thirty days after the
572 filing of such motion. The court shall provide notice to the
573 commissioner, the child or youth and such child's or youth's parent or
574 guardian of the time and place of the hearing on such motion not less
575 than ten days prior to the date of such hearing.

576 (2) At a permanency hearing held in accordance with the provisions
577 of subdivision (1) of this subsection, the court shall approve a
578 permanency plan that is in the best interests of the child or youth and

579 takes into consideration the child's or youth's need for permanency.
580 The health and safety of the child or youth shall be of paramount
581 concern in formulating such plan. At such hearing, the court shall
582 consider among other things: (A) The appropriateness of the
583 department's plan for service to the child or youth and his or her
584 family; (B) the treatment and support services that have been offered
585 and provided to the child or youth to strengthen and reunite the
586 family; (C) if return home is not likely for the child or youth, the efforts
587 that have been made or should be made to evaluate and plan for other
588 modes of care; and (D) any further efforts which have been or will be
589 made to promote the best interests of the child or youth.

590 (3) The permanency plan pursuant to subdivision (2) of this
591 subsection may include the goal of (A) placement of the child or youth
592 with the parent or guardian, (B) transfer of guardianship, (C) long-
593 term foster care with a relative licensed as a foster parent or certified as
594 a relative caregiver, (D) termination of parental rights and adoption, or
595 (E) such other planned permanent living arrangement ordered by the
596 court provided the commissioner has documented a compelling reason
597 why it would not be in the best interest of the child or youth for the
598 permanency plan to include the goals in subparagraphs (A) to (D),
599 inclusive, of this subdivision. Such other planned permanent living
600 arrangement may include, but not be limited to, placement of a child
601 or youth in an independent living program or long-term foster care
602 with an identified foster parent.

603 (4) At a permanency hearing, the court shall review the status of the
604 child or youth, the progress being made to implement the permanency
605 plan, determine a timetable for attaining the permanency prescribed
606 by the plan and determine whether the commissioner has made
607 reasonable efforts to achieve the permanency plan. At the conclusion
608 of the hearing, the court may: (A) Direct that the services being
609 provided, or the placement of the child or youth and reunification
610 efforts, be continued if the court, after hearing, determines that
611 continuation of the child or youth in services or placement is in the

612 [child] child's or youth's best interests, or (B) direct that the [child]
613 child's or youth's services or placement be modified to reflect the
614 [child] child's or youth's best interest.

615 (e) The commissioner shall adopt regulations, in accordance with
616 chapter 54, describing the documentation required for voluntary
617 admission and for informal administrative case review, upon request,
618 of any denial of an application for voluntary admission.

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

622 (g) Notwithstanding any provision of sections 17a-1 to 17a-26,
623 inclusive, as amended by this act, and 17a-28 to 17a-49, inclusive, [to
624 the contrary,] any person already under the care and supervision of the
625 Commissioner of Children and Families who has passed such person's
626 eighteenth birthday but has not yet reached such person's twenty-first
627 birthday, may be permitted to remain voluntarily under the
628 supervision of the commissioner, provided said commissioner, in said
629 commissioner's discretion, determines that such person would benefit
630 from further care and support from the Department of Children and
631 Families.

632 (h) Upon motion of any interested party in a Probate Court
633 proceeding under this section, the probate court of record may transfer
634 the file for cause shown to a probate court for a district other than the
635 district in which the initial or dispositional hearing was held. The file
636 shall be transferred by the probate court of record making copies of all
637 recorded documents in the court file, certifying each of them, and
638 delivering the certified copies to the probate court to which the matter
639 is transferred.

640 Sec. 8. Subsections (d) and (e) of section 17a-15 of the general
641 statutes are repealed and the following is substituted in lieu thereof
642 (*Effective October 1, 2003*):

643 (d) Upon motion of any sibling of any child or youth committed to
644 the Department of Children and Families pursuant to section 46b-129,
645 in any pending hearing held pursuant to subsection (c) of this section,
646 such sibling shall have the right to be heard concerning visitation with,
647 and placement of, any such child or youth.

648 (e) Any hearing held pursuant to a request made under subsection
649 (c) or (d) of this section shall be conducted as a contested case in
650 accordance with chapter 54 provided: (1) A final decision shall be
651 rendered within fifteen days following the close of evidence and filing
652 of briefs; and (2) any appeal of a decision pursuant to section 4-183
653 shall be to the district of the superior court for juvenile matters, where
654 the child or youth is located, as established in section 46b-142.

655 Sec. 9. Subsection (a) of section 17a-17 of the general statutes is
656 repealed and the following is substituted in lieu thereof (*Effective*
657 *October 1, 2003*):

658 (a) The Commissioner of Children and Families may, after
659 consultation with the Commissioner of Administrative Services,
660 establish by regulation a payment system, which shall be adopted in
661 accordance with chapter 54, for the direct payment of the reasonable
662 expense of goods or services determined by said commissioner to be
663 necessary for the care and maintenance of any child or youth in [his]
664 the commissioner's custody, or under [his] the commissioner's
665 guardianship, whether or not the child or youth has income or estate.
666 Ninety per cent of a clean claim for payments shall be made no later
667 than thirty days from receipt of the request for payment and ninety-
668 nine per cent shall be made within ninety days of such receipt. Upon
669 request of the Commissioner of Children and Families, the
670 Comptroller shall draw his or her order on the Treasurer, from time to
671 time, for such part of the appropriation for care of such children and
672 youth as may be needed in order to enable the commissioner to make
673 such payments. The Department of Administrative Services may bill to
674 and collect from the person in charge of the estate of any child or

675 youth in the custody of the Commissioner of Children and Families or
676 under said commissioner's guardianship, including his or her
677 descendants' estate, or the payee of such child's or youth's income, the
678 total amount expended for care of such child or youth or such portion
679 thereof as any such estate or payee is able to reimburse. For the
680 purposes of this section "clean claim" means a claim which can be
681 processed without obtaining additional substantiation from the
682 applicant for payment or other person entitled to receive payment. A
683 claim submitted by an applicant who is under investigation for fraud
684 or abuse shall not be considered a clean claim.

685 Sec. 10. Section 17a-26 of the general statutes is repealed and the
686 following is substituted in lieu thereof (*Effective October 1, 2003*):

687 The Commissioners of Mental Health and Addiction Services and
688 Children and Families shall insure that any federal funds available to
689 this state for services of any kind to children and youth which,
690 pursuant to federal statute or regulation, are required to be
691 administered by or payable to or under control of the Department of
692 Mental Health and Addiction Services, shall, by purchase of service or
693 otherwise, be transferred to and expended by the Department of
694 Children and Families.

695 Sec. 11. Section 17a-28 of the general statutes is repealed and the
696 following is substituted in lieu thereof (*Effective October 1, 2003*):

697 (a) As used in this section:

698 (1) "Person" means (A) any individual named in a record,
699 maintained by the department, who (i) is presently or at any prior time
700 was a ward of or committed to the commissioner for any reason; (ii)
701 otherwise received services, voluntarily or involuntarily, from the
702 department; or (iii) is presently or was at any prior time the subject of
703 an investigation by the department; (B) the parent of a person, as
704 defined in subparagraph (A) of this subdivision, if such person is a
705 [minor] child or youth; or (C) the authorized representative of a

706 person, as defined in subparagraph (A) of this subdivision, if such
707 person is deceased;

708 (2) "Attorney" means the licensed attorney authorized to assert the
709 confidentiality of or right of access to records of a person;

710 (3) "Authorized representative" means a parent, guardian,
711 conservator or other individual authorized to assert the confidentiality
712 of or right of access to records of a person;

713 (4) "Consent" means permission given in writing by a person, [his]
714 such person's attorney or [his] such person's authorized representative
715 to disclose specified information, within a limited time period,
716 regarding the person to specifically identified individuals;

717 (5) "Records" means information created or obtained in connection
718 with the department's child protection activities or activities related to
719 a child or youth while in the care or custody of the department,
720 including information in the registry of reports to be maintained by the
721 commissioner pursuant to section 17a-101k, as amended by this act,
722 provided records which are not created by the department are not
723 subject to disclosure, except as provided pursuant to subsection (f), (l)
724 or (n) of this section;

725 (6) "Disclose" means (A) to provide an oral summary of records
726 maintained by the department to an individual, agency, corporation or
727 organization, or (B) to allow an individual, agency, corporation or
728 organization to review or obtain copies of such records in whole, part
729 or summary form;

730 (7) "Near fatality" means an act, as certified by a physician, that
731 places a child or youth in serious or critical condition.

732 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,
733 records maintained by the department shall be confidential and shall
734 not be disclosed. Such records of any person may only be disclosed, in
735 whole or in part, to any individual, agency, corporation or

736 organization with the consent of the person or as provided in this
737 section. Any unauthorized disclosure shall be punishable by a fine of
738 not more than one thousand dollars or imprisonment for not more
739 than one year, or both.

740 (c) When information concerning an incident of abuse or neglect has
741 been made public or when the commissioner reasonably believes
742 publication of such information is likely, the commissioner or [his] the
743 commissioner's designee may disclose, with respect to an investigation
744 of such abuse or neglect: (1) Whether the department has received a
745 report in accordance with sections 17a-101a to 17a-101c, inclusive, as
746 amended by this act, or section 17a-103, as amended by this act, and (2)
747 in general terms, any action taken by the department, provided names
748 or other individually identifiable information of the minor victim or
749 other family member shall not be disclosed, notwithstanding such
750 individually identifiable information is otherwise available.

751 (d) The commissioner shall make available to the public, without
752 the consent of the person, information in general terms or findings
753 concerning an incident of abuse or neglect which resulted in a child or
754 youth fatality or near fatality of a child or youth, provided disclosure
755 of such information or findings does not jeopardize a pending
756 investigation.

757 (e) The commissioner shall, upon written request, disclose the
758 following information concerning agencies licensed by the Department
759 of Children and Families, except foster care parents, relatives of the
760 child or youth who are certified to provide foster care or prospective
761 adoptive families: (1) The name of the licensee; (2) the date the original
762 license was issued; (3) the current status of the license; (4) whether an
763 agency investigation or review is pending or has been completed; and
764 (5) any licensing action taken by the department at any time during the
765 period such license was issued and the reason for such action,
766 provided disclosure of such information will not jeopardize a pending
767 investigation.

768 (f) The commissioner or the commissioner's designee shall, upon
769 request, promptly provide copies of records, without the consent of a
770 person, to (1) a law enforcement agency, (2) the Chief State's Attorney
771 or the Chief State's Attorney's designee or a state's attorney for the
772 judicial district in which the child or youth resides or in which the
773 alleged abuse or neglect occurred or the state's attorney's designee, for
774 purposes of investigating or prosecuting an allegation of child abuse or
775 neglect, (3) the attorney appointed to represent a child or youth in any
776 court in litigation affecting the best interests of the child or youth, (4) a
777 guardian ad litem appointed to represent a child or youth in any court
778 in litigation affecting the best interests of the child or youth, (5) the
779 Department of Public Health, which licenses any person to care for
780 children and youth for the purposes of determining suitability of such
781 person for licensure, (6) any state agency which licenses such person to
782 educate or care for children and youth pursuant to section 10-145b or
783 17a-101j, as amended by this act, (7) the Governor, when requested in
784 writing, in the course of the Governor's official functions or the
785 Legislative Program Review and Investigations Committee, the
786 committee of the General Assembly on judiciary and the committee of
787 the General Assembly having cognizance of matters involving children
788 when requested in the course of such committees' official functions in
789 writing, and upon a majority vote of said committee, provided no
790 names or other identifying information shall be disclosed unless it is
791 essential to the legislative or gubernatorial purpose, (8) a local or
792 regional board of education, provided the records are limited to
793 educational records created or obtained by the state or Connecticut-
794 Unified School District #2, established pursuant to section 17a-37, and
795 (9) a party in a custody proceeding under section 17a-112, as amended
796 by this act, or section 46b-129, in the Superior Court where such
797 records concern a child or youth who is the subject of the proceeding
798 or the parent of such child or youth. A disclosure under this section
799 shall be made of any part of a record, whether or not created by the
800 department, provided no confidential record of the Superior Court
801 shall be disclosed other than the petition and any affidavits filed

802 therewith in the superior court for juvenile matters, except upon an
803 order of a judge of the Superior Court for good cause shown. The
804 commissioner shall also disclose the name of any individual who
805 cooperates with an investigation of a report of child abuse or neglect to
806 such law enforcement agency or state's attorney for purposes of
807 investigating or prosecuting an allegation of child abuse or neglect.
808 The commissioner or the commissioner's designee shall, upon request,
809 promptly provide copies of records, without the consent of the person,
810 to (A) the Department of Public Health for the purpose of determining
811 the suitability of a person to care for children and youth in a facility
812 licensed under sections 19a-77 to 19a-80, inclusive, 19a-82 to 19a-87,
813 inclusive, and 19a-87b, and (B) the Department of Social Services for
814 determining the suitability of a person for any payment from the
815 department for providing child care.

816 (g) When the commissioner or [his] the commissioner's designee
817 determines it to be in a person's best interest, the commissioner or [his]
818 the commissioner's designee may disclose records, whether or not
819 created by the department and not otherwise privileged or confidential
820 communications under state or federal law, without the consent of a
821 person to:

822 (1) Multidisciplinary teams which are formed to assist the
823 department in investigation, evaluation or treatment of child abuse
824 and neglect cases or a multidisciplinary provider of professional
825 treatment services under contract with the department for a child or
826 youth referred to the provider;

827 (2) Any agency in another state which is responsible for
828 investigating or protecting against child abuse or neglect for the
829 purpose of investigating a child abuse case;

830 (3) An individual, including a physician, authorized pursuant to
831 section 17a-101f to place a child or youth in protective custody if such
832 individual has before him or her a child or youth whom he or she
833 reasonably suspects may be a victim of abuse or neglect and such

834 individual requires the information in a record in order to determine
835 whether to place the child or youth in protective custody;

836 (4) An individual or public or private agency responsible for a
837 person's care or custody and authorized by the department to
838 diagnose, care for, treat or supervise a child or youth who is the subject
839 of a record of child abuse or neglect or a public or private agency
840 responsible for a person's education for a purpose related to the
841 individual's or agency's responsibilities;

842 (5) The Attorney General or any assistant attorney general
843 providing legal counsel for the department;

844 (6) Individuals or public or private agencies engaged in medical,
845 psychological or psychiatric diagnosis or treatment of a person
846 perpetrating the abuse or who is unwilling or unable to protect the
847 child or youth from abuse or neglect when the commissioner or [his]
848 the commissioner's designee determines that the disclosure is needed
849 to accomplish the objectives of diagnosis or treatment;

850 (7) A person who reports child abuse pursuant to sections 17a-101a
851 to 17a-101c, inclusive, as amended by this act, and section 17a-103, as
852 amended by this act, who made a report of abuse involving the subject
853 child or youth, provided the information disclosed is limited to (A) the
854 status of the investigation, and (B) in general terms, any action taken
855 by the department;

856 (8) An individual conducting bona fide research, provided no
857 information identifying the subjects of records shall be disclosed
858 unless (A) such information is essential to the purpose of the research;
859 (B) each person identified in a record or [his] such person's authorized
860 representative has authorized such disclosure in writing; and (C) the
861 department has given written approval;

862 (9) The Auditors of Public Accounts or their representative,
863 provided no information identifying the subjects of the records shall be

864 disclosed unless such information is essential to an audit conducted
865 pursuant to section 2-90;

866 (10) The Department of Social Services, provided the information
867 disclosed is necessary to promote the health, safety and welfare of the
868 child or youth;

869 (11) A judge of the Superior Court for purposes of determining the
870 appropriate disposition of a child convicted as delinquent or a child
871 who is a member of a family with service needs; and

872 (12) The superintendents, or their designees, of state-operated
873 facilities within the department.

874 (h) The commissioner or [his] the commissioner's designee may
875 disclose the name, address and fees for services to a person, to
876 individuals or agencies involved in the collection of fees for such
877 services, except as provided in section 17b-225. In cases where a
878 dispute arises over such fees or claims or where additional information
879 is needed to substantiate the fee or claim, such disclosure of further
880 information shall be limited to the following: (1) That the person was
881 in fact committed to or otherwise served by the department; (2) dates
882 and duration of service; and (3) a general description of the service,
883 which shall include evidence that a service or treatment plan exists and
884 has been carried out and evidence to substantiate the necessity for
885 admission and length of stay in any institution or facility.

886 (i) Notwithstanding the provisions of subsections (f) and (l) of this
887 section, the name of an individual reporting child abuse or neglect
888 shall not be disclosed without [his] such individual's written consent
889 except to (1) an employee of the department responsible for child
890 protective services or the abuse registry; (2) a law enforcement officer;
891 (3) an appropriate state's attorney; (4) an appropriate assistant attorney
892 general; (5) a judge of the Superior Court and all necessary parties in a
893 court proceeding pursuant to section 46b-129, or a criminal
894 prosecution involving child abuse or neglect; or (6) a state child care

895 licensing agency, executive director of any institution, school or facility
896 or superintendent of schools pursuant to section 17a-101i, as amended
897 by this act.

898 (j) Notwithstanding the provisions of subsection (g) of this section,
899 the name of any individual who cooperates with an investigation of a
900 report of child abuse or neglect shall be kept confidential upon request
901 or upon determination by the department that disclosure of such
902 information may be detrimental to the safety or interests of the
903 individual, except the name of any such individual shall be disclosed
904 to the persons listed in subsection (i) of this section.

905 (k) Notwithstanding the confidentiality provisions of this section,
906 the commissioner, upon request of an employee, shall disclose such
907 records to such employee or [his] the employee's authorized
908 representative which would be applicable and necessary for the
909 purposes of an employee disciplinary hearing or appeal from a
910 decision after such hearing.

911 (l) Information disclosed from a person's record shall not be
912 disclosed further without the written consent of the person, except if
913 disclosed to a party or [his] such person's counsel pursuant to an order
914 of a court in which a criminal prosecution or an abuse, neglect,
915 commitment or termination proceeding against the party is pending. A
916 state's attorney shall disclose to the defendant or [his] the defendant's
917 counsel in a criminal prosecution, without the necessity of a court
918 order, exculpatory information and material contained in such record
919 and may disclose, without a court order, information and material
920 contained in such record which could be the subject of a disclosure
921 order. All written records disclosed to another individual or agency
922 shall bear a stamp requiring confidentiality in accordance with the
923 provisions of this section. Such material shall not be disclosed to
924 anyone without written consent of the person or as provided by this
925 section. A copy of the consent form specifying to whom and for what
926 specific use the record is disclosed or a statement setting forth any

927 other statutory authorization for disclosure and the limitations
928 imposed thereon shall accompany such record. In cases where the
929 disclosure is made orally, the individual disclosing the information
930 shall inform the recipient that such information is governed by the
931 provisions of this section.

932 (m) In addition to the right of access provided in section 1-210, any
933 person, regardless of age, [his] such person's authorized representative
934 or attorney shall have the right of access to any records made,
935 maintained or kept on file by the department, whether or not such
936 records are required by any law or by any rule or regulation, when
937 those records pertain to or contain information or materials concerning
938 the person seeking access thereto, including but not limited to records
939 concerning investigations, reports, or medical, psychological or
940 psychiatric examinations of the person seeking access thereto,
941 provided that (1) information identifying an individual who reported
942 abuse or neglect of a person, including any tape recording of an oral
943 report pursuant to section 17a-103, as amended by this act, shall not be
944 released unless, upon application to the Superior Court by such person
945 and served on the Commissioner of Children and Families, a judge
946 determines, after in camera inspection of relevant records and a
947 hearing, that there is reasonable cause to believe the reporter
948 knowingly made a false report or that other interests of justice require
949 such release; and (2) if the commissioner determines that it would be
950 contrary to the best interests of the person or [his] such person's
951 authorized representative or attorney to review the records, [he] the
952 commissioner may refuse access by issuing to such person or
953 representative or attorney a written statement setting forth the reasons
954 for such refusal, and advise the person, [his] such person's authorized
955 representative or attorney of the right to seek judicial relief. When any
956 person, attorney or authorized representative, having obtained access
957 to any record, believes there are factually inaccurate entries or
958 materials contained therein, [he] such person shall have the
959 unqualified right to add a statement to the record setting forth what
960 [he] such person believes to be an accurate statement of those facts,

961 and said statement shall become a permanent part of said record.

962 (n) (1) Any person, attorney or authorized representative aggrieved
963 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or
964 of subsection (m) of this section, except subdivision (2) of said
965 subsection (m), may seek judicial relief in the same manner as
966 provided in section 52-146j; (2) any person, attorney or authorized
967 representative denied access to records by the commissioner under
968 subdivision (2) of subsection (m) of this section may petition the
969 superior court for the venue district provided in section 46b-142 in
970 which the person resides for an order requiring the commissioner to
971 permit access to those records, and the court after hearing, and an in
972 camera review of the records in question, shall issue such an order
973 unless it determines that to permit such access would be contrary to
974 the best interests of the person or authorized representative.

975 (o) The commissioner shall promulgate regulations pursuant to
976 chapter 54, within one year of October 1, 1996, to establish procedures
977 for access to and disclosure of records consistent with the provisions of
978 this section.

979 Sec. 12. Section 17a-38 of the general statutes is repealed and the
980 following is substituted in lieu thereof (*Effective October 1, 2003*):

981 The Department of Children and Families shall develop or contract
982 for home-based treatment programs designed to provide time-limited,
983 home-based services to families where a child or youth is in imminent
984 danger of being removed from the home and placed in foster care,
985 residential treatment or a psychiatric hospital setting. Such programs
986 shall be designed to prevent the unnecessary separation of children
987 and youth by providing intensive in-home services when an acute
988 crisis threatens the ability of the family to remain together.
989 Intervention may include, but shall not be limited to, intensive family,
990 individual and marriage counseling, training in communication and
991 negotiation skills, training in home maintenance skills, behavioral
992 management training, parent training, child development training, job

993 readiness training, client advocacy and arrangement for other services.

994 Sec. 13. Section 17a-47 of the general statutes is repealed and the
995 following is substituted in lieu thereof (*Effective October 1, 2003*):

996 There shall be a legal division which shall consist of attorneys-at-
997 law assigned to each regional office of the [department, who shall be
998 assistant attorneys general on the staff and under the direct
999 supervision of the Attorney General. Said division] Department of
1000 Children and Families, who shall be principal attorneys on the staff
1001 and under the supervision of the Commissioner of Children and
1002 Families. There shall also be assistant attorneys general assigned to
1003 each regional office of the Department of Children and Families on the
1004 staff and under the direct supervision of the Attorney General. Such
1005 assistant attorney generals shall diligently prosecute petitions of
1006 neglect giving priority to petitions which allege child abuse as the
1007 grounds of neglect. [The Department of Children and Families shall
1008 cooperate with such attorneys in preparation of their cases and shall
1009 render such assistance to them] Such assistant attorneys general shall
1010 cooperate with the Department of Children and Families in
1011 preparation of these cases and shall render such assistance to the
1012 Department of Children and Families as shall be necessary to protect
1013 the best interest of the child or youth named in the petition.

1014 Sec. 14. Section 17a-76 of the general statutes is repealed and the
1015 following is substituted in lieu thereof (*Effective October 1, 2003*):

1016 (a) Application for commitment of a mentally ill child or youth to a
1017 hospital for mental illness shall be made to the court of probate in the
1018 district in which such child or youth resides, or when his or her place
1019 of residence is out of state or unknown, the district in which he or she
1020 may be at the time of filing the application, except in cases where it is
1021 otherwise expressly provided by law. In any case in which the child or
1022 youth is hospitalized under sections [17a-75] 17a-76 to 17a-83,
1023 inclusive, as amended by this act, and an application for the
1024 commitment of such child or youth is filed in accordance with the

1025 provisions of sections [17a-75] 17a-76 to 17a-83, inclusive, as amended
1026 by this act, the jurisdiction shall be vested in the court of probate for
1027 the district in which the hospital where such child or youth is a patient
1028 is located. In the event that an application has previously been filed in
1029 another court of probate with respect to the same confinement, no
1030 further action shall be taken on such previous application.
1031 Notwithstanding the provisions of section 45a-7, if the child or youth is
1032 confined to a hospital outside the district of the court of probate in
1033 which the application for the child's or youth's commitment was made,
1034 the judge of probate from the district where the application was filed
1035 shall have jurisdiction to hold the hearing on such commitment at the
1036 hospital where such child or youth is hospitalized. The court shall
1037 exercise jurisdiction only upon written application alleging that such
1038 child or youth suffers from a mental disorder and is in need of
1039 treatment. Such application may be made by any person, and shall
1040 include the name and address of the hospital for mental illness to
1041 which the child's or youth's commitment is being sought and shall
1042 include the name, address and telephone number of any attorney
1043 appointed for the child or youth by the Superior Court pursuant to
1044 section 46b-129.

1045 (b) Any application for commitment of any child or youth under
1046 sections [17a-75] 17a-76 to 17a-83, inclusive, as amended by this act,
1047 shall be transferred from the court of probate where it has been filed to
1048 the superior court of appropriate venue upon motion of any legal
1049 party except the petitioner.

1050 (c) The motion for such transfer shall be filed with the court of
1051 probate prior to the beginning of any hearing on the merits. The
1052 moving party shall send copies of such motion to all parties of record.
1053 The court shall grant such motion the next business day after its receipt
1054 by the court. Immediately upon granting the motion, the clerk of the
1055 court shall transmit by certified mail the original file and papers to the
1056 superior court having jurisdiction. All parties to the proceeding shall
1057 be notified of the date on which the file and papers were transferred.

1058 (d) The court of probate shall appoint an attorney for such child or
1059 youth from the panel of attorneys established by subsection (b) of
1060 section 17a-498 on the next business day after receipt of the
1061 application, and as soon as reasonably possible shall appoint
1062 physicians as required under section 17a-77, as amended by this act,
1063 which appointments shall remain in full force and effect
1064 notwithstanding the fact that the matter has been transferred to the
1065 Superior Court.

1066 (e) On any matter not transferred to the Superior Court in
1067 accordance with this section, upon the motion of the child or youth for
1068 whom application has been made, or his or her counsel, or the judge of
1069 probate having jurisdiction over such application, filed not later than
1070 three days prior to any hearing scheduled on such application, the
1071 Probate Court Administrator shall appoint a three-judge court from
1072 among the several judges of probate to hear such application. Such
1073 three-judge court shall consist of at least one judge who is an attorney
1074 at law admitted to practice in this state. The judge of the court of
1075 probate having jurisdiction over such application under the provisions
1076 of this section shall be a member, provided such judge may disqualify
1077 himself or herself in which case all three members of such court shall
1078 be appointed by the Probate Court Administrator. Such three-judge
1079 court when convened shall have all the powers and duties set forth
1080 under sections [17a-75] 17a-76 to 17a-83, inclusive, as amended by this
1081 act, and shall be subject to all of the provisions of law as if it were a
1082 single-judge court. No such child or youth shall be involuntarily
1083 hospitalized without the vote of at least two of the three judges
1084 convened under the provisions of this section. The judges of such court
1085 shall designate a chief judge from among their members. All records
1086 for any case before the three-judge court shall be maintained in the
1087 court of probate having jurisdiction over the matter.

1088 Sec. 15. Section 17a-77 of the general statutes is repealed and the
1089 following is substituted in lieu thereof (*Effective October 1, 2003*):

1090 (a) Upon receipt of such application, the court shall assign a time for
1091 the hearing, not later than ten business days after such receipt, unless
1092 such application has been transferred in accordance with section 17a-
1093 76, as amended by this act, in which event such hearing shall be held
1094 by the Superior Court within ten business days of receipt of such
1095 application. The court hearing the matter shall further assign a place
1096 for hearing such application and shall cause reasonable notice thereof
1097 to be given to the child or youth, his or her parents and the hospital for
1098 mental illness named in such application and to such relatives and
1099 others as it deems advisable. The notice shall inform the child or youth
1100 (1) that he or she has a right to be present at the hearing; (2) that he or
1101 she has a right to present evidence and to cross-examine witnesses
1102 testifying at any hearing upon such application; (3) that the court has
1103 appointed an attorney to represent him or her, and the name, address
1104 and telephone number of such attorney. Counsel appointed to
1105 represent such child or youth shall also be appointed guardian ad
1106 litem for such child or youth unless the court deems it appropriate to
1107 appoint a separate guardian ad litem. The fees for counsel appointed
1108 to represent the child or youth shall be paid by the parents or guardian
1109 or the estate of such child. The notice to the child's or youth's parents
1110 or legal guardian shall inform them that (A) they have the right to be
1111 present at the hearing; (B) they have the right to present evidence and
1112 to cross-examine witnesses testifying at the hearing upon such
1113 application; and (C) they may be represented by an attorney and if
1114 they cannot afford an attorney, that the court shall appoint an attorney
1115 to represent them. The notice to the hospital for mental illness of
1116 children and youth shall inform such hospital of the time and place of
1117 the hearing, and request that if such hospital is unable to admit such
1118 child or youth, it shall so inform the court immediately. Prior to such
1119 hearing, counsel for the child or youth and counsel for the parents,
1120 respectively, in accordance with the provisions of section 52-146e, shall
1121 be afforded access to all records including, without limitation, hospital
1122 records if such child or youth is hospitalized, and shall be entitled to
1123 take notes therefrom. If such child or youth is hospitalized at the time

1124 of any hearing held under this section, the hospital shall make
1125 available at such hearing for use by the court or his or her counsel and
1126 by counsel for the parents all records in its possession relating to the
1127 child's or youth's need for hospitalization. The reasonable
1128 compensation of counsel appointed under the provisions of this
1129 section for persons who are indigent or otherwise unable to pay shall
1130 be established by, and paid from funds appropriated to, the Judicial
1131 Department, however, if funds have not been included in the budget
1132 of the Judicial Department for such purposes, such compensation shall
1133 be established by the Probate Court Administrator and paid from the
1134 Probate Court Administration Fund.

1135 (b) The court hearing the matter shall require a sworn certificate
1136 from at least two impartial physicians selected by the court, one of
1137 whom shall be a physician specializing in psychiatry. Both physicians
1138 shall be licensed to practice medicine in this state and shall have
1139 practiced medicine for at least one year. All appointments shall be
1140 made in accordance with procedures adopted by the Judicial
1141 Department. If such appointments have not already been made for a
1142 case transferred from the Probate Court under subsections (b) and (c)
1143 of section 17a-76, as amended by this act, then such physicians shall be
1144 appointed as soon as reasonably possible by the superior court to
1145 which such matter has been transferred. Each physician shall make a
1146 report on a separate form adopted for such purpose by the Probate
1147 Court Administrator or the Superior Court. The certificates shall
1148 include a statement from each physician that he or she has personally
1149 examined such child or youth within ten days of the hearing. The
1150 charges for such physicians shall be established by the Judicial
1151 Department and shall be paid in accordance with section 17a-82, as
1152 amended by this act.

1153 (c) If the child or youth refuses to be examined by the court
1154 appointed physicians as herein provided, the court may issue a
1155 warrant for the apprehension of the child or youth and a police officer
1156 for the town in which such court is located or if there is no such police

1157 officer then the state police shall deliver the child or youth to a general
1158 hospital where [he] the child or youth shall be examined by two
1159 physicians one of whom shall be a psychiatrist, in accordance with
1160 subsection (b) of this section. If, as a result of such examination, the
1161 child or youth is committed under subsection (e) of this section,
1162 transportation of the child or youth to any such hospital shall be in
1163 accordance with said subsection (e). If the child or youth is not
1164 committed under subsection (e) of this section, [he] said child or youth
1165 shall be released and the reports of such physicians shall be sent to the
1166 Court of Probate to satisfy the requirement of examination of two
1167 physicians under subsection (b) of this section.

1168 (d) The child or youth shall be present at any hearing for his or her
1169 commitment under the provisions of this section, provided the court
1170 may exclude him or her from such portions of the hearing at which
1171 testimony is given which the court determines would be seriously
1172 detrimental to his or her emotional or mental condition. If the child or
1173 youth is medicated at that time, a representative from the hospital
1174 shall inform the court of such fact and of the common effects of such
1175 medication. At the request of counsel for such child or youth or if in
1176 the opinion of at least one physician the child or youth could be a
1177 danger to himself or herself or others or it would be detrimental to the
1178 child's or youth's health and welfare to travel to the court facility
1179 hearing the application, then such hearing shall be held at the hospital
1180 in which the child or youth is hospitalized. In that event, such hospital
1181 shall provide adequate facilities for such hearing. All interested parties
1182 shall have the right to present evidence and cross-examine witnesses
1183 who testify at any hearing on the application.

1184 (e) If, after such hearing, the court finds by clear and convincing
1185 evidence that the child or youth suffers from a mental disorder, is in
1186 need of hospitalization for treatment, and such treatment is available,
1187 and such hospitalization is the least restrictive available alternative, it
1188 shall make an order for his or her commitment for a definite period not
1189 to exceed six months to a hospital for mental illness of children and

1190 youth to be named in such order. Unless already hospitalized, such
1191 order shall direct some suitable person to convey the child or youth to
1192 such hospital together with a copy of such order. In appointing a
1193 person to execute such order, the court shall give preference to a near
1194 relative or friend of the child or youth, so far as it deems practicable
1195 and judicious. All costs for transportation shall be paid in accordance
1196 with section 17a-82, as amended by this act. Such hospital shall release
1197 the child or youth when it concludes that he or she is no longer in need
1198 of hospitalization.

1199 (f) Any child or youth who has been committed by any court to a
1200 hospital for mental illness of children and youth may be transferred to
1201 any other hospital for mental illness of children and youth upon
1202 agreement of the superintendents of the respective institutions from
1203 and to which it is desired to make such transfer. Such agreement shall
1204 be in writing, executed in triplicate and in accordance with a form
1205 prescribed by the Attorney General, which form shall be uniform
1206 throughout the state. One copy of such agreement shall be filed for
1207 record in the court by which such person was committed and one copy
1208 retained in the files of each of the institutions participating in such
1209 transfer. Any such agreement shall have the same effect as an order of
1210 the court committing the person named in such order. No such
1211 transfer shall be made until the parent or representative of the child or
1212 youth has received written notification. The parent of any child or
1213 youth so transferred, or his or her next friend, may make application to
1214 the court which made the order of commitment, for a revocation or
1215 modification of such agreement, and such court shall order such notice
1216 of the time and place of hearing on such application as it finds
1217 reasonable and upon such hearing may revoke, modify or affirm such
1218 transfer. Such application shall act as a stay of any such order of
1219 transfer. Such hospital shall release the child or youth when it
1220 concludes that he or she is no longer in need of hospitalization.

1221 (g) No later than ten days prior to the expiration of the period of
1222 commitment, or prior to the expiration of any period of recommitment

1223 under the provisions of sections [17a-75] 17a-76 to 17a-83, inclusive, as
1224 amended by this act, an application for recommitment may be brought
1225 by any person to the court which heard the original application. Such
1226 application shall be brought in conformity with the provisions of this
1227 section and section 17a-76, as amended by this act, and may result in a
1228 further commitment for a definite period not to exceed six months. In
1229 the event such an application is filed, the original commitment or
1230 recommitment order shall be extended for a sufficient time to hold a
1231 hearing under this section and section 17a-76, as amended by this act,
1232 but in no event for more than twenty days beyond the expiration of the
1233 original commitment or recommitment. All fees and expenses incurred
1234 upon proceedings required by this section shall be payable as provided
1235 in section 17a-82, as amended by this act.

1236 Sec. 16. Section 17a-78 of the general statutes is repealed and the
1237 following is substituted in lieu thereof (*Effective October 1, 2003*):

1238 (a) If a physician determines that a child or youth is in need of
1239 immediate hospitalization for evaluation or treatment of a mental
1240 disorder, the child or youth may be hospitalized under an emergency
1241 or diagnostic certificate as provided in this section for not more than
1242 fifteen days without order of any court, unless a written application for
1243 commitment of such child or youth has been filed in the Court of
1244 Probate prior to the expiration of the fifteen days, in which event such
1245 hospitalization shall be continued under the emergency certificate for
1246 an additional fifteen days or twenty-five days if the matter has been
1247 transferred to the Superior Court, or until the completion of court
1248 proceedings, whichever occurs first. At the time of delivery of such
1249 child or youth to such hospital, there shall be left, with the persons in
1250 charge of such hospital, a certificate, signed by a physician licensed to
1251 practice medicine or surgery in Connecticut and dated not more than
1252 three days prior to its delivery to the person in charge of the hospital.
1253 Such certificate shall state the findings of the physician and the date of
1254 personal examination of the child or youth to be hospitalized, which
1255 shall be not more than three days prior to the date of the signature of

1256 the certificate.

1257 (b) Any child or youth hospitalized under this section shall be
1258 examined by a physician specializing in psychiatry within twenty-four
1259 hours of admission. If such physician is of the opinion that the child or
1260 youth does not require hospitalization for emergency evaluation or
1261 treatment of a mental disorder, such child or youth shall be
1262 immediately discharged. The physician shall record his or her findings
1263 in a permanent record.

1264 (c) If any child or youth is hospitalized under this section, the child
1265 or youth and the guardian of such child or youth shall be promptly
1266 informed by the hospital that such child or youth has the right to
1267 consult an attorney and the right to a hearing under subsection (d) of
1268 this section, and that if such a hearing is requested or an application
1269 for commitment is filed, such child or youth has the right to be
1270 represented by counsel, and that counsel will be provided at the state's
1271 expense if the child or youth is unable to pay for such counsel. The
1272 reasonable compensation for counsel provided to persons unable to
1273 pay shall be established by, and paid from funds appropriated to, the
1274 Judicial Department, however, if funds have not been included in the
1275 budget of the Judicial Department for such purposes, such
1276 compensation shall be established by the Probate Court Administrator
1277 and paid from the Probate Court Administration Fund.

1278 (d) At any time prior to the initiation of proceedings under section
1279 17a-76, as amended by this act, any child or youth hospitalized under
1280 this section or his or her representative, may, in writing, request a
1281 hearing. Such hearing shall be held within seventy-two hours of
1282 receipt of such request, excluding Saturdays, Sundays and holidays. At
1283 such hearing, the child or youth shall have the right to be present, to
1284 cross-examine all witnesses testifying, and to be represented by
1285 counsel as provided in section 17a-76, as amended by this act. The
1286 hearing shall be held by the court of probate having jurisdiction for
1287 commitment as provided in section 17a-76, as amended by this act, and

1288 the hospital shall immediately notify such court of any request for a
1289 hearing by a child or youth hospitalized under this section. At the
1290 conclusion of the hearing, if the court finds that there is probable cause
1291 to conclude that the child or youth is subject to involuntary
1292 hospitalization under this section, considering the condition of the
1293 child or youth at the time of the admission and at the time of the
1294 hearing, the effects of medication, if any, and the advisability of
1295 continued treatment based on testimony from the hospital staff, the
1296 court shall order that such child's or youth's hospitalization continue
1297 for the remaining time provided for in the emergency certificate or
1298 until the completion of probate proceedings under section 17a-76, as
1299 amended by this act. If the court does not find there is probable cause
1300 to conclude that the child or youth is subject to involuntary
1301 hospitalization under this section, the child or youth shall be
1302 immediately discharged.

1303 (e) The superintendent or director of any hospital for mental illness
1304 of children and youth shall immediately discharge any child or youth
1305 admitted under this section who is later found not to meet the
1306 standards for emergency treatment.

1307 Sec. 17. Section 17a-79 of the general statutes is repealed and the
1308 following is substituted in lieu thereof (*Effective October 1, 2003*):

1309 (a) Except as provided in subsection (b) of this section, any hospital
1310 may admit any child or youth for diagnosis or treatment of a mental
1311 disorder upon the written request of the child's or youth's parent. A
1312 child or youth fourteen years of age or over may be admitted under
1313 this section without consent of his or her parents if such child or youth
1314 consents in writing, provided that the parents of such child or youth, if
1315 any, shall be notified within five days of such admission that such
1316 child or youth has been hospitalized under the provisions of this
1317 subsection. If the whereabouts of such parents are unknown, then such
1318 child's or youth's nearest relative shall be so notified. In the event that
1319 a child's or youth's parent or guardian requests in writing release of

1320 such child or youth, or in the event a child or youth age fourteen or
1321 older who has been admitted with his or her written consent requests
1322 in writing his or her release, the hospital shall release such child or
1323 youth or commence commitment proceedings in accordance with
1324 sections 17a-76 and 17a-77, as amended by this act, and the hospital
1325 may detain the child or youth for five business days, in order to allow
1326 an application to be filed. In the event such an application is filed, such
1327 hospitalization shall be continued for an additional period of time to
1328 allow such application to be heard, but in no event shall such
1329 hospitalization continue for more than fifteen days, or twenty-five
1330 days, if the matter has been transferred to the Superior Court, beyond
1331 the receipt of such application by the court.

1332 (b) No child or youth in the custody of the Commissioner of
1333 Children and Families shall be admitted for diagnosis or treatment
1334 except in accordance with sections 17a-76 to 17a-78, inclusive, as
1335 amended by this act, unless (1) the commissioner requests such
1336 admission, (2) legal counsel appointed by the [court] Superior Court
1337 for Juvenile Matters or the Probate Court in accordance with section
1338 17a-76, as amended by this act, agrees, in writing, to such admission,
1339 and (3) the child or youth, if fourteen years of age or over consents to
1340 such admission. The parents or guardian of the person of such child or
1341 youth, if any, shall be notified within five days of such admission that
1342 such child or youth has been hospitalized under the provisions of this
1343 section. If the whereabouts of such parents or guardian of the person is
1344 unknown, then the nearest relative of such child or youth shall be
1345 notified. In the event either parent or the guardian of the person of the
1346 child or youth requests in writing the release of such child or youth,
1347 the hospital shall release such child or youth, unless the Commissioner
1348 of Children and Families commences commitment proceedings in
1349 accordance with sections 17a-76 and 17a-77, as amended by this act.
1350 The hospital may detain the child or youth for five business days after
1351 receipt of the written request in order to allow an application to be
1352 filed. If an application is filed, hospitalization shall be continued for an
1353 additional period of time to allow the application to be heard, but in no

1354 event shall hospitalization continue for more than fifteen days, or
1355 twenty-five days, if the matter has been transferred to the Superior
1356 Court, beyond the receipt of such application by the court.

1357 Sec. 18. Section 17a-80 of the general statutes is repealed and the
1358 following is substituted in lieu thereof (*Effective October 1, 2003*):

1359 If any child or youth, fourteen years of age or over, hospitalized
1360 upon the written request of his or her parent under section 17a-79, as
1361 amended by this act, or his or her representative, requests a hearing in
1362 writing, to review his or her status as a voluntary patient, such hearing
1363 shall be held within three business days. Any child or youth fourteen
1364 years of age or over shall be informed in writing of his or her right to
1365 have a hearing under this section upon admission to the hospital and
1366 any child or youth reaching the age of fourteen who is already
1367 hospitalized as a voluntary patient shall be informed within five days
1368 of his or her reaching such age. At such hearing, the child or youth
1369 shall have the right to be present, to cross-examine all witnesses
1370 testifying, and to be represented by counsel as provided in section 17a-
1371 77, as amended by this act. The hearing may be requested at any time
1372 prior to the initiation of proceedings under section 17a-76, as amended
1373 by this act. The hearing shall be held by the court of probate in the
1374 district in which the hospital is located. The hospital shall immediately
1375 notify such court of any request for a hearing by a child or youth
1376 hospitalized under section 17a-79, as amended by this act. At the
1377 conclusion of the hearing, unless the court finds that there is clear and
1378 convincing evidence to conclude that the child or youth suffers from a
1379 mental disorder and is in need of hospitalization for treatment, that
1380 such treatment is available and that there is no less restrictive available
1381 alternative, the court shall order such child's or youth's release from
1382 the hospital, otherwise such hospitalization may continue in
1383 accordance with section 17a-79, as amended by this act. In no event
1384 shall a request for a hearing under this section be granted more than
1385 once in each ninety-day period. All fees and expenses incurred upon
1386 proceedings required by this section shall be paid as provided in

1387 section 17a-82, as amended by this act. The hospital shall furnish the
1388 court of probate in the district in which such hospital is located, on a
1389 monthly basis, a list of all children and youth admitted under the
1390 provisions of section 17a-79, as amended by this act, who have been
1391 hospitalized for a period of one year. Within ten days thereafter, such
1392 court shall appoint an impartial physician specializing in psychiatry
1393 from the panel of physicians established under subsection (b) of
1394 section 17a-77, as amended by this act, who shall see and examine each
1395 such child or youth within fifteen days after the appointment. If, in the
1396 opinion of such physician, such child or youth does not need
1397 continued hospitalization, then such child or youth shall be released
1398 unless an application is filed for his or her hospitalization under the
1399 provisions of sections 17a-76 to 17a-78, inclusive, as amended by this
1400 act.

1401 Sec. 19. Section 17a-81 of the general statutes is repealed and the
1402 following is substituted in lieu thereof (*Effective October 1, 2003*):

1403 (a) Parental consent shall be necessary for treatment. In the event
1404 such consent is withheld or immediately unavailable and the physician
1405 concludes that treatment is necessary to prevent serious harm to the
1406 child or youth, such emergency treatment may be administered
1407 pending receipt of parental consent.

1408 (b) Involuntary patients may receive medication and treatment
1409 without their consent, or the consent of their parents, but no medical or
1410 surgical procedures may be performed without the written informed
1411 consent of: (1) The child's or youth's parent, if he or she has one; or (2)
1412 such child's [next of kin] or youth's legal guardian; or (3) a qualified
1413 physician appointed by a judge of the Probate Court who signed the
1414 order of hospitalization, except in accordance with subsection (c) of
1415 this section.

1416 (c) If the head of a hospital, in consultation with a physician,
1417 determines that the condition of a child or youth, whether a voluntary
1418 or involuntary patient, is of an extremely critical nature, then

1419 emergency measures may be taken without the consent otherwise
1420 provided for in this section.

1421 Sec. 20. Section 17a-82 of the general statutes is repealed and the
1422 following is substituted in lieu thereof (*Effective October 1, 2003*):

1423 (a) When any child or youth is in need of hospitalization and is
1424 hospitalized in a state hospital for children and youth under sections
1425 [17a-75] 17a-76 to 17a-83, inclusive, as amended by this act, or when an
1426 applicant is indigent, all fees and expenses incurred upon the court
1427 commitment proceedings, except attorneys fees paid pursuant to the
1428 provisions of section 17a-77, as amended by this act, shall be paid by
1429 the state, from funds appropriated to the Department of Children and
1430 Families, and if any child or youth is hospitalized in a private hospital
1431 or if any child or youth is found not to be mentally disordered and in
1432 need of hospitalization, such fees and expenses shall be paid by the
1433 applicant, except attorneys fees paid under the provisions of section
1434 17a-77, as amended by this act. Compensation shall be determined by
1435 the court hearing the matter in accordance with rules adopted by the
1436 Superior Court.

1437 (b) The expenses, if any, of necessary transportation to a state
1438 hospital for mental illness for hospitalization of any child or youth
1439 shall be paid for by the Department of Children and Families, if such
1440 child or youth or legally liable relative is unable to pay for the same.

1441 (c) The expenses of medically necessary transportation from any
1442 state facility or hospital to any other state facility or hospital shall be
1443 assumed by the state facility or hospital which initiated the transfer of
1444 such child or youth.

1445 Sec. 21. Section 17a-83 of the general statutes is repealed and the
1446 following is substituted in lieu thereof (*Effective October 1, 2003*):

1447 Any person who wilfully files or attempts to file or conspires with
1448 any person to file a fraudulent or malicious application, order or

1449 request for the commitment, hospitalization or treatment of any child
1450 or youth pursuant to section 17a-76, 17a-78 or 17a-79, as amended by
1451 this act, and any person who wilfully certifies falsely to the mental
1452 disorder of any child or youth in any certificate provided for in this
1453 part, and any person who, under the provisions of sections [17a-75]
1454 17a-76 to 17a-83, inclusive, as amended by this act, relating to mentally
1455 ill minors, wilfully reports falsely to any court or judge that any child
1456 or youth is mentally disordered, shall be fined not more than one
1457 thousand dollars or imprisoned not more than five years or both.

1458 Sec. 22. Section 17a-90 of the general statutes is repealed and the
1459 following is substituted in lieu thereof (*Effective October 1, 2003*):

1460 (a) The Commissioner of Children and Families shall have general
1461 supervision over the welfare of children and youth who require the
1462 care and protection of the state.

1463 (b) [He] The commissioner shall furnish protective services or
1464 provide and pay, wholly or in part, for the care and protection of
1465 children and youth other than those committed by the Superior Court
1466 whom [he] the commissioner finds in need of such care and protection
1467 from the state, and such payments shall be made in accordance with
1468 the provisions of subsection (k) of section 46b-129 provided the
1469 Commissioner of Administrative Services shall be responsible for
1470 billing and collecting such sums as are determined to be owing and
1471 due from the parent of the noncommitted child or youth in accordance
1472 with section 4a-12 and subsection (b) of section 17b-223.

1473 (c) [He] The commissioner shall [issue] adopt such regulations, in
1474 accordance with chapter 54, as [he] the commissioner may find
1475 necessary and proper to assure the adequate care, health and safety of
1476 children and youth under [his] the commissioner's care and general
1477 supervision.

1478 (d) [He] The commissioner may provide temporary emergency care
1479 for any child or youth whom [he] the commissioner deems to be in

1480 need thereof.

1481 (e) [He] The commissioner may provide care for children and youth
1482 in [his] the commissioner's guardianship through the resources of
1483 appropriate voluntary agencies.

1484 (f) Whenever requested to do so by the Superior Court, [he] the
1485 commissioner shall provide protective supervision to children and
1486 youth.

1487 (g) [He] The commissioner may make reciprocal agreements with
1488 other states and with agencies outside the state in matters relating to
1489 the supervision of the welfare of children and youth.

1490 Sec. 23. Section 17a-91 of the general statutes is repealed and the
1491 following is substituted in lieu thereof (*Effective October 1, 2003*):

1492 The Commissioner of Children and Families shall report, on
1493 February fifteenth annually, to the Governor and to the joint standing
1494 committees of the General Assembly having cognizance of matters
1495 relating to human services, the judiciary and human rights and
1496 opportunities, with respect to the status, (1) as of the January first
1497 preceding, of all children and youth committed to the commissioner's
1498 custody, including in such report the date of commitment with respect
1499 to each child or youth, and (2) of the central registry and monitoring
1500 system established in accordance with subsection (d) of section 17a-
1501 110, as amended by this act.

1502 Sec. 24. Section 17a-91a of the general statutes is repealed and the
1503 following is substituted in lieu thereof (*Effective October 1, 2003*):

1504 Beginning July 1, 1999, and monthly thereafter, the Department of
1505 Children and Families shall submit a report to the joint standing
1506 committees of the General Assembly having cognizance of matters
1507 relating to public health and human services on the number of children
1508 and [adolescents] youth in the custody of said department who are in
1509 subacute care in freestanding psychiatric or general hospitals and who

1510 cannot be discharged due to the lack of appropriate placements in the
1511 community.

1512 Sec. 25. Section 17a-94 of the general statutes is repealed and the
1513 following is substituted in lieu thereof (*Effective October 1, 2003*):

1514 The Commissioner of Children and Families may establish,
1515 maintain and operate, throughout the state, at such locations as [he]
1516 the commissioner finds suitable, receiving homes for children in [his]
1517 the commissioner's guardianship or care. For such purposes [he] the
1518 commissioner may purchase, lease, hold, sell or convey real and
1519 personal property, subject to the provisions of section 4b-21, and
1520 contract for the operation and maintenance of such receiving homes
1521 with any nonprofit group or organization. Said contract may include
1522 administrative, managerial and custodial services. The expense of
1523 obtaining and maintaining the same shall be paid out of the
1524 appropriation for the Department of Children and Families. The
1525 commissioner may, subject to the provisions of chapter 67, appoint
1526 such supervisory and other personnel as [he] the commissioner finds
1527 necessary for the management of such homes. The maximum charge to
1528 be made for care of children and youth in such homes shall be the
1529 same as the charge for care of patients in state humane institutions.

1530 Sec. 26. Section 17a-95 of the general statutes is repealed and the
1531 following is substituted in lieu thereof (*Effective October 1, 2003*):

1532 Equal privileges shall be granted to [clergymen] clergy of all
1533 religious denominations to impart religious instruction to the children
1534 and youth residing in receiving homes maintained and operated by the
1535 Commissioner of Children and Families, and every reasonable
1536 opportunity shall be allowed such [clergymen] clergy to give religious
1537 and moral instruction to such children and youth as belong to their
1538 respective faiths. The Commissioner of Children and Families shall
1539 prescribe reasonable times and places when and where such
1540 instruction may be given.

1541 Sec. 27. Section 17a-96 of the general statutes is repealed and the
1542 following is substituted in lieu thereof (*Effective October 1, 2003*):

1543 The institutions having custody of such children and youth and the
1544 agencies and persons licensed by authority of sections 17a-90 to 17a-
1545 124, inclusive, as amended by this act, 17a-145 to 17a-155, inclusive, as
1546 amended by this act, 17a-175 to 17a-182, inclusive, 17a-185 and 46b-151
1547 to 46b-151g, inclusive, shall make such reports to the Commissioner of
1548 Children and Families at such reasonable times and in such form and
1549 covering such data as the commissioner directs. The commissioner and
1550 [his] the commissioner's deputy and agents shall supervise the placing
1551 of such children and youth in foster homes. The commissioner may
1552 place children and youth who have not been properly placed in homes
1553 suitable for their care and protection. In placing any child or youth in a
1554 foster home, the commissioner shall, if practicable, select a home of
1555 like religious faith to that of the parent or parents of such child or
1556 youth, if such faith is known or ascertainable by the exercise of
1557 reasonable care.

1558 Sec. 28. Section 17a-98 of the general statutes is repealed and the
1559 following is substituted in lieu thereof (*Effective October 1, 2003*):

1560 The Commissioner of Children and Families, or any agent
1561 appointed by [him] the commissioner, shall exercise careful
1562 supervision of each child or youth under [his] the commissioner's
1563 guardianship or care and shall maintain such contact with the child or
1564 youth and his or her foster family as is necessary to promote the child's
1565 or youth's safety and his or her physical, educational, moral and
1566 emotional development. The commissioner shall maintain such
1567 records and accounts as may be necessary for the proper supervision
1568 of all children and youth under [his] the commissioner's guardianship
1569 or care.

1570 Sec. 29. Section 17a-99 of the general statutes is repealed and the
1571 following is substituted in lieu thereof (*Effective October 1, 2003*):

1572 The Commissioner of Children and Families may delegate to [his] a
1573 deputy commissioner, [his] the commissioner's authority as guardian
1574 of children and youth committed to [him] the commissioner by the
1575 Superior Court, or whose guardianship is transferred to [him] the
1576 commissioner by a court of probate, and the signature of either official
1577 on any document pertaining to any such guardianship shall be valid.

1578 Sec. 30. Section 17a-100 of the general statutes is repealed and the
1579 following is substituted in lieu thereof (*Effective October 1, 2003*):

1580 Whenever it is found that any child or youth is not properly treated
1581 in any foster family or that any such foster family is not a suitable one
1582 and is of such character as to jeopardize the welfare of any child or
1583 youth so placed therein, the Commissioner of Children and Families,
1584 upon being satisfied of the ill treatment of the child or youth or the
1585 unsuitableness of the foster family, shall remove the child or youth
1586 from such foster family and take such further action as is necessary to
1587 secure the welfare of the child or youth.

1588 Sec. 31. Subsection (a) of section 17a-101 of the general statutes is
1589 repealed and the following is substituted in lieu thereof (*Effective*
1590 *October 1, 2003*):

1591 (a) The public policy of this state is: To protect children and youth
1592 whose health and welfare may be adversely affected through injury
1593 and neglect; to strengthen the family and to make the home safe for
1594 children and youth by enhancing the parental capacity for good child
1595 care; to provide a temporary or permanent nurturing and safe
1596 environment for children and youth when necessary; and for these
1597 purposes to require the reporting of suspected child abuse,
1598 investigation of such reports by a social agency, and provision of
1599 services, where needed, to such child or youth and family.

1600 Sec. 32. Section 17a-101a of the general statutes is repealed and the
1601 following is substituted in lieu thereof (*Effective October 1, 2003*):

1602 Any mandated reporter, as defined in section 17a-101, who in the
1603 ordinary course of such person's employment or profession has
1604 reasonable cause to suspect or believe that any child or youth under
1605 the age of eighteen years (1) has been abused or neglected, as defined
1606 in section 46b-120, (2) has had nonaccidental physical injury, or injury
1607 which is at variance with the history given of such injury, inflicted
1608 upon such child or youth, or (3) is placed at imminent risk of serious
1609 harm, shall report or cause a report to be made in accordance with the
1610 provisions of sections 17a-101b to 17a-101d, inclusive, as amended by
1611 this act. Any person required to report under the provisions of this
1612 section who fails to make such report shall be fined not less than five
1613 hundred dollars nor more than two thousand five hundred dollars and
1614 shall be required to participate in an educational and training program
1615 pursuant to subsection (d) of section 17a-101.

1616 Sec. 33. Section 17a-101b of the general statutes is repealed and the
1617 following is substituted in lieu thereof (*Effective October 1, 2003*):

1618 (a) An oral report shall be made by a mandated reporter as soon as
1619 practicable but not later than twelve hours after the mandated reporter
1620 has reasonable cause to suspect or believe that a child or youth has
1621 been abused or neglected or placed in imminent risk of serious harm,
1622 by telephone or in person to the Commissioner of Children and
1623 Families or a law enforcement agency. If a law enforcement agency
1624 receives an oral report, it shall immediately notify the Commissioner
1625 of Children and Families.

1626 (b) If the commissioner or the commissioner's designee suspects or
1627 knows that such person has knowingly made a false report, the
1628 identity of such person shall be disclosed to the appropriate law
1629 enforcement agency and to the perpetrator of the alleged abuse.

1630 (c) If the Commissioner of Children and Families, or the
1631 commissioner's designee, receives a report alleging sexual abuse or
1632 serious physical abuse, including, but not limited to, a report that: (1)
1633 A child or youth has died; (2) a child or youth has been sexually

1634 assaulted; (3) a child or youth has suffered brain damage or loss or
1635 serious impairment of a bodily function or organ; (4) a child or youth
1636 has been sexually exploited; or (5) a child or youth has suffered serious
1637 nonaccidental physical injury, the commissioner shall, within twelve
1638 hours of receipt of such report, notify the appropriate law enforcement
1639 agency.

1640 (d) Whenever a mandated reporter, as defined in section 17a-101, as
1641 amended by this act, has reasonable cause to suspect or believe that
1642 any child or youth has been abused or neglected by a member of the
1643 staff of a public or private institution or facility that provides care for
1644 such child or youth or a public or private school, the mandated
1645 reporter shall report as required in subsection (a) of this section. The
1646 Commissioner of Children and Families or the commissioner's
1647 designee shall notify the person in charge of such institution, facility or
1648 school or the person's designee, unless such person is the alleged
1649 perpetrator of the abuse or neglect of such child or youth. Such person
1650 in charge, or such person's designee, shall then immediately notify the
1651 child's or youth's parent or other person responsible for the child's or
1652 youth's care that a report has been made.

1653 Sec. 34. Section 17a-101c of the general statutes is repealed and the
1654 following is substituted in lieu thereof (*Effective October 1, 2003*):

1655 Within forty-eight hours of making an oral report, a mandated
1656 reporter shall submit a written report to the Commissioner of Children
1657 and Families or [his] the commissioner's representative. When a
1658 mandated reporter is a member of the staff of a public or private
1659 institution or facility that provides care for such child or youth or
1660 public or private school [he] such reporter shall also submit a copy of
1661 the written report to the person in charge of such institution, school or
1662 facility or the person's designee. In the case of a report concerning a
1663 certified school employee, a copy of the written report shall also be
1664 sent by the person in charge of such institution, school or facility to the
1665 Commissioner of Education or [his] said commissioner's

1666 representative. In the case of an employee of a facility or institution
1667 that provides care for a child or youth which is licensed by the state, a
1668 copy of the written report shall also be sent by the mandated reporter
1669 to the executive head of the state licensing agency.

1670 Sec. 35. Section 17a-101d of the general statutes is repealed and the
1671 following is substituted in lieu thereof (*Effective October 1, 2003*):

1672 All oral and written reports required in sections 17a-101a to 17a-
1673 101c, inclusive, as amended by this act, and section 17a-103, as
1674 amended by this act, shall contain, if known: (1) The names and
1675 addresses of the child or youth and his or her parents or other person
1676 responsible for his or her care; (2) the age of the child or youth; (3) the
1677 gender of the child or youth; (4) the nature and extent of the child's or
1678 youth's injury or injuries, maltreatment or neglect; (5) the approximate
1679 date and time the injury or injuries, maltreatment or neglect occurred;
1680 (6) information concerning any previous injury or injuries to, or
1681 maltreatment or neglect of, the child or youth or his or her siblings; (7)
1682 the circumstances in which the injury or injuries, maltreatment or
1683 neglect came to be known to the reporter; (8) the name of the person or
1684 persons suspected to be responsible for causing such injury or injuries,
1685 maltreatment or neglect; and (9) whatever action, if any, was taken to
1686 treat, provide shelter or otherwise assist the child or youth.

1687 Sec. 36. Section 17a-101f of the general statutes is repealed and the
1688 following is substituted in lieu thereof (*Effective October 1, 2003*):

1689 Any physician examining a child or youth with respect to whom
1690 abuse or neglect is suspected shall have the right to keep such child or
1691 youth in the custody of a hospital for no longer than ninety-six hours
1692 in order to perform diagnostic tests and procedures necessary to the
1693 detection of child abuse or neglect and to provide necessary medical
1694 care with or without the consent of such child's or youth's parents or
1695 guardian or other person responsible for the child's or youth's care,
1696 provided the physician has made reasonable attempts to (1) advise
1697 such child's or youth's parents or guardian or other person responsible

1698 for the child's or youth's care that [he] such physician suspects the
1699 child or youth has been abused or neglected, and (2) obtain consent of
1700 such child's or youth's parents or guardian or other person responsible
1701 for the child's or youth's care. In addition, such physician may take or
1702 cause to be taken photographs of the area of trauma visible on a child
1703 or youth who is the subject of such report without the consent of such
1704 child's or youth's parents or guardian or other person responsible for
1705 the child's or youth's care. All such photographs or copies thereof shall
1706 be sent to the local police department and the Department of Children
1707 and Families. The expenses for such care and such diagnostic tests and
1708 procedures, if not covered by insurance, shall be paid by the
1709 Commissioner of Children and Families, provided the state may
1710 recover such costs from the parent if the parent has been found by a
1711 court to have abused or neglected such child or youth.

1712 Sec. 37. Section 17a-101g of the general statutes is repealed and the
1713 following is substituted in lieu thereof (*Effective October 1, 2003*):

1714 (a) Upon receiving a report of child abuse or neglect, as provided in
1715 sections 17a-101a to 17a-101c, inclusive, as amended by this act, or
1716 section 17a-103, as amended by this act, in which the alleged
1717 perpetrator is (1) a person responsible for such child's or youth's
1718 health, welfare or care, (2) a person given access to such child or youth
1719 by such responsible person, or (3) a person entrusted with the care of a
1720 child or youth, the Commissioner of Children and Families, or the
1721 commissioner's designee, shall cause the report to be classified and
1722 evaluated immediately. If the report contains sufficient information to
1723 warrant an investigation, the commissioner shall make the
1724 commissioner's best efforts to commence an investigation of a report
1725 concerning an imminent risk of physical harm to a child or youth, or
1726 other emergency within two hours of receipt of the report and shall
1727 commence an investigation of all other reports within seventy-two
1728 hours of receipt of the report. The department shall complete any such
1729 investigation within thirty calendar days of receipt of the report. If the
1730 report is a report of [child] abuse or neglect in which the alleged

1731 perpetrator is not a person specified in subdivision (1), (2) or (3) of this
1732 subsection, the Commissioner of Children and Families shall refer the
1733 report to the appropriate local law enforcement authority for the town
1734 in which the child or youth resides or in which the alleged abuse or
1735 neglect occurred.

1736 (b) The investigation shall include a home visit at which the child or
1737 youth and any siblings are observed, if appropriate, a determination of
1738 the nature, extent and cause or causes of the reported abuse or neglect,
1739 a determination of the person or persons suspected to be responsible
1740 for such abuse or neglect, the name, age and condition of other
1741 children or youth residing in the same household and an evaluation of
1742 the parents and the home. The report of such investigation shall be in
1743 writing. The investigation shall also include, but not be limited to, a
1744 review of criminal conviction information concerning the person or
1745 persons alleged to be responsible for such abuse or neglect and
1746 previous allegations of abuse or neglect relating to the child or youth
1747 or other children or youth residing in the household or relating to
1748 family violence.

1749 (c) If the Commissioner of Children and Families, or [his] the
1750 commissioner's designee, has probable cause to believe that the child
1751 or youth or any other child or youth in the household is in imminent
1752 risk of physical harm from his or her surroundings and that immediate
1753 removal from such surroundings is necessary to ensure the child's or
1754 youth's safety, the commissioner, or [his] the commissioner's designee,
1755 shall authorize any employee of the department or any law
1756 enforcement officer to remove the child or youth and any other child
1757 or youth similarly situated from such surroundings without the
1758 consent of the child's or youth's parent or guardian. The commissioner
1759 shall record in writing the reasons for such removal and include such
1760 record with the report of the investigation conducted under subsection
1761 (b) of this section.

1762 (d) The removal of a child or youth pursuant to subsection (c) of this

1763 section shall not exceed ninety-six hours. During the period of such
1764 removal, the commissioner, or [his] the commissioner's designee, shall
1765 provide the child or youth with all necessary care, including medical
1766 care, which may include an examination by a physician or mental
1767 health professional with or without the consent of the child's or youth's
1768 parents, guardian or other person responsible for the child's or youth's
1769 care, provided reasonable attempts have been made to obtain consent
1770 of the child's or youth's parents or guardian or other person
1771 responsible for the care of such child or youth. During the course of a
1772 medical examination, a physician may perform diagnostic tests and
1773 procedures necessary for the detection of child abuse or neglect. If the
1774 child or youth is not returned home within such ninety-six-hour
1775 period, with or without protective services, the department shall
1776 proceed in accordance with section 46b-129.

1777 Sec. 38. Section 17a-101h of the general statutes is repealed and the
1778 following is substituted in lieu thereof (*Effective October 1, 2003*):

1779 Notwithstanding any provision of the general statutes to the
1780 contrary, any person authorized to conduct an investigation of abuse
1781 or neglect shall coordinate investigatory activities in order to minimize
1782 the number of interviews of any child or youth and share information
1783 with other persons authorized to conduct an investigation of [child]
1784 abuse or neglect, as appropriate. The commissioner shall obtain the
1785 consent of parents or guardians or other persons responsible for the
1786 care of the child or youth to any interview with a child or youth,
1787 except that such consent shall not be required when the department
1788 has reason to believe such parent or guardian or other person
1789 responsible for the care of the child or youth or member of the child's
1790 or youth's household is the perpetrator of the alleged abuse or neglect.
1791 If consent is not required to conduct the interview, such interview shall
1792 be conducted in the presence of a disinterested adult unless immediate
1793 access to the child or youth is necessary to protect the child or youth
1794 from imminent risk of physical harm and a disinterested adult is not
1795 available after reasonable search.

1796 Sec. 39. Subsections (a) and (b) of section 17a-101i of the general
1797 statutes are repealed and the following is substituted in lieu thereof
1798 (*Effective October 1, 2003*):

1799 (a) Notwithstanding any provision of the general statutes to the
1800 contrary, after an investigation has been completed and the
1801 Commissioner of Children and Families, based upon the results of the
1802 investigation, has reasonable cause to believe that a child or youth has
1803 been abused by a school employee who holds a certificate, permit or
1804 authorization issued by the State Board of Education, the
1805 commissioner shall notify the employing superintendent of such
1806 finding and shall provide records, whether or not created by the
1807 department, concerning such investigation to the superintendent who
1808 shall suspend such school employee. Such suspension shall be with
1809 pay and shall not result in the diminution or termination of benefits to
1810 such employee. Within seventy-two hours after such suspension the
1811 superintendent shall notify the local or regional board of education
1812 and the Commissioner of Education, or the commissioner's
1813 representative, of the reasons for and conditions of the suspension. The
1814 superintendent shall disclose such records to the Commissioner of
1815 Education and the local or regional board of education or its attorney
1816 for purposes of review of employment status or the status of such
1817 employee's certificate, permit or authorization. The suspension of a
1818 school employee employed in a position requiring a certificate shall
1819 remain in effect until the board of education acts pursuant to the
1820 provisions of section 10-151. If the contract of employment of such
1821 certified school employee is terminated, the superintendent shall
1822 notify the Commissioner of Education, or the commissioner's
1823 representative, within seventy-two hours after such termination. Upon
1824 receipt of such notice from the superintendent, the Commissioner of
1825 Education may commence certification revocation proceedings
1826 pursuant to the provisions of subsection (m) of section 10-145b.
1827 Notwithstanding the provisions of sections 1-210 and 1-211,
1828 information received by the Commissioner of Education, or the
1829 commissioner's representative, pursuant to this section shall be

1830 confidential subject to regulations adopted by the State Board of
1831 Education under section 10-145g.

1832 (b) After an investigation has been completed and the
1833 Commissioner of Children and Families, based upon the results of the
1834 investigation, has reasonable cause to believe that a child or youth has
1835 been abused by a staff member of a public or private institution or
1836 facility providing care for children and youth or private school, the
1837 commissioner shall notify the executive director of such institution,
1838 school or facility and shall provide records, whether or not created by
1839 the department concerning such investigation to such executive
1840 director. Such institution, school or facility may suspend such staff
1841 person. Such suspension shall be with pay and shall not result in
1842 diminution or termination of benefits to such employee. Such
1843 suspension shall remain in effect until the incident of abuse has been
1844 satisfactorily resolved by the employer of the staff person. If such staff
1845 member has a professional license or certification issued by the state,
1846 the commissioner shall forthwith notify the state agency responsible
1847 for such license or certification of the staff member and provide
1848 records, whether or not created by the department, concerning such
1849 investigation.

1850 Sec. 40. Section 17a-101j of the general statutes is repealed and the
1851 following is substituted in lieu thereof (*Effective October 1, 2003*):

1852 (a) After the investigation has been completed and the
1853 Commissioner of Children and Families has reasonable cause to
1854 believe that sexual abuse or serious physical abuse of a child or youth
1855 has occurred, the commissioner shall notify the appropriate local law
1856 enforcement authority and the Chief State's Attorney or the Chief
1857 State's Attorney's designee or the state's attorney for the judicial
1858 district in which the child or youth resides or in which the abuse or
1859 neglect occurred of such belief and shall provide a copy of the report
1860 required in sections 17a-101a to 17a-101c, inclusive, as amended by this
1861 act, and 17a-103, as amended by this act.

1862 (b) Whenever a report has been made pursuant to sections 17a-101a
1863 to 17a-101c, inclusive, as amended by this act, and 17a-103, as
1864 amended by this act, alleging that abuse or neglect has occurred at an
1865 institution or facility that provides care for children and youth and is
1866 subject to licensure by the state for the caring of children and youth,
1867 and the Commissioner of Children and Families, after investigation,
1868 has reasonable cause to believe abuse or neglect has occurred, the
1869 commissioner shall forthwith notify the state agency responsible for
1870 such licensure of such institution or facility and provide records,
1871 whether or not created by the department, concerning such
1872 investigation.

1873 (c) If, after the investigation is completed, the commissioner
1874 determines that a parent or guardian inflicting abuse or neglecting a
1875 child or youth is in need of treatment for substance abuse, the
1876 commissioner shall refer such person to appropriate treatment
1877 services.

1878 Sec. 41. Section 17a-101k of the general statutes is repealed and the
1879 following is substituted in lieu thereof (*Effective October 1, 2003*):

1880 (a) The Commissioner of Children and Families shall maintain a
1881 registry of the reports received pursuant to sections 17a-101a to 17a-
1882 101d, inclusive, as amended by this act, and 17a-103, as amended by
1883 this act, and shall adopt regulations to implement the provisions of this
1884 section, including the use of the registry on a twenty-four-hour daily
1885 basis to prevent or discover abuse of children and youth and the
1886 establishment of a hearing process for any appeal by a person of the
1887 commissioner's determination that such person is responsible for the
1888 abuse or neglect of a child or youth pursuant to subsection (b) of
1889 section 17a-101g , as amended by this act. The information contained in
1890 the reports and any other information relative to child abuse, wherever
1891 located, shall be confidential subject to such statutes and regulations
1892 governing their use and access as shall conform to the requirements of
1893 federal law or regulations. Any violation of this section or the

1894 regulations adopted by the commissioner under this section shall be
1895 punishable by a fine of not more than one thousand dollars or
1896 imprisonment for not more than one year.

1897 (b) Notwithstanding the provisions of subsection (a) of this section,
1898 the Commissioner of Children and Families shall disclose to the
1899 Commissioner of Social Services, or [his] the commissioner's designee,
1900 registry information necessary for the evaluation of the temporary
1901 family assistance program operated by the Department of Social
1902 Services.

1903 Sec. 42. Section 17a-101l of the general statutes is repealed and the
1904 following is substituted in lieu thereof (*Effective October 1, 2003*):

1905 The Commissioner of Children and Families shall, within available
1906 resources, establish visitation centers for the purpose of facilitating
1907 visits between children and youth in the custody of the commissioner
1908 and those family members who are subject to supervised visitation.
1909 Such center shall provide a secure facility for supervised visitation or
1910 the transfer of custody of such children and youth for visitation.

1911 Sec. 43. Section 17a-103 of the general statutes is repealed and the
1912 following is substituted in lieu thereof (*Effective October 1, 2003*):

1913 (a) Any mandated reporter acting outside [his] such reporter's
1914 professional capacity and any other person having reasonable cause to
1915 suspect or believe that any child or youth under the age of eighteen is
1916 in danger of being abused, or has been abused or neglected, as defined
1917 in section 46b-120, may cause a written or oral report to be made to the
1918 Commissioner of Children and Families or [his] the commissioner's
1919 representative or a law enforcement agency. The Commissioner of
1920 Children and Families or [his] the commissioner's representative shall
1921 use his or her best efforts to obtain the name and address of a person
1922 who causes a report to be made pursuant to this section. In the case of
1923 an oral report, such report shall be recorded on tape and the
1924 commissioner or [his] the commissioner's representative shall

1925 announce to the person making such report that such report is being
1926 recorded and shall state the penalty for knowingly making a false
1927 report of child abuse or neglect under subsection (c) of section 17a-
1928 101e, as amended by this act.

1929 (b) Notwithstanding the provisions of section 17a-101k, if the
1930 identity of any such person who made a report pursuant to subsection
1931 (a) of this section is known, and the commissioner or [his] the
1932 commissioner's representative suspects or knows that such person has
1933 knowingly made a false report, such identity shall be disclosed to the
1934 appropriate law enforcement agency and to the perpetrator of the
1935 alleged abuse.

1936 (c) If the Commissioner of Children and Families, or [his] the
1937 commissioner's designee, receives a report alleging sexual abuse or
1938 serious physical abuse, including, but not limited to, a report that: (1)
1939 A child or youth has died; (2) a child or youth has been sexually
1940 assaulted; (3) a child or youth has suffered brain damage, loss or
1941 serious impairment of a bodily function or organ; (4) a child or youth
1942 has been sexually exploited; or (5) a child or youth has suffered serious
1943 nonaccidental physical injury, [he] the commissioner or the
1944 commissioner's designee shall, within twenty-four hours of receipt of
1945 such report, notify the appropriate law enforcement agency.

1946 Sec. 44. Section 17a-103a of the general statutes is repealed and the
1947 following is substituted in lieu thereof (*Effective October 1, 2003*):

1948 The Commissioner of Children and Families shall provide a
1949 telephone hotline for child abuse that shall be dedicated to receive
1950 reports of child abuse. Such hotline shall accept all reports of abuse or
1951 neglect regardless of the relationship of the alleged perpetrator to the
1952 child or youth who is the alleged victim and regardless of the alleged
1953 perpetrator's affiliation with any organization or other entity in any
1954 capacity. The commissioner shall classify and evaluate all reports
1955 pursuant to the provisions of section 17a-101g, as amended by this act.

1956 Sec. 45. Subsection (a) of section 17a-103b of the general statutes is
1957 repealed and the following is substituted in lieu thereof (*Effective*
1958 *October 1, 2003*):

1959 (a) Upon a substantiated complaint of abuse of a child or youth
1960 having a single custodial parent or a guardian, the Department of
1961 Children and Families shall give, when deemed to be in the best
1962 interests of the child or youth, to the noncustodial parent, custodial
1963 parent, guardian of the child or youth, and parents if the Department
1964 of Children and Families has custody of a child or youth, notice of (1)
1965 the circumstances of the complaint, including the name of the person
1966 who caused the abuse, (2) the availability of services from the
1967 department, including, but not limited to, child care subsidies and
1968 emergency shelter, and (3) the programs of the Office of Victim
1969 Services and information on obtaining a restraining order. The notice
1970 shall also inform the recipient that such child or youth may be
1971 removed from the custody of the custodial parent by the department if
1972 such removal is authorized under the general statutes. The department
1973 shall employ all reasonable efforts to provide the notice within ten
1974 days of substantiation of a complaint.

1975 Sec. 46. Section 17a-104 of the general statutes is repealed and the
1976 following is substituted in lieu thereof (*Effective October 1, 2003*):

1977 For the purposes of sections 17a-101 to 17a-103, inclusive, as
1978 amended by this act, and section 46b-129a, the treatment of any child
1979 or youth by a Christian Science practitioner in lieu of treatment by a
1980 licensed practitioner of the healing arts shall not of itself constitute
1981 maltreatment.

1982 Sec. 47. Section 17a-105 of the general statutes is repealed and the
1983 following is substituted in lieu thereof (*Effective October 1, 2003*):

1984 Whenever any person is arrested and charged with an offense under
1985 section 53-20 or 53-21 or under part V, VI or VII of chapter 952, the
1986 victim of which offense was a [minor] child or youth residing with the

1987 defendant, any judge of the Superior Court may, if it appears that the
1988 child's or youth's condition or circumstances surrounding the child's or
1989 youth's case so require and that continuation in the home is contrary to
1990 the child's or youth's welfare, issue an order to the Commissioner of
1991 Children and Families to assume immediate custody of such child or
1992 youth and, if the circumstances so require, any other children residing
1993 with the defendant and to proceed thereon as in cases reported under
1994 section 17a-101g, as amended by this act. Upon the issuance of such
1995 order, or not later than sixty days after the issuance of such order, the
1996 court shall make a determination whether the Department of Children
1997 and Families made reasonable efforts to keep the child or youth with
1998 his or her parents or guardian prior to the issuance of such order and,
1999 if such efforts were not made, whether such reasonable efforts were
2000 not possible, taking into consideration the child's or youth's best
2001 interests, including the child's or youth's health and safety.

2002 Sec. 48. Section 17a-106a of the general statutes is repealed and the
2003 following is substituted in lieu thereof (*Effective October 1, 2003*):

2004 (a) The Commissioner of Children and Families, may as department
2005 head of the lead agency, and the appropriate state's attorney establish
2006 multidisciplinary teams for the purpose of reviewing particular cases
2007 or particular types of cases or to coordinate the prevention,
2008 intervention and treatment in each judicial district to review selected
2009 cases of child abuse or neglect. The purpose of such multidisciplinary
2010 teams is to advance and coordinate the prompt investigation of
2011 suspected cases of child abuse or neglect, to reduce the trauma of any
2012 child or youth victim and to ensure the protection and treatment of the
2013 child or youth. The head of the local law enforcement agency or [his]
2014 such person's designee may request the assistance of the Division of
2015 State Police within the Department of Public Safety for such purposes.

2016 (b) Each multidisciplinary team shall consist of at least one
2017 representative of each of the following: (1) The state's attorney of the
2018 judicial district of the team, or [his] such attorney's designee; (2) the

2019 Commissioner of Children and Families, or [his] the commissioner's
2020 designee; (3) the head of the local or state law enforcement agencies, or
2021 [his] such person's designee; (4) a health care professional with
2022 substantial experience in the diagnosis and treatment of abused or
2023 neglected children and youth, who shall be designated by the team
2024 members; (5) a member, where appropriate, of a youth service bureau;
2025 (6) a mental health professional with substantial experience in the
2026 treatment of abused or neglected children and youth, who shall be
2027 designated by the team members; and (7) any other appropriate
2028 individual with expertise in the welfare of children and youth that the
2029 members of the team deem necessary. Each team shall select a
2030 chairperson. A team may invite experts to participate in the review of
2031 any case and may invite any other individual with particular
2032 information germane to the case to participate in such review,
2033 provided the expert or individual shall have the same protection and
2034 obligations under subsections (f) and (g) of this section as members of
2035 the team.

2036 (c) The Governor's task force for justice for abused children, through
2037 the subcommittee comprised of individuals with expertise in the
2038 investigation of child abuse and neglect, shall: (1) Establish and modify
2039 standards to be observed by multidisciplinary teams; (2) review
2040 protocols of the multidisciplinary teams; and (3) monitor and evaluate
2041 multidisciplinary teams and make recommendations for modifications
2042 to the system of multidisciplinary teams.

2043 (d) All criminal investigative work of the multidisciplinary teams
2044 shall be undertaken by members of the team who are law enforcement
2045 officers and all child protection investigative work of the teams shall
2046 be undertaken by members of the team who represent the Department
2047 of Children and Families, provided representatives of the department
2048 may coordinate all investigative work and rely upon information
2049 generated by the team. The protocols, procedures and standards of the
2050 multidisciplinary teams shall not supersede the protocols, procedures
2051 and standards of the agencies who are on the multidisciplinary team.

2052 (e) Each multidisciplinary team shall have access to and may copy
2053 any record, transcript, document, photograph or other data pertaining
2054 to an alleged child or youth victim within the possession of the
2055 Department of Children and Families, any public or private medical
2056 facility or any public or private health professional provided, in the
2057 case of confidential information, the coordinator of the team, or [his]
2058 such coordinator's designee, identifies the record in writing and
2059 certifies, under oath, that the record sought is necessary to investigate
2060 child abuse or neglect and that the team will maintain the record as
2061 confidential. No person who provides access to or copies of such
2062 record upon delivery of certification under this section shall be liable
2063 to any third party for such action. The multidisciplinary team shall not
2064 be deemed to be a public agency under the Freedom of Information
2065 Act.

2066 (f) No person shall disclose information obtained from a meeting of
2067 the multidisciplinary team without the consent of the participant of the
2068 meeting who provided such information unless disclosure is ordered
2069 by a court of competent jurisdiction or is necessary to comply with the
2070 provisions of the Constitution of the state of Connecticut.

2071 (g) Each multidisciplinary team shall maintain records of meetings
2072 that include, but are not limited to, the name of the alleged victim and
2073 perpetrator, the names of the members of the multidisciplinary team
2074 and their positions, the decision or recommendation of the team and
2075 support services provided. In any proceeding to gain access to such
2076 records or testimony concerning matters discussed at a meeting, the
2077 privileges from disclosure applicable to the information provided by
2078 each of the participants at the meeting shall apply to all participants.

2079 Sec. 49. Section 17a-106b of the general statutes is repealed and the
2080 following is substituted in lieu thereof (*Effective October 1, 2003*):

2081 (a) The state of Connecticut finds that family violence can result in
2082 abuse and neglect of the children and youth living in the household
2083 where such violence occurs and that the prevention of child abuse and

2084 neglect depends on coordination of domestic violence and child
2085 protective services.

2086 (b) The Commissioner of Children and Families may consider the
2087 existence and the impact of family violence in any child abuse or
2088 neglect investigation and may assist family members in obtaining
2089 protection from family violence.

2090 Sec. 50. Section 17a-109 of the general statutes is repealed and the
2091 following is substituted in lieu thereof (*Effective October 1, 2003*):

2092 When, because of the mental or physical condition of any child or
2093 youth committed to the Commissioner of Children and Families under
2094 the provisions of section 46b-129, or because of a behavior problem,
2095 such child or youth cannot be satisfactorily cared for in a foster home,
2096 said commissioner may bring a petition to the court which committed
2097 such child or youth for the commitment of such child or youth to a
2098 suitable child-caring facility, and, upon being satisfied that such
2099 commitment is in the best interest of such child or youth, such court
2100 shall commit such child or youth to such an institution.

2101 Sec. 51. Section 17a-110 of the general statutes is repealed and the
2102 following is substituted in lieu thereof (*Effective October 1, 2003*):

2103 [(a) As used in this section, "child" means a person under the age of
2104 eighteen years; "foster child" means a child placed temporarily in a
2105 home, pending permanent placement; "permanent home" means a
2106 home for a child with the child's genetic or adoptive parents
2107 considered to be such child's permanent residence; and "permanency
2108 placement services" means services that are designed and rendered for
2109 the purpose of relocating a foster child with such child's legal family or
2110 finding a permanent home for such child, including, but not limited to,
2111 the following: (1) Treatment services for the child and the genetic
2112 family; (2) preplacement planning; (3) appropriate court proceedings
2113 to effect permanent placement, including, but not limited to, the
2114 following: (A) Termination of parental rights; (B) revocation of

2115 commitment; (C) removal or reinstatement of guardianship; (D)
2116 temporary custody; (4) recruitment and screening of permanent
2117 placement homes; (5) home study and evaluation of permanent
2118 placement homes; (6) placement of children in permanent homes; (7)
2119 postplacement supervision and services to such homes following
2120 finalization of such placements in the courts; and (8) other services
2121 routinely performed by caseworkers doing similar work in the
2122 Department of Children and Families.]

2123 [(b)] (a) At a hearing held in accordance with subsection (k) of
2124 section 46b-129 and section 17a-111b, as amended by this act, the court
2125 shall determine the appropriateness of continuing efforts to reunify a
2126 child or youth with the child's or youth's family. If the court finds that
2127 such efforts are not appropriate, the Department of Children and
2128 Families shall within sixty days of such finding either (1) file a petition
2129 for the termination of parental rights, (2) file a motion to revoke the
2130 commitment and vest the custody and guardianship of the child or
2131 youth on a permanent or long-term basis in an appropriate individual
2132 or couple, or (3) file a written permanency plan with the court for
2133 permanent or long-term foster care, which plan shall include an
2134 explanation of the reason that neither termination of parental rights
2135 nor custody and guardianship is appropriate for the child or youth.
2136 The court shall promptly convene a hearing for the purpose of
2137 reviewing such written plan. If the permanency plan calls for placing
2138 the child or youth for adoption or in some other permanent home,
2139 good faith efforts shall be made to place the child or youth for
2140 adoption or in some other alternative home.

2141 [(c)] (b) Not later than January 1, 2000, the Department of Children
2142 and Families shall adopt regulations in accordance with chapter 54 to
2143 establish standards for permanency plans which shall include, but not
2144 be limited to: (1) Assessment of [kin] relatives, foster parents or other
2145 potential adoptive parents for adopting a child or youth; (2) preparing
2146 children and youth for adoption; (3) collaboration between family
2147 foster care services and adoption services; (4) transracial and cross-

2148 racial adoption; (5) open adoption; and (6) foster care and adoption
2149 subsidies.

2150 [(d)] (c) Not later than January 1, 2000, the Department of Children
2151 and Families shall, within available appropriations, establish and
2152 maintain (1) a central registry of all children and youth for whom a
2153 permanency plan has been formulated and in which adoption is
2154 recommended, and (2) a system to monitor the progress in
2155 implementing the permanency plan for such children and youth.

2156 [(e)] (d) Whenever the Commissioner of Children and Families
2157 deems it necessary or advisable in order to carry out the purposes of
2158 this section, the commissioner may contract with any private
2159 child-placing agency, as defined in section 45a-707, for a term of not
2160 less than three years and not more than five years, to provide any one
2161 or more permanency placement services on behalf of the Department
2162 of Children and Families. Whenever any contract is entered into under
2163 this section which requires private agencies to perform casework
2164 services, such as the preparation of applications and petitions for
2165 termination of parental rights, guardianship or other custodial matters,
2166 or which requires court appearances, the Attorney General shall
2167 provide legal services for the Commissioner of Children and Families
2168 notwithstanding that some of the services have been performed by
2169 caseworkers of private agencies, except that no such legal services shall
2170 be provided unless the Commissioner of Children and Families is a
2171 legal party to any court action hereunder.

2172 Sec. 52. Section 17a-110a of the general statutes is repealed and the
2173 following is substituted in lieu thereof (*Effective October 1, 2003*):

2174 (a) In order to achieve early permanency for children and youth,
2175 decrease [children's] the length of stay in foster care for children and
2176 youth, reduce the number of moves children and youth experience in
2177 foster care and reduce the amount of time between termination of
2178 parental rights and adoption, the Commissioner of Children and
2179 Families shall establish a program for concurrent permanency

2180 planning.

2181 (b) Concurrent permanency planning involves a planning process to
2182 identify permanent placements and prospective adoptive parents so
2183 that when termination of parental rights is granted by the court
2184 pursuant to section 17a-112, as amended by this act, or [section] 45a-
2185 717, permanent placement or adoption proceedings may commence
2186 immediately.

2187 (c) The commissioner shall establish guidelines and protocols for
2188 child-placing agencies involved in concurrent permanency planning,
2189 including criteria for conducting concurrent permanency planning
2190 based on relevant factors such as: (1) The age of the child or youth and
2191 duration of out-of-home placement; (2) the prognosis for successful
2192 reunification with parents; (3) the availability of relatives and other
2193 concerned individuals to provide support or a permanent placement
2194 for the child or youth; (4) special needs of the child or youth; and (5)
2195 other factors affecting the child's or youth's best interests, goals of
2196 concurrent permanency planning, support services that are available
2197 for families, permanency options, and the consequences of not
2198 complying with case plans.

2199 (d) Within six months of out-of-home placement, the Department of
2200 Children and Families shall complete an assessment of the likelihood
2201 of the child's or youth's being reunited with either or both birth
2202 parents, based on progress made to date. The Department of Children
2203 and Families shall develop a concurrent permanency plan for families
2204 with poor prognosis for reunification within such time period. Such
2205 assessment and concurrent permanency plan shall be filed with the
2206 court.

2207 (e) Concurrent permanency planning programs must include
2208 involvement of parents and full disclosure of their rights and
2209 responsibilities.

2210 (f) The commissioner shall provide ongoing technical assistance,

2211 support, and training for local child-placing agencies and other
2212 individuals and agencies involved in concurrent permanency
2213 planning.

2214 Sec. 53. Section 17a-110b of the general statutes is repealed and the
2215 following is substituted in lieu thereof (*Effective October 1, 2003*):

2216 The Commissioner of Children and Families shall, within available
2217 appropriations, establish an adoption resource exchange in this state
2218 within the Department of Children and Families. The primary purpose
2219 of the exchange shall be to link children and youth who are awaiting
2220 placement with permanent families by providing information and
2221 referral services and by the recruitment of potential adoptive families.
2222 The department and each child-placing agency shall register any child
2223 or youth who is free for adoption with such adoption resource
2224 exchange.

2225 Sec. 54. Section 17a-111 of the general statutes is repealed and the
2226 following is substituted in lieu thereof (*Effective October 1, 2003*):

2227 Any parents whose child or youth has been supported by the
2228 Commissioner of Children and Families for at least three years
2229 immediately preceding such child's or youth's eighteenth birthday
2230 shall not be entitled to such child's or youth's earnings or services
2231 during such child's or youth's minority.

2232 Sec. 55. Section 17a-111a of the general statutes is repealed and the
2233 following is substituted in lieu thereof (*Effective October 1, 2003*):

2234 (a) The Commissioner of Children and Families shall file a petition
2235 to terminate parental rights pursuant to section 17a-112, as amended
2236 by this act, if (1) the child or youth has been in the custody of the
2237 commissioner for at least fifteen consecutive months, or at least fifteen
2238 months during the twenty-two months, immediately preceding the
2239 filing of such petition; (2) the child or youth has been abandoned as
2240 defined in subsection (j) of section 17a-112, as amended by this act; or

2241 (3) a court of competent jurisdiction has found that (A) the parent has
2242 killed, through deliberate, nonaccidental act, a sibling of the child or
2243 youth or has requested, commanded, importuned, attempted,
2244 conspired or solicited to commit the killing of the child or youth, or a
2245 sibling of the child or youth; or (B) the parent has assaulted the child or
2246 youth or a sibling of a child or youth, through deliberate,
2247 nonaccidental act, and such assault resulted in serious bodily injury to
2248 such child or youth.

2249 (b) Notwithstanding the provisions of subsection (a) of this section,
2250 the commissioner is not required to file a petition to terminate parental
2251 rights in such cases if the commissioner determines that: (1) The child
2252 or youth or youth has been placed under the care of a relative of such
2253 child; (2) there is a compelling reason to believe that filing such
2254 petition is not in the best interests of the child or youth; or (3) the
2255 parent has not been offered the services contained in the permanency
2256 plan to reunify the parent with the child or youth or such services were
2257 not available, unless a court has determined that efforts to reunify the
2258 parent with the child or youth are not required.

2259 Sec. 56. Section 17a-111b of the general statutes is repealed and the
2260 following is substituted in lieu thereof (*Effective October 1, 2003*):

2261 (a) The Commissioner of Children and Families or any other party
2262 may, at any time, petition the court for a determination on whether
2263 reasonable efforts to reunify the parent with the child or youth are
2264 appropriate. The court shall hold an evidentiary hearing on the
2265 petition within thirty days of the filing of the petition. The court may
2266 determine that such efforts are not appropriate if the court finds upon
2267 clear and convincing evidence that: (1) The parent has subjected the
2268 child or youth to the following aggravated circumstances: (A) The
2269 child or youth has been abandoned as defined in subsection (j) of
2270 section 17a-112, as amended by this act; or (B) the parent has inflicted
2271 sexual molestation or exploitation or severe physical abuse on the child
2272 or youth or engaged in a pattern of abuse of the child or youth; (2) the

2273 parent has killed, through deliberate, nonaccidental act, another child
2274 or youth of the parent or a sibling of the child or youth, or has
2275 required, commanded, importuned, attempted, conspired or solicited
2276 to commit the killing of the child or youth, another child or youth of
2277 the parent or sibling of the child or youth, or has committed an assault,
2278 through deliberate, nonaccidental act, that resulted in serious bodily
2279 injury of the child or youth, another child or youth of the parent or a
2280 sibling of the child or youth; (3) the parental rights of the parent to a
2281 sibling have been involuntarily terminated within three years of the
2282 filing of a petition pursuant to this section, provided the commissioner
2283 has made reasonable efforts to reunify the parent with the child or
2284 youth during a period of at least ninety days; (4) the parent was
2285 convicted by a court of competent jurisdiction of sexual assault, except
2286 a conviction of a violation of section 53a-71 or 53a-73a resulting in the
2287 conception of the child; or (5) the child or youth was placed in the care
2288 and control of the commissioner pursuant to the provisions of sections
2289 17a-57 to 17a-61, inclusive.

2290 (b) If the court determined that such efforts are not appropriate, the
2291 court shall, at such hearing or at a hearing held not later than thirty
2292 days from such determination, approve a permanency plan for such
2293 child or youth which may include a requirement that the
2294 commissioner file a petition to terminate parental rights, long-term
2295 foster care, independent living, transfer of guardianship, or adoption.
2296 The child's or youth's health and safety shall be of paramount concern
2297 in formulating such plan.

2298 Sec. 57. Section 17a-112 of the general statutes is repealed and the
2299 following is substituted in lieu thereof (*Effective October 1, 2003*):

2300 (a) In respect to any child or youth in the custody of the
2301 Commissioner of Children and Families in accordance with section
2302 46b-129, either the commissioner, or the attorney who represented
2303 such child or youth in a pending or prior proceeding, or an attorney
2304 appointed by the Superior Court on its own motion, or an attorney

2305 retained by such child or youth after attaining the age of fourteen, may
2306 petition the court for the termination of parental rights with reference
2307 to such child or youth. The petition shall be in the form and contain the
2308 information set forth in subsection (b) of section 45a-715, and be
2309 subject to the provisions of subsection (c) of [said] section 45a-715. If a
2310 petition indicates that either or both parents consent to the termination
2311 of their parental rights, or if at any time following the filing of a
2312 petition and before the entry of a decree, a parent consents to the
2313 termination of the parent's parental rights, each consenting parent
2314 shall acknowledge such consent on a form promulgated by the Office
2315 of the Chief Court Administrator evidencing that the parent has
2316 voluntarily and knowingly consented to the termination of such
2317 parental rights. No consent to termination by a mother shall be
2318 executed within forty-eight hours immediately after the birth of such
2319 mother's child. A parent who is a minor shall have the right to consent
2320 to termination of parental rights and such consent shall not be voidable
2321 by reason of such minority. A guardian ad litem shall be appointed by
2322 the court to assure that such minor parent is giving an informed and
2323 voluntary consent.

2324 (b) Either or both birth parents and [an intended] a prospective
2325 adoptive parent may enter into a cooperative postadoption agreement
2326 regarding communication or contact between either or both birth
2327 parents and the adopted child or youth. Such an agreement may be
2328 entered into if: (1) The child or youth is in the custody of the
2329 Department of Children and Families; (2) an order terminating
2330 parental rights has not yet been entered; and (3) either or both birth
2331 parents agree to a voluntary termination of parental rights, including
2332 an agreement in a case which began as an involuntary termination of
2333 parental rights. The postadoption agreement shall be applicable only
2334 to a birth parent who is a party to the agreement. Such agreement shall
2335 be in addition to those under common law. Counsel for the child or
2336 youth and any guardian ad litem for the child or youth may be heard
2337 on the proposed cooperative postadoption agreement. There shall be
2338 no presumption of communication or contact between the birth

2339 parents and an intended adoptive parent in the absence of a
2340 cooperative postadoption agreement.

2341 (c) If the Superior Court determines that the child's or youth's best
2342 interests will be served by postadoption communication or contact
2343 with either or both birth parents, the court shall so order, stating the
2344 nature and frequency of the communication or contact. A court may
2345 grant postadoption communication or contact privileges if: (1) Each
2346 [intended] prospective adoptive parent consents to the granting of
2347 communication or contact privileges; (2) the [intended] prospective
2348 adoptive parent and either or both birth parents execute a cooperative
2349 agreement and file the agreement with the court; (3) consent to
2350 postadoption communication or contact is obtained from the child or
2351 youth, if the child or youth is at least twelve years of age; and (4) the
2352 cooperative postadoption agreement is approved by the court.

2353 (d) A cooperative postadoption agreement shall contain the
2354 following: (1) An acknowledgment by either or both birth parents that
2355 the termination of parental rights and the adoption is irrevocable, even
2356 if the adoptive parents do not abide by the cooperative postadoption
2357 agreement; and (2) an acknowledgment by the adoptive parents that
2358 the agreement grants either or both birth parents the right to seek to
2359 enforce the cooperative postadoption agreement.

2360 (e) The terms of a cooperative postadoption agreement may include
2361 the following: (1) Provision for communication between the child or
2362 youth and either or both birth parents; (2) provision for future contact
2363 between either or both birth parents and the child or youth or an
2364 adoptive parent; and (3) maintenance of medical history of either or
2365 both birth parents who are parties to the agreement.

2366 (f) The order approving a cooperative postadoption agreement shall
2367 be made part of the final order terminating parental rights. The finality
2368 of the termination of parental rights and of the adoption shall not be
2369 affected by implementation of the provisions of the postadoption
2370 agreement. Such an agreement shall not affect the ability of the

2371 adoptive parents and the child or youth to change their residence
2372 within or outside this state.

2373 (g) A disagreement between the parties or litigation brought to
2374 enforce or modify the agreement shall not affect the validity of the
2375 termination of parental rights or the adoption and shall not serve as a
2376 basis for orders affecting the custody of the child or youth. The court
2377 shall not act on a petition to change or enforce the agreement unless
2378 the petitioner had participated, or attempted to participate, in good
2379 faith in mediation or other appropriate dispute resolution proceedings
2380 to resolve the dispute and allocate any cost for such mediation or
2381 dispute resolution proceedings.

2382 (h) An adoptive parent, guardian ad litem for the child or youth or
2383 the court, on its own motion, may, at any time, petition for review of
2384 any order entered pursuant to subsection (c) of this section, if the
2385 petitioner alleges that such action would be in the best interests of the
2386 child or youth. The court may modify or terminate such orders as the
2387 court deems to be in the best interest of the adopted child or youth.

2388 (i) The Superior Court upon hearing and notice, as provided in
2389 sections 45a-716 and 45a-717, may grant a petition for termination of
2390 parental rights based on consent filed pursuant to this section if it finds
2391 that (1) upon clear and convincing evidence, the termination is in the
2392 best interest of the child or youth, and (2) such parent has voluntarily
2393 and knowingly consented to termination of the parent's parental rights
2394 with respect to such child or youth. If the court denies a petition for
2395 termination of parental rights based on consent, it may refer the matter
2396 to an agency to assess the needs of the child or youth, the care the child
2397 or youth is receiving and the plan of the parent for the child or youth.
2398 Consent for the termination of the parental rights of one parent does
2399 not diminish the parental rights of the other parent of the child or
2400 youth, nor does it relieve the other parent of the duty to support the
2401 child or youth.

2402 (j) The Superior Court, upon hearing and notice as provided in

2403 sections 45a-716 and 45a-717, may grant a petition filed pursuant to
2404 this section if it finds by clear and convincing evidence (1) that the
2405 Department of Children and Families has made reasonable efforts to
2406 locate the parent and to reunify the child or youth with the parent,
2407 unless the court finds in this proceeding that the parent is unable or
2408 unwilling to benefit from reunification efforts provided such finding is
2409 not required if the court has determined at a hearing pursuant to
2410 subsection (b) of section 17a-110, as amended by this act, or section
2411 17a-111b, as amended by this act, that such efforts are not appropriate,
2412 (2) that termination is in the best interest of the child or youth, and (3)
2413 that: (A) The child or youth has been abandoned by the parent in the
2414 sense that the parent has failed to maintain a reasonable degree of
2415 interest, concern or responsibility as to the welfare of the child or
2416 youth; (B) the child or youth (i) has been found by the Superior Court
2417 or the Probate Court to have been neglected or uncared for in a prior
2418 proceeding, or (ii) is found to be neglected or uncared for and has been
2419 in the custody of the commissioner for at least fifteen months and the
2420 parent of such child or youth has been provided specific steps to take
2421 to facilitate the return of the child or youth to the parent pursuant to
2422 section 46b-129 and has failed to achieve such degree of personal
2423 rehabilitation as would encourage the belief that within a reasonable
2424 time, considering the age and needs of the child or youth, such parent
2425 could assume a responsible position in the life of the child or youth;
2426 (C) the child or youth has been denied, by reason of an act or acts of
2427 parental commission or omission including, but not limited to, sexual
2428 molestation or exploitation, severe physical abuse or a pattern of
2429 abuse, the care, guidance or control necessary for the child's or youth's
2430 physical, educational, moral or emotional well-being. Nonaccidental or
2431 inadequately explained serious physical injury to a child or youth shall
2432 constitute prima facie evidence of acts of parental commission or
2433 omission sufficient for the termination of parental rights; (D) there is
2434 no ongoing parent-child relationship, which means the relationship
2435 that ordinarily develops as a result of a parent having met on a day to
2436 day basis the physical, emotional, moral and educational needs of the

2437 child or youth and to allow further time for the establishment or
2438 reestablishment of such parent-child relationship would be
2439 detrimental to the best interest of the child or youth; (E) the parent of a
2440 child or youth under the age of seven years who is neglected or
2441 uncared for, has failed, is unable or is unwilling to achieve such degree
2442 of personal rehabilitation as would encourage the belief that within a
2443 reasonable period of time, considering the age and needs of the child
2444 or youth, such parent could assume a responsible position in the life of
2445 the child or youth and such parent's parental rights of another child or
2446 youth were previously terminated pursuant to a petition filed by the
2447 Commissioner of Children and Families; (F) the parent has killed
2448 through deliberate, nonaccidental act another child or youth of the
2449 parent or has requested, commanded, importuned, attempted,
2450 conspired or solicited such killing or has committed an assault,
2451 through deliberate, nonaccidental act that resulted in serious bodily
2452 injury of another child or youth of the parent; or (G) the parent was
2453 convicted as an adult or a delinquent by a court of competent
2454 jurisdiction of a sexual assault resulting in the conception of the child
2455 or youth, except a conviction for a violation of section 53a-71 or
2456 53a-73a, provided the court may terminate such parent's parental
2457 rights to such child or youth at any time after such conviction.

2458 (k) Except in the case where termination is based on consent, in
2459 determining whether to terminate parental rights under this section,
2460 the court shall consider and shall make written findings regarding: (1)
2461 The timeliness, nature and extent of services offered, provided and
2462 made available to the parent and the child or youth by an agency to
2463 facilitate the reunion of the child or youth with the parent; (2) whether
2464 the Department of Children and Families has made reasonable efforts
2465 to reunite the family pursuant to the federal Adoption Assistance and
2466 Child Welfare Act of 1980, as amended; (3) the terms of any applicable
2467 court order entered into and agreed upon by any individual or agency
2468 and the parent, and the extent to which all parties have fulfilled their
2469 obligations under such order; (4) the feelings and emotional ties of the
2470 child or youth with respect to the child's or youth's parents, any

2471 guardian of such child's or youth's person and any person who has
2472 exercised physical care, custody or control of the child or youth for at
2473 least one year and with whom the child or youth has developed
2474 significant emotional ties; (5) the age of the child or youth; (6) the
2475 efforts the parent has made to adjust such parent's circumstances,
2476 conduct, or conditions to make it in the best interest of the child or
2477 youth to return such child or youth home in the foreseeable future,
2478 including, but not limited to, (A) the extent to which the parent has
2479 maintained contact with the child or youth as part of an effort to
2480 reunite the child or youth with the parent, provided the court may give
2481 weight to incidental visitations, communications or contributions, and
2482 (B) the maintenance of regular contact or communication with the
2483 guardian or other custodian of the child or youth; and (7) the extent to
2484 which a parent has been prevented from maintaining a meaningful
2485 relationship with the child or youth by the unreasonable act or conduct
2486 of the other parent of the child or youth, or the unreasonable act of any
2487 other person or by the economic circumstances of the parent.

2488 (l) Any petition brought by the Commissioner of Children and
2489 Families to the Superior Court, pursuant to subsection (a) of section
2490 46b-129, may be accompanied by or, upon motion by the petitioner,
2491 consolidated with a petition for termination of parental rights filed in
2492 accordance with this section with respect to such child or youth. Notice
2493 of the hearing on such petitions shall be given in accordance with
2494 sections 45a-716 and 45a-717. The Superior Court, after hearing, in
2495 accordance with the provisions of subsection (i) or (j) of this section,
2496 may, in lieu of granting the petition filed pursuant to section 46b-129,
2497 grant the petition for termination of parental rights as provided in
2498 section 45a-717.

2499 (m) Nothing contained in this section and sections 17a-113, as
2500 amended by this act, 45a-187, 45a-606, 45a-607, 45a-707 to 45a-709,
2501 inclusive, 45a-715 to 45a-718, inclusive, 45a-724, 45a-725, 45a-727,
2502 45a-733, 45a-754 and 52-231a shall negate the right of the
2503 Commissioner of Children and Families to subsequently petition the

2504 Superior Court for revocation of a commitment of a child or youth as
2505 to whom parental rights have been terminated in accordance with the
2506 provisions of this section. The Superior Court may appoint a statutory
2507 parent at any time after it has terminated parental rights if the
2508 petitioner so requests.

2509 (n) If the parental rights of only one parent are terminated, the
2510 remaining parent shall be the sole parent and, unless otherwise
2511 provided by law, guardian of the person.

2512 (o) In the case where termination of parental rights is granted, the
2513 guardian of the person or statutory parent shall report to the court
2514 within thirty days of the date judgment is entered on a case plan, as
2515 defined by the federal Adoption Assistance and Child Welfare Act of
2516 1980, for the child or youth which shall include measurable objectives
2517 and time schedules. At least every three months thereafter, such
2518 guardian or statutory parent shall make a report to the court on the
2519 progress made on implementation of the plan. The court may convene
2520 a hearing upon the filing of a report and shall convene a hearing for
2521 the purpose of reviewing the plan for the child or youth no more than
2522 twelve months from the date judgment is entered or from the date of
2523 the last permanency hearing held pursuant to subsection (k) of section
2524 46b-129, whichever is earlier, and at least once a year thereafter until
2525 the court determines that the adoption plan has become finalized. For
2526 children and youth where the commissioner has determined that
2527 adoption is appropriate, the report on the implementation of the plan
2528 shall include a description of the reasonable efforts the department is
2529 taking to promote and expedite the adoptive placement and to finalize
2530 the adoption of the child or youth, including documentation of child or
2531 youth specific recruitment efforts. At such hearing, the court shall
2532 determine whether the department has made reasonable efforts to
2533 achieve the permanency plan. If the court determines that the
2534 department has not made reasonable efforts to place a child or youth
2535 in an adoptive placement or that reasonable efforts have not resulted
2536 in the placement of the child or youth, the court may order the

2537 Department of Children and Families, within available appropriations,
2538 to contract with a child-placing agency to arrange for the adoption of
2539 the child or youth. The department, as statutory parent, shall continue
2540 to provide care and services for the child or youth while a child-
2541 placing agency is arranging for the adoption of the child or youth.

2542 (p) The provisions of this section shall be liberally construed in the
2543 best interests of any child or youth for whom a petition under this
2544 section has been filed.

2545 Sec. 58. Section 17a-113 of the general statutes is repealed and the
2546 following is substituted in lieu thereof (*Effective October 1, 2003*):

2547 When application has been made for the removal of one or both
2548 parents as guardians or of any other guardian of the person of such
2549 child or youth, or when an application has been made for the
2550 termination of the parental rights of any parties who may have
2551 parental rights with regard to any minor child or youth, the superior
2552 court in which such proceeding is pending may, if it deems it
2553 necessary based on the best interests of the child or youth, order the
2554 custody of such child or youth to be given to the Commissioner of
2555 Children and Families or some proper person or to the board of
2556 managers of any child-caring institution or organization, or any
2557 children's home or similar institution licensed or approved by the
2558 Commissioner of Children and Families, pending the determination of
2559 the matter, and may enforce such order by a warrant directed to a
2560 proper officer commanding the officer to take possession of the child
2561 or youth and to deliver such child or youth into the custody of the
2562 person, board, home or institution designated by such order; and said
2563 court may, if either or both parents are removed as guardians or if any
2564 other guardian of the person is removed, or if said parental rights are
2565 terminated, enforce its decree, awarding the custody of the child or
2566 youth to the person or persons entitled thereto, by a warrant directed
2567 to the proper officer commanding the officer to take possession of the
2568 child or youth and to deliver such child or youth into the care and

2569 custody of the person entitled thereto. Such officer shall make returns
2570 to such court of such officer's doings under either warrant. Upon the
2571 issuance of such order giving custody of the child or youth to the
2572 Commissioner of Children and Families, or not later than sixty days
2573 after the issuance of such order, the court shall make a determination
2574 whether the Department of Children and Families made reasonable
2575 efforts to keep the child or youth with his or her parents or guardian
2576 prior to the issuance of such order and, if such efforts were not made,
2577 whether such reasonable efforts were not possible, taking into
2578 consideration the child's or youth's best interests, including the child's
2579 or youth's health and safety.

2580 Sec. 59. Subsections (a) and (b) of section 17a-114 of the general
2581 statutes are repealed and the following is substituted in lieu thereof
2582 (*Effective October 1, 2003*):

2583 (a) No child or youth in the custody of the Commissioner of
2584 Children and Families shall be placed with any person, unless such
2585 person is licensed by the department, the Department of Public Health
2586 under the provisions of section 19a-490 or the Department of Mental
2587 Retardation under the provisions of section 17a-227 for that purpose or
2588 a home approved by a child placing agency licensed by the
2589 Commissioner of Children and Families under section 17a-149, as
2590 amended by this act. Any person licensed by the department to accept
2591 placement of a child or youth is deemed to be licensed to accept
2592 placement as a foster family or prospective adoptive family. The
2593 commissioner shall adopt regulations, in accordance with the
2594 provisions of chapter 54, to establish the licensing procedures and
2595 standards.

2596 (b) Notwithstanding the requirements of subsection (a) of this
2597 section, the commissioner may place a child or youth with a relative
2598 who is not licensed for a period of up to ninety days when such
2599 placement is in the best interests of the child or youth, provided a
2600 satisfactory home visit is conducted, a basic assessment of the family is

2601 completed and such relative attests that such relative and any adult
2602 living within the household have not been convicted of a crime or
2603 arrested for a felony against a person, for injury or risk of injury to or
2604 impairing the morals of a child or youth, or for the possession, use or
2605 sale of a controlled substance. Any such relative who accepts
2606 placement of a child or youth in excess of such ninety-day period shall
2607 be subject to licensure by the commissioner, except that any such
2608 relative who, prior to July 1, 2001, had been certified by the
2609 commissioner to provide care for a related child or youth may
2610 continue to maintain such certification if such relative continues to
2611 meet the regulatory requirements and the child or youth remains in
2612 such relative's care. The commissioner may grant a waiver [,] for a
2613 child or youth placed with a relative, on a case-by-case basis, from
2614 such procedure or standard, except any safety standard, based on the
2615 home of the relative and the needs and best interests of such child or
2616 youth. The reason for any waiver granted shall be documented. The
2617 commissioner shall adopt regulations, in accordance with the
2618 provisions of chapter 54, to establish certification procedures and
2619 standards for a caretaker who is a relative of such child or youth.

2620 Sec. 60. Section 17a-114a of the general statutes is repealed and the
2621 following is substituted in lieu thereof (*Effective October 1, 2003*):

2622 A person licensed or certified pursuant to section 17a-114, as
2623 amended by this act, shall be liable for any act or omission resulting in
2624 personal injury to a child or youth placed in [his] such person's care by
2625 the Commissioner of Children and Families to the same extent as a
2626 biological parent is liable for any act or omission resulting in personal
2627 injury to a biological child or youth in [his] such parent's care.

2628 Sec. 61. Section 17a-115 of the general statutes is repealed and the
2629 following is substituted in lieu thereof (*Effective October 1, 2003*):

2630 Notwithstanding any provision of the general statutes to the
2631 contrary, prior to the issuance of a license or certification to any person
2632 for the care or board of a child or youth under the provisions of section

2633 17a-145, as amended by this act, or for the care of a child or youth
2634 under the provisions of section 17a-114, as amended by this act, the
2635 commissioner may obtain all arrest records of any such person or
2636 persons pertaining to any arrest for a felony against a person, for
2637 injury or risk of injury to or impairing the morals of a child or youth,
2638 or for possession, use or sale of any controlled substance.

2639 Sec. 62. Section 17a-116a of the general statutes is repealed and the
2640 following is substituted in lieu thereof (*Effective October 1, 2003*):

2641 The Department of Children and Families shall, within available
2642 appropriations, prepare an information handbook for any individual
2643 interested in adopting a child or youth with special needs. The
2644 department and child-placing agencies shall give the handbook to such
2645 interested individual no later than the beginning of the home study
2646 process. The handbook shall contain information concerning matters
2647 relating to adoption and adoption assistance including, but not limited
2648 to, nondiscrimination practices set forth in section 45a-726,
2649 postplacement and postadoption services, adoption subsidies, deferred
2650 subsidy agreements, modification of rates and agreements, health care
2651 support, reimbursements, assistance if the family moves out of state
2652 and the right to records and information related to the history of the
2653 child or youth, including information available under subsection (a) of
2654 section 45a-746. The handbook shall be developed and updated by the
2655 Commissioner of Children and Families with the advice and assistance
2656 of the Connecticut Association of Foster and Adoptive Families and at
2657 least two other licensed child-placing agencies in Connecticut
2658 designated by the commissioner.

2659 Sec. 63. Section 17a-116b of the general statutes is repealed and the
2660 following is substituted in lieu thereof (*Effective October 1, 2003*):

2661 (a) An advisory committee on promoting the adoption of and
2662 provision of services to minority children and youth, and children and
2663 youth who are difficult to place in adoption is established within the
2664 Department of Children and Families.

2665 (b) The committee is composed of twelve members appointed by the
2666 commissioner. The commissioner shall appoint to the committee
2667 individuals who in the aggregate have knowledge of and experience in
2668 community education, cultural relations, family support, counseling,
2669 and parenting skills and education.

2670 (c) A committee member serves for a two-year term and may be
2671 appointed for additional terms.

2672 (d) A member of the committee receives no compensation.

2673 (e) The committee shall elect one member to serve as presiding
2674 officer. The presiding officer serves for a two-year term and may be
2675 elected for additional terms.

2676 (f) The commissioner shall set the time and place of the first
2677 committee meeting. The committee shall meet at least quarterly.

2678 (g) To promote the adoption of and provision of services to minority
2679 children and youth, the committee shall:

2680 (1) Study, develop and evaluate programs and projects relating to
2681 community awareness and education, family support, counseling,
2682 parenting skills and education and reform of the child welfare system;

2683 (2) Consult with churches and other cultural and civic
2684 organizations; and

2685 (3) Report to the department at least annually the committee's
2686 recommendations for department programs and projects that will
2687 promote the adoption of and provision of services to minority children
2688 and youth.

2689 (h) On receiving the committee's recommendations, the department
2690 may adopt rules to implement a program or project recommended
2691 under this section. The department may solicit, accept and use gifts
2692 and donations to implement a program or project recommended by

2693 the committee.

2694 (i) The department shall report to the General Assembly not later
2695 than January first of each odd-numbered year following the first year
2696 in which it receives recommendations under this section regarding
2697 committee recommendations and action taken by the department
2698 under this section.

2699 Sec. 64. Section 17a-117 of the general statutes is repealed and the
2700 following is substituted in lieu thereof (*Effective October 1, 2003*):

2701 (a) The Department of Children and Families may, and is
2702 encouraged to contract with child-placing agencies to arrange for the
2703 adoption of children and youth who are free for adoption. If (1) a child
2704 or youth for whom adoption is indicated, cannot, after all reasonable
2705 efforts consistent with the best interests of the child or youth, be placed
2706 in adoption through existing sources because the child or youth is a
2707 special needs child, and (2) the adopting family meets the standards
2708 for adoption which any other adopting family meets, the
2709 Commissioner of Children and Families shall, before adoption of such
2710 child or youth by such family, certify such child or youth as a special
2711 needs child and, after adoption, provide one or more of the following
2712 subsidies for the adopting parents: (A) A special-need subsidy, which
2713 is a lump sum payment paid directly to the person providing the
2714 required service, to pay for an anticipated expense resulting from the
2715 adoption when no other resource is available for such payment; or (B)
2716 a periodic subsidy which is a payment to the adopting family. [; and
2717 (C) in] In addition to the subsidies granted under this subsection, any
2718 medical benefits which are being provided prior to final approval of
2719 the adoption by the Court of Probate in accordance with the fee
2720 schedule and payment procedures under the state Medicaid program
2721 administered by the Department of Social Services shall continue as
2722 long as the child or youth qualifies as a dependent of the adoptive
2723 parent under the provisions of the Internal Revenue Code. Such
2724 medical subsidy may continue only until the child or youth reaches

2725 age twenty-one. A special-need subsidy may only be granted until the
2726 child or youth reaches age eighteen. A periodic subsidy may continue
2727 only until the child or youth reaches age eighteen and is subject to
2728 biennial review as provided for in section 17a-118, as amended by this
2729 act. The amount of a periodic subsidy shall not exceed the current costs
2730 of foster maintenance care.

2731 (b) Requests for subsidies after a final approval of the adoption by
2732 the Court of Probate may be considered at the discretion of the
2733 commissioner for conditions resulting from or directly related to the
2734 totality of circumstances surrounding the child or youth prior to
2735 placement in adoption. A written certification of the need for a subsidy
2736 shall be made by the Commissioner of Children and Families in each
2737 case and the type, amount and duration of the subsidy shall be
2738 mutually agreed to by the commissioner and the adopting parents
2739 prior to the entry of such decree. Any subsidy decision by the
2740 Commissioner of Children and Families may be appealed by a licensed
2741 child-placing agency or the adopting parent or parents to the Adoption
2742 Subsidy Review Board established under subsection (c) of this section.
2743 The commissioner shall adopt regulations establishing the procedures
2744 for determining the amount and the need for a subsidy.

2745 (c) There is established an Adoption Subsidy Review Board to hear
2746 appeals under this section [, section] and sections 17a-118 and [section]
2747 17a-120, as amended by this act. The board shall consist of the
2748 Commissioner of Children and Families, or the commissioner's
2749 designee, and a licensed representative of a child-placing agency and
2750 an adoptive parent appointed by the Governor. The Governor shall
2751 appoint an alternate licensed representative of a child-placing agency
2752 and an alternate adoptive parent. Such alternative members shall,
2753 when seated, have all the powers and duties set forth in this section
2754 and sections 17a-118 and 17a-120, as amended by this act. Whenever
2755 an alternate member serves in place of a member of the board, such
2756 alternate member shall represent the same interest as the member in
2757 whose place such alternative member serves. All decisions of the board

2758 shall be based on the best interest of the child or youth. Appeals under
2759 this section shall be in accordance with the provisions of chapter 54.

2760 Sec. 65. Section 17a-118 of the general statutes is repealed and the
2761 following is substituted in lieu thereof (*Effective October 1, 2003*):

2762 (a) There shall be a biennial review of the subsidy by the
2763 Commissioner of Children and Families in accordance with a schedule
2764 established by the commissioner or the commissioner's designee. The
2765 adoptive parents shall, at the time of such review, submit a sworn
2766 statement that the condition which caused the child or youth to be
2767 certified as a special needs child or a related condition continues to
2768 exist or has reoccurred and that the adoptive parent or parents are still
2769 legally responsible for the support of the child or youth and that the
2770 child or youth is receiving support from the adoptive family. If the
2771 subsidy is to be terminated or reduced by the Commissioner of
2772 Children and Families, notice of such proposed reduction or
2773 termination shall be given, in writing, to the adoptive parents and such
2774 adoptive parents shall, at least thirty days prior to the imposition of
2775 said reduction or termination, be given a hearing before the Adoption
2776 Subsidy Review Board. If such an appeal is taken, the subsidy shall
2777 continue without modification until the final decision of the Adoption
2778 Subsidy Review Board.

2779 (b) A child or youth who is a resident of the state of Connecticut
2780 when eligibility for subsidy is certified, shall remain eligible and
2781 continue to receive the subsidy regardless of the domicile or residence
2782 of the adoptive parents at the time of application for adoption,
2783 placement, legal decree of adoption or thereafter.

2784 Sec. 66. Section 17a-119 of the general statutes is repealed and the
2785 following is substituted in lieu thereof (*Effective October 1, 2003*):

2786 The Department of Children and Families shall establish and
2787 maintain an ongoing program of subsidized adoption and shall
2788 encourage the use of the program and assist in finding families for

2789 children and youth. The commissioner shall adopt regulations, in
2790 accordance with the provisions of chapter 54, to administer the
2791 program by December 31, 1987. Payment of subsidies under sections
2792 17a-116 to 17a-119, inclusive, as amended by this act, and subsection
2793 (b) of section 45a-111, shall be made from moneys available from any
2794 source to the Department of Children and Families for child welfare
2795 purposes.

2796 Sec. 67. Section 17a-120 of the general statutes is repealed and the
2797 following is substituted in lieu thereof (*Effective October 1, 2003*):

2798 (a) Any child or youth who is blind or physically disabled as
2799 defined by section 1-1f, mentally disabled, seriously emotionally
2800 maladjusted or has a recognized high risk of physical or mental
2801 disability as defined in the regulations adopted by the Commissioner
2802 of Children and Families pursuant to section 17a-118, as amended by
2803 this act, who is to be given or has been given in adoption by a statutory
2804 parent, as defined in section 45a-707, shall be eligible for a one
2805 hundred per cent medical expense subsidy in accordance with the fee
2806 schedule and payment procedures under the state Medicaid program
2807 administered by the Department of Social Services where such
2808 condition existed prior to such adoption, provided such expenses are
2809 not reimbursed by health insurance, or federal or state payments for
2810 health care. Application for such subsidy shall be made to the
2811 Commissioner of Children and Families by such child's or youth's
2812 adopting or adoptive parent or parents. Said commissioner shall adopt
2813 regulations governing the procedures for application and criteria for
2814 determination of the existence of such condition. A written
2815 determination of eligibility shall be made by said commissioner and
2816 may be made prior to or after identification of the adopting parent or
2817 parents. Upon a finding of eligibility, an application for such medical
2818 expense subsidy by the adopting or adoptive parent or parents on
2819 behalf of the child or youth shall be granted, and such adopting or
2820 adoptive parent or parents shall be issued a medical identification card
2821 for such child or youth by the Department of Children and Families for

2822 the purpose of providing for payment for the medical expense subsidy.
2823 The subsidy set forth in this section shall not preclude the granting of
2824 either subsidy set forth in section 17a-117, as amended by this act,
2825 except, if the child or youth is eligible for subsidy under this section,
2826 his or her adopting parent or parents shall not be granted a subsidy or
2827 subsidies set forth in section 17a-117, as amended by this act, that
2828 would be granted for the same purposes as the child's or youth's
2829 subsidy.

2830 (b) There shall be an annual review of the medical expense subsidy
2831 set forth in subsection (a) of this section by the Commissioner of
2832 Children and Families. If, upon such annual review, the commissioner
2833 determines that the child or youth continues to have a condition for
2834 which the subsidy was granted or has medical conditions related to
2835 such condition, and that the adoptive parent or parents are still legally
2836 responsible for the support of the child or youth and that the child or
2837 youth is receiving support from the adoptive family, the commissioner
2838 shall not terminate or reduce such subsidy. If the condition is corrected
2839 and conditions related to it no longer exist, or if the adoptive parent or
2840 parents are no longer legally responsible for the support of the child or
2841 youth or if the child or youth is no longer receiving any support from
2842 the adoptive family, the commissioner may reduce or terminate
2843 eligibility for such subsidy. If, following such reduction or termination,
2844 such condition or related conditions reoccur, the adopting or adoptive
2845 parent or parents may reapply for such subsidy. Upon receipt of such
2846 application and determination that such condition or related
2847 conditions have reoccurred, the commissioner shall grant such subsidy
2848 provided the adoptive parent or parents are still legally responsible for
2849 the support of the child or youth or the child or youth is receiving
2850 support from the adoptive family. If the subsidy is to be reduced or
2851 terminated by said commissioner, notice of such proposed reduction
2852 or termination shall be given, in writing, to the adoptive parent or
2853 parents and such adoptive parent or parents shall, at least thirty days
2854 prior to the imposition of said reduction or termination, be given a
2855 hearing before the Adoption Subsidy Review Board. If such an appeal

2856 is taken, the subsidy shall continue without modification or
2857 termination until the final decision of the Adoption Subsidy Review
2858 Board. Eligibility for such subsidy may continue until the child's or
2859 youth's twenty-first birthday if the condition that caused the child or
2860 youth to be certified as a special needs child or related conditions
2861 continue to exist or have reoccurred and the child or youth continues
2862 to qualify as a dependent of the legal adoptive parent under the
2863 Internal Revenue Code. In no case shall the eligibility for such subsidy
2864 continue beyond the child's or youth's twenty-first birthday.

2865 Sec. 68. Section 17a-126 of the general statutes is repealed and the
2866 following is substituted in lieu thereof (*Effective October 1, 2003*):

2867 [(a) As used in this section, "relative caregiver" means a person who
2868 is caring for a child related to such person because the parent of the
2869 child has died or become otherwise unable to care for the child for
2870 reasons that make reunification with the parent not a viable option
2871 within the foreseeable future and "commissioner" means the
2872 Commissioner of Children and Families.]

2873 [(b)] (a) The Commissioner of Children and Families shall establish
2874 a program of subsidized guardianship for the benefit of children and
2875 youth in the care or custody of the commissioner who are living with
2876 relative caregivers and who have been in foster care or certified
2877 relative care for not less than eighteen months. The commissioner,
2878 within available appropriations, may establish a program of
2879 subsidized guardianship for the benefit of children and youth in the
2880 care or custody of the commissioner who are living with relative
2881 caregivers and who have been in foster care or certified relative care
2882 for not less than twelve but not more than eighteen months. A relative
2883 caregiver may request a guardianship subsidy from the commissioner.
2884 If adoption of the child or youth by the relative caregiver is an option,
2885 the commissioner shall counsel the caregiver about the advantages and
2886 disadvantages of adoption and subsidized guardianship so that the
2887 decision by the relative caregiver to request a subsidized guardianship

2888 may be a fully informed one.

2889 [(c)] (b) The subsidized guardianship program shall provide the
 2890 following subsidies for the benefit of any child or youth in the care of a
 2891 relative caregiver who has been appointed the guardian or coguardian
 2892 of the child or youth by any court of competent jurisdiction: (1) A
 2893 special-need subsidy, which shall be a lump sum payment for one-time
 2894 expenses resulting from the assumption of care of the child or youth
 2895 when no other resource is available to pay for such expense; and (2) a
 2896 medical subsidy comparable to the medical subsidy to children and
 2897 youth in the subsidized adoption program if the child or youth lacks
 2898 private health insurance. The subsidized guardianship program shall
 2899 also provide a monthly subsidy on behalf of the child or youth payable
 2900 to the relative caregiver that shall be equal to the prevailing foster care
 2901 rate. The commissioner may establish an asset test for eligibility under
 2902 the program.

2903 [(d)] (c) The commissioner shall adopt regulations, in accordance
 2904 with chapter 54, implementing the subsidized guardianship program
 2905 established under this section. Such regulations shall require, as a
 2906 prerequisite to payment of a guardianship subsidy for the benefit of a
 2907 [minor] child or youth, that a home study report be filed with the court
 2908 having jurisdiction of the case of the [minor] child or youth within
 2909 fifteen days of the request for a subsidy, provided that no such report
 2910 shall be required to be filed if a report has previously been provided to
 2911 the court or if the caregiver has been determined to be a certified
 2912 relative caregiver by the commissioner. The regulations shall also
 2913 establish a procedure comparable to that for the subsidized adoption
 2914 program to determine the types and amounts of subsidy to be granted
 2915 by the commissioner as provided in subsection [(c)] (b) of this section,
 2916 for annual review of the subsidy as provided in subsection [(e)] (d) of
 2917 this section and for appeal from decisions by the commissioner
 2918 denying, modifying or terminating such subsidies.

2919 [(e)] (d) The guardianship subsidy provided under this section shall

2920 continue until the child or youth reaches the age of eighteen or the age
2921 of twenty-one if such child or youth is in full time attendance at a
2922 secondary school, technical school or college or is in a state accredited
2923 job training program. Annually, the subsidized guardian shall submit
2924 to the commissioner a sworn statement that the child or youth is still
2925 living with and receiving support from the guardian. The parent of
2926 any child or youth receiving assistance through the subsidized
2927 guardianship program shall remain liable for the support of the child
2928 or youth as required by the general statutes.

2929 [(f)] (e) A guardianship subsidy shall not be included in the
2930 calculation of household income in determining eligibility for benefits
2931 of the relative caregiver of the subsidized child or youth or other
2932 persons living within the household of the relative caregiver.

2933 [(g)] (f) Payments for guardianship subsidies shall be made from
2934 moneys available from any source to the commissioner for child
2935 welfare purposes. The commissioner shall develop and implement a
2936 plan that: (1) Maximizes use of the subsidized guardianship program
2937 to decrease the number of children and youth in the legal custody of
2938 the Commissioner of Children and Families and to reduce the number
2939 of children and youth who would otherwise be placed into foster care
2940 when there is a family member willing to provide care; (2) maximizes
2941 federal reimbursement for the costs of the subsidized guardianship
2942 program, provided whatever federal maximization method is
2943 employed shall not result in the relative caregiver of a child or youth
2944 being subject to work requirements as a condition of receipt of benefits
2945 for the child or youth or the benefits restricted in time or scope other
2946 than as specified in subsection [(c)] (b) of this section; and (3) ensures
2947 necessary transfers of funds between agencies and interagency
2948 coordination in program implementation. The Commissioner of
2949 Children and Families shall seek all federal waivers as are necessary
2950 and appropriate to implement this plan.

2951 Sec. 69. Subsection (a) of section 17a-127 of the general statutes is

2952 repealed and the following is substituted in lieu thereof (*Effective*
2953 *October 1, 2003*):

2954 (a) The following shall be established for the purposes of
2955 developing and implementing an individual service plan: Within
2956 available appropriations, a child specific team may be developed by
2957 the family of a child or youth with complex behavioral health service
2958 needs which shall provide for family participation in all aspects of
2959 assessment, planning and implementation of services and may include,
2960 but need not be limited to, family members, the child or [adolescent]
2961 youth if appropriate, clergy, school personnel, representatives of local
2962 or regional agencies providing programs and services for children and
2963 youth, a family advocate, and other community or family
2964 representatives. The team shall designate one member to be the team
2965 coordinator. The team coordinator shall, with the consent of the
2966 parent, guardian, child or youth, [or emancipated minor,] compile the
2967 results of all assessments and evaluations completed prior to the
2968 preparation of an individual service plan that document the service
2969 needs of the child or youth, make decisions affecting the
2970 implementation of an individual service plan, and make referrals to
2971 community agencies and resources in accordance with an individual
2972 service plan. The care coordinator shall not make decisions affecting
2973 the implementation of the individual service plan without the consent
2974 of the parent, guardian, child or youth, [or emancipated minor,] except
2975 as otherwise provided by law.

2976 Sec. 70. Section 17a-129 of the general statutes is repealed and the
2977 following is substituted in lieu thereof (*Effective October 1, 2003*):

2978 There shall be no requirement for the Department of Children and
2979 Families to seek custody of any child or youth with mental illness,
2980 emotional disturbance, a behavioral disorder or developmental or
2981 physical disability if such child or youth is voluntarily placed with the
2982 department by a parent or guardian of the child or youth for the
2983 purpose of accessing an out-of-home placement or intensive outpatient

2984 service, including, but not limited to, residential treatment programs,
2985 therapeutic foster care programs and extended day treatment
2986 programs, except as permitted pursuant to sections 17a-101g, as
2987 amended by this act, and 46b-129. Commitment to or protective
2988 supervision [or protection] by the department shall not be a condition
2989 for receipt of services or benefits delivered or funded by the
2990 department.

2991 Sec. 71. Section 17a-131 of the general statutes is repealed and the
2992 following is substituted in lieu thereof (*Effective October 1, 2003*):

2993 Any person who has direct supervision of children or youth placed
2994 by the state in a state facility or private institution shall be trained in
2995 cardiopulmonary resuscitation.

2996 Sec. 72. Section 17a-145 of the general statutes is repealed and the
2997 following is substituted in lieu thereof (*Effective October 1, 2003*):

2998 No person or entity shall care for or board a child or youth without
2999 a license obtained from the Commissioner of Children and Families,
3000 except: (1) When a child or youth has been placed by a person or entity
3001 holding a license from the commissioner; (2) any residential
3002 educational institution exempted by the state Board of Education
3003 under the provisions of section 17a-152, as amended by this act; (3)
3004 institutions licensed by the Department of Public Health under the
3005 provisions of section 19a-490; (4) residential facilities licensed by the
3006 Department of Mental Retardation under the provisions of section 17a-
3007 227, as amended by this act; or [(3)] (5) facilities providing child day
3008 care services, as defined in section 19a-77. The person or entity seeking
3009 a child-care facility license shall file with the commissioner an
3010 application for a license, in such form as the commissioner furnishes,
3011 stating the location where it is proposed to care for such child or
3012 youth, the number of children and youth to be cared for, in the case of
3013 a corporation, the purpose of the corporation and the names of its chief
3014 officers and of the actual person responsible for the child or youth. The
3015 Commissioner of Children and Families is authorized to fix the

3016 maximum number of children and youth to be boarded and cared for
3017 in any such home or institution or by any person or entity licensed by
3018 the commissioner. Each person or entity holding a license under the
3019 provisions of this section shall file annually, with the commissioner, a
3020 report stating the number of children and youth received and removed
3021 during the year, the number of deaths and the causes of death, the
3022 average cost of support per capita and such other data as he may
3023 prescribe.

3024 Sec. 73. Section 17a-147 of the general statutes is repealed and the
3025 following is substituted in lieu thereof (*Effective October 1, 2003*):

3026 (a) [For the purposes of this section and section 17a-22, "extended
3027 day treatment" means a supplementary care community-based
3028 program providing a comprehensive multidisciplinary approach to
3029 treatment and rehabilitation of emotionally disturbed, mentally ill,
3030 behaviorally disordered or multiply handicapped children and youth
3031 during the hours immediately before and after school while they
3032 reside with their parents or surrogate family.] Extended day treatment
3033 programs, except any such program provided by a regional
3034 educational service center established in accordance with section 10-
3035 66a, shall be licensed by the Department of Children and Families.

3036 (b) The goal of extended day treatment is to improve the
3037 functioning of the child or youth as an individual and the family as a
3038 unit with the least possible interruption of beneficial relationships with
3039 the family and the community. An extended day treatment program
3040 (1) shall offer the broadest range of therapeutic services consistent with
3041 the needs of the children and [youths it] youth that such program
3042 serves including, but not limited to, (A) a therapeutic setting, (B) the
3043 integration of the family into the treatment and the treatment planning
3044 process, (C) support and emergency services to families designed to
3045 allow continued residence of the children and youth in their homes,
3046 (D) professional clinical services, (E) access to educational services, and
3047 (F) the coordination of community services in support of the treatment

3048 effort, or (2) if provided for children or youth requiring special
3049 education by a regional educational service center, shall offer such
3050 services as are specified in the prescribed educational program for
3051 each such child or youth in accordance with section 10-76d, as
3052 amended by this act.

3053 (c) The Commissioner of Children and Families shall adopt such
3054 regulations, in accordance with chapter 54, as are necessary to establish
3055 procedures and requirements for the licensure of extended day
3056 treatment programs, except any such program provided by a regional
3057 educational service center.

3058 Sec. 74. Section 17a-148 of the general statutes is repealed and the
3059 following is substituted in lieu thereof (*Effective October 1, 2003*):

3060 The provisions of section 17a-145, as amended by this act, shall not
3061 apply to any person who is caring for a child or youth without
3062 compensation and who has executed a written agreement for the
3063 adoption of such child or youth which agreement has been filed with
3064 the Probate Court with the application for adoption as provided in
3065 section 45a-727.

3066 Sec. 75. Section 17a-149 of the general statutes is repealed and the
3067 following is substituted in lieu thereof (*Effective October 1, 2003*):

3068 No person or entity except a parent, an adult relative as specified by
3069 section 17b-75 or guardian of any child or youth shall place a child or
3070 youth without a license obtained from the Commissioner of Children
3071 and Families. Application for a child-placing license shall be in a form
3072 furnished by the commissioner, and shall state the location of the
3073 principal place of business of the applicant, its organization or
3074 corporate name, its purposes and the name, title and degree of
3075 professional training of each of its staff members engaged in carrying
3076 out its stated purposes. Any such applicant shall consent to such
3077 inspection, review and supervision of all acts in relation to child
3078 placing as are reasonably necessary to enable the commissioner to

3079 perform [his] the commissioner's duties under section 17a-151, as
3080 amended by this act. The provisions of this section with regard to the
3081 commissioner's authority to inspect, review and supervise all acts in
3082 relation to child placing under section 17a-151, as amended by this act,
3083 shall be limited to inspection, review and supervision of the applicant
3084 under this section and shall not include inspection, review or
3085 supervision of the homes in which a child or youth is placed.

3086 Sec. 76. Section 17a-150 of the general statutes is repealed and the
3087 following is substituted in lieu thereof (*Effective October 1, 2003*):

3088 (a) The Commissioner of Children and Families shall adopt
3089 regulations in accordance with chapter 54 setting forth standards for
3090 licensing of persons or entities which place children and youth. The
3091 regulations shall require a person or entity licensed on or after March
3092 9, 1984, to have a minimum of two staff persons who are qualified by a
3093 combination of education and work experience, and be a nonprofit
3094 organization qualified as a tax-exempt organization under Section
3095 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent
3096 corresponding internal revenue code of the United States, as from time
3097 to time amended.

3098 (b) Said commissioner shall adopt regulations prescribing the
3099 minimum standards for homes in which children and youth may be
3100 placed.

3101 Sec. 77. Subsection (a) of section 17a-151 of the general statutes is
3102 repealed and the following is substituted in lieu thereof (*Effective*
3103 *October 1, 2003*):

3104 (a) The Commissioner of Children and Families shall investigate the
3105 conditions stated in each application made under the provisions of
3106 section 17a-145, as amended by this act, and shall require any person
3107 identified on the application under said section to submit to state and
3108 national criminal history records checks. The commissioner shall
3109 investigate the conditions in each application under the provisions of

3110 section 17a-149, as amended by this act, and [.] if the commissioner
3111 finds such conditions suitable for the proper care of children and
3112 youth, or for the placing out of children and youth, under such
3113 standards for the promotion of the health, safety, morality and well-
3114 being of such children and youth as the commissioner prescribes, shall
3115 issue such license as is required as promptly as possible, without
3116 expense to the licensee. If, after such investigation, the commissioner
3117 finds that the applicant, notwithstanding good faith efforts, is not able
3118 to fully comply with all the requirements the commissioner prescribes,
3119 but compliance can be achieved with minimal efforts, the
3120 commissioner may issue a provisional license for a period not to
3121 exceed sixty days. The provisional license may be renewed for
3122 additional sixty-day periods, but in no event shall the total of such
3123 periods be for longer than one year. Before issuing any license, the
3124 commissioner shall give to the [selectmen] chief elected official or town
3125 manager of the town wherein such licensee proposes to carry on the
3126 licensed activity ten days' notice in writing that the issuance of such
3127 license is proposed, but such notice shall not be required in case of
3128 intention to issue such license to any corporation incorporated for the
3129 purpose of caring for or placing such children and youth. Each license
3130 so issued shall specify whether it is granted for child-caring or child-
3131 placing purposes, shall state the number of children and youth who
3132 may be cared for, shall be in force twenty-four months from date of
3133 issue, and shall be renewed for the ensuing twenty-four months, if
3134 conditions continue to be satisfactory to the commissioner. The
3135 commissioner shall also provide such [periodical] periodic inspections
3136 and review as shall safeguard the well-being, health and morality of all
3137 children and youth cared for or placed under a license issued by the
3138 commissioner under this section and shall visit and consult with each
3139 such child or youth and with the licensee as often as the commissioner
3140 deems necessary but at intervals of not more than ninety days. Each
3141 licensee under the provisions of this section shall file annually with the
3142 commissioner a report containing such information concerning its
3143 functions, services and operation, including financial data, as the

3144 commissioner requires. Any license issued under this section may be
3145 revoked, suspended or limited by the commissioner for cause, after
3146 notice given to the person or entity concerned and after opportunity
3147 for a hearing thereon. Any party whose application is denied or whose
3148 license is revoked, suspended or limited by the commissioner may
3149 appeal from such adverse decision in accordance with the provisions
3150 of section 4-183. Appeals under this section shall be privileged in
3151 respect to the order of trial assignment.

3152 Sec. 78. Section 17a-152 of the general statutes is repealed and the
3153 following is substituted in lieu thereof (*Effective October 1, 2003*):

3154 Any person or entity, before bringing or sending any child or youth
3155 into the state for the purpose of placing or caring for him or her in any
3156 home or institution, either free or for board, shall make application to
3157 the Commissioner of Children and Families, giving the name, the age
3158 and a personal description of such child or youth, the name and
3159 address of the person, home or institution with whom the child or
3160 youth is to be placed, and such other information as may be required
3161 by the commissioner. Such person or institution shall be licensed by
3162 said commissioner under the provisions of [section] sections 17a-145
3163 and [section] 17a-151, as amended by this act. When the permission of
3164 said commissioner has been received for the placement of such child or
3165 youth, the person or entity, before placing the child or youth, shall
3166 undertake: (1) That if, prior to becoming eighteen years of age or being
3167 adopted, such child or youth becomes a public charge, such person or
3168 entity will, within thirty days after notice requesting the child's or
3169 youth's removal has been given by the commissioner, remove the child
3170 or youth from the state; (2) that such person or entity shall report
3171 annually, and more often if requested to do so by the commissioner, as
3172 to the location and condition of the child or youth so long as the child
3173 or youth remains in the state prior to his or her becoming eighteen
3174 years of age or prior to his or her legal adoption, and shall, at the
3175 discretion of the commissioner, execute and deliver to the
3176 commissioner a bond payable to the state, and in the penal sum of one

3177 thousand dollars, with surety or security acceptable to the Attorney
3178 General, conditioned on the performance of such undertaking. The
3179 provisions of this section shall not apply in the case of (A) the bringing
3180 of a child or youth to the home of any relative who is a resident of this
3181 state, (B) any summer camp operating ninety days or less in any
3182 consecutive twelve months, or (C) any educational institution as
3183 determined by the State Board of Education.

3184 Sec. 79. Section 17a-154 of the general statutes is repealed and the
3185 following is substituted in lieu thereof (*Effective October 1, 2003*):

3186 [(a) For purposes of this section and section 17a-155, "permanent
3187 family residence" means a child care facility which meets the
3188 requirements of subsection (b) of this section and subsection (a) of
3189 section 17a-155 and which is licensed as a permanent family residence
3190 by the Department of Children and Families, hereinafter referred to as
3191 the department.]

3192 [(b)] (a) To be licensed as a permanent family residence, a child care
3193 facility must meet the following requirements:

3194 (1) The facility must be designed to provide permanent care to
3195 handicapped children and youth in a home environment and family
3196 setting;

3197 (2) At the time the initial license is issued, the permanent family care
3198 must be provided by two adult persons, hereinafter referred to as the
3199 parents, or upon the commissioner's approval, one adult whose
3200 principal residence is the permanent family residence, who may, but
3201 need not, have children or youth other than foster children or youth
3202 living with them;

3203 (3) The parent or parents must occupy, as their principal residence,
3204 a building which is designed for residential use by one or two families
3205 and which is: (A) Owned or leased by the parent or parents, or (B)
3206 owned or leased by a nonstock corporation, one of whose purposes is

3207 to protect handicapped children and youth by providing a home
3208 environment and family setting for handicapped children and youth;

3209 (4) The principal occupation of at least one parent and, in
3210 appropriate cases to be determined by the department, both parents,
3211 must be to provide direct and regular care to the foster children placed
3212 in their residence; and

3213 (5) The parent or parents must have indicated their intent to provide
3214 permanent foster care to handicapped children and youth placed in
3215 their home by the department or by other child-placing agencies.

3216 [(c)] (b) Permanent family residences licensed by the department
3217 pursuant to the provisions of this section and section 17a-155, as
3218 amended by this act, shall be deemed private dwellings occupied by
3219 one family by the Commissioner of Public Health for purposes of
3220 compliance with the State Public Health Code and by the
3221 Commissioner of Public Safety for purposes of compliance with the
3222 State Building and Fire Safety Codes.

3223 Sec. 80. Section 17a-155 of the general statutes is repealed and the
3224 following is substituted in lieu thereof (*Effective October 1, 2003*):

3225 (a) Within one year from May 23, 1980, the department shall
3226 promulgate any necessary regulations establishing additional
3227 requirements for the licensure of permanent family residences. These
3228 regulations may limit the number of [foster children which] children or
3229 youth who may be placed in a permanent family residence. The
3230 commissioner may in an appropriate case waive any requirements
3231 established in such regulations.

3232 (b) Notwithstanding the provisions of section 29-292, the State Fire
3233 Marshal shall, within two years after May 23, 1980, adopt amendments
3234 to the Fire Safety Code in accordance with the provisions of chapter 54
3235 concerning permanent family residences designed to care for seven or
3236 more handicapped children or youth. In developing the regulations

3237 the State Fire Marshal shall consult with the Department of Children
3238 and Families and any other interested persons. The amendments to the
3239 Fire Safety Code may apply different standards to newly constructed
3240 and existing one and two-family dwellings, provided, however, the
3241 amendments shall not apply to permanent family residences licensed
3242 by the Department of Children and Families before the effective date
3243 of the amendments to the Fire Safety Code.

3244 (c) After the effective date of the amendments to the Fire Safety
3245 Code as provided in subsection (b) of this section, the Department of
3246 Children and Families may not, except on a temporary or emergency
3247 basis, license any permanent family residence for seven or more
3248 handicapped [~~foster children which it~~] children or youth that the
3249 department has not previously licensed unless the State Fire Marshal
3250 determines that such facility complies with the applicable provisions of
3251 the Fire Safety Code.

3252 Sec. 81. Section 17a-103c of the general statutes is repealed and the
3253 following is substituted in lieu thereof (*Effective October 1, 2003*):

3254 Upon the receipt of a report of suspected abuse of any child or
3255 youth committed to the Commissioner of Children and Families as
3256 delinquent, the Department of Children and Families shall, no later
3257 than ten days after receipt of the complaint, provide written
3258 notification of such report to the child's or youth's legal guardian and
3259 the child's or youth's attorney in the delinquency proceeding that
3260 resulted in the commitment. If, after investigation, the department
3261 substantiates the reported abuse, the department shall, no later than
3262 ten days after [~~receipt of the complaint~~] the date of completion of the
3263 investigation, provide written notification to the child's or youth's legal
3264 guardian and the child's or youth's attorney in the delinquency
3265 proceeding that resulted in the commitment of the substantiation of
3266 the reported abuse.

3267 Sec. 82. Section 17a-22 of the general statutes is repealed and the
3268 following is substituted in lieu thereof (*Effective October 1, 2003*):

3269 The [state] Department of Children and Families shall develop and
3270 maintain a program of day treatment centers and extended day
3271 treatment programs for emotionally disturbed, mentally ill,
3272 behaviorally disordered or multiply handicapped children and youth.
3273 For the purposes of this section, "day treatment center" means a facility
3274 for outpatient therapy, care and training of children and youth who,
3275 after appropriate evaluation, are deemed in need of such therapy, care
3276 and training. Any nonprofit corporation organized or existing for the
3277 purpose of establishing or maintaining a day treatment center or an
3278 extended day treatment program, as defined in [section 17a-147]
3279 subdivision (22) of section 17a-1, as amended by this act, for
3280 emotionally disturbed, mentally ill, behaviorally disordered or
3281 multiply handicapped children and youth, any hospital, any
3282 psychiatric clinic or any regional educational service center, as
3283 established in accordance with section 10-66a, may apply to the state
3284 Department of Children and Families for funds to be used to assist in
3285 establishing, maintaining or expanding a day treatment center or an
3286 extended day treatment program, as defined in [section 17a-147]
3287 subdivision (22) of section 17a-1, as amended by this act, for
3288 emotionally disturbed, mentally ill, behaviorally disordered or
3289 multiply handicapped children and youth. No grant to assist in
3290 establishing, maintaining or expanding a day treatment center or an
3291 extended day treatment program under the provisions of this section
3292 shall exceed the ordinary and recurring operating expenses of any
3293 such day treatment center or extended day treatment program, nor
3294 shall any grant be made to pay for all or any part of the capital
3295 expenditures for any such center or program. The state Department of
3296 Children and Families shall (1) establish minimum eligibility
3297 requirements for the receipt of such grants in regard to qualification
3298 and number of staff members and the operation of day treatment
3299 centers and extended day treatment programs, including, but not
3300 limited to, physical plant and record keeping; (2) establish procedures
3301 to be used in making application for such funds; [] and (3) prescribe
3302 regulations governing the granting of funds to assist in establishing,

3303 maintaining and expanding day treatment centers and extended day
3304 treatment programs. Upon receipt of proper application and approval
3305 by said department of the plans for financing and the standards of
3306 operation of a day treatment center or extended day treatment
3307 program, said department shall authorize the payment of such grant.
3308 Any application for a grant, and any grant of funds pursuant thereto,
3309 shall not be subject to the provisions of section 17a-476, except to the
3310 extent required by federal law.

3311 Sec. 83. Subdivision (3) of subsection (e) of section 10-76d of the
3312 general statutes is repealed and the following is substituted in lieu
3313 thereof (*Effective October 1, 2003*):

3314 (3) Payment for children who require special education and who
3315 reside on state-owned or leased property or in permanent family
3316 residences, as defined in [section 17a-154] subdivision (30) of section
3317 17a-1, as amended by this act, and who are not the educational
3318 responsibility of the unified school districts established pursuant to
3319 section 17a-37, section 17a-240 or section 18-99a, shall be made in the
3320 following manner: The State Board of Education shall pay to the school
3321 district which is responsible for providing instruction for each such
3322 child pursuant to the provisions of this subsection one hundred per
3323 cent of the reasonable costs of such instruction. In the fiscal year
3324 following such payment, the State Board of Education shall deduct
3325 from the special education grant due the local or regional board of
3326 education under whose jurisdiction the child would otherwise be
3327 attending school, where such board has been identified, the amount
3328 for which such board would otherwise have been financially
3329 responsible pursuant to the provisions of subdivision (2) of this
3330 subsection. No such deduction shall be made for any school district
3331 which is responsible for providing special education instruction for
3332 children whose parents or legal guardians do not reside within such
3333 district. The amount deducted shall be included as a net cost of special
3334 education by the Department of Education for purposes of the state's
3335 special education grant calculated pursuant to section 10-76g. A school

3336 district otherwise eligible for reimbursement under the provisions of
3337 this subdivision for the costs of education of a child residing in a
3338 permanent family residence shall continue to be so eligible in the event
3339 that a person providing foster care in such residence adopts the child.

3340 Sec. 84. Subsection (b) of section 10-76g of the general statutes is
3341 repealed and the following is substituted in lieu thereof (*Effective*
3342 *October 1, 2003*):

3343 (b) Any local or regional board of education which provides special
3344 education pursuant to the provisions of sections 10-76a to 10-76g,
3345 inclusive, for any exceptional child described in subparagraph (A) of
3346 subdivision (5) of section 10-76a, under its jurisdiction, excluding (1)
3347 children placed by a state agency for whom a board of education
3348 receives payment pursuant to the provisions of subdivision (2) of
3349 subsection (e) of section 10-76d, and (2) children who require special
3350 education, who reside on state-owned or leased property or in
3351 permanent family residences, as defined in [section 17a-154]
3352 subdivision (30) of section 17a-1, as amended by this act, and who are
3353 not the educational responsibility of the unified school districts
3354 established pursuant to sections 17a-37, 17a-240 and 18-99a, shall be
3355 financially responsible for the reasonable costs of special education
3356 instruction, as defined in the regulations of the State Board of
3357 Education, in an amount equal to (A) for any fiscal year commencing
3358 prior to July 1, 2003, five times the average per pupil educational costs
3359 of such board of education for the prior fiscal year, determined in
3360 accordance with the provisions of subsection (a) of section 10-76f, and
3361 (B) for the fiscal year commencing July 1, 2003, and each fiscal year
3362 thereafter, four and one-half times such average per pupil educational
3363 costs of such board of education. The State Board of Education shall
3364 pay on a current basis any costs in excess of the local or regional
3365 board's basic contribution paid by such board in accordance with the
3366 provisions of this subsection. Any amounts paid by the State Board of
3367 Education on a current basis pursuant to this subsection shall not be
3368 reimbursable in the subsequent year. Application for such grant shall

3369 be made by filing with the Department of Education, in such manner
3370 as prescribed by the commissioner, annually on or before December
3371 first a statement of the cost of providing special education pursuant to
3372 this subsection, provided a board of education may submit, not later
3373 than March first, claims for additional children or costs not included in
3374 the December filing. Payment by the state for such excess costs shall be
3375 made to the local or regional board of education as follows: Seventy-
3376 five per cent of the cost in February and the balance in May. The
3377 amount due each town pursuant to the provisions of this subsection
3378 shall be paid to the treasurer of each town entitled to such aid,
3379 provided the treasurer shall treat such grant, or a portion of the grant,
3380 which relates to special education expenditures incurred in excess of
3381 such town's board of education budgeted estimate of such
3382 expenditures, as a reduction in expenditures by crediting such
3383 expenditure account, rather than town revenue. Such expenditure
3384 account shall be so credited no later than thirty days after receipt by
3385 the treasurer of necessary documentation from the board of education
3386 indicating the amount of such special education expenditures incurred
3387 in excess of such town's board of education budgeted estimate of such
3388 expenditures.

3389 Sec. 85. (*Effective October 1, 2003*) (a) Sections 17a-75, 17a-92, 17a-93,
3390 17a-116, 17a-125 and 17a-146 of the general statutes are repealed.

3391 (b) In codifying the provisions of this act, the Legislative
3392 Commissioners shall delete the references to sections 17a-75, 17a-93,
3393 17a-116, and 17a-146 that appear in the following sections of the
3394 general statutes: 10-8a, 17a-76, 17a-77, 17a-82, 17a-83, 17a-119, 17a-121,
3395 17a-151aa, 17a-450, 17a-495 to 17a-501, inclusive, 17a-504, 17a-505, 17a-
3396 519, 17a-525, 17a-528, 45a-656, 45a-677, 46b-172a and 54-56d.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>

Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>October 1, 2003</i>
Sec. 18	<i>October 1, 2003</i>
Sec. 19	<i>October 1, 2003</i>
Sec. 20	<i>October 1, 2003</i>
Sec. 21	<i>October 1, 2003</i>
Sec. 22	<i>October 1, 2003</i>
Sec. 23	<i>October 1, 2003</i>
Sec. 24	<i>October 1, 2003</i>
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Sec. 83	<i>October 1, 2003</i>

Sec. 84	<i>October 1, 2003</i>
Sec. 85	<i>October 1, 2003</i>

Statement of Purpose:

To consolidate the statutory placement of definitions applicable to the Department of Children and Families and make other technical changes to various statutes concerning the Department of Children and Families.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]