



General Assembly

January Session, 2003

**Amendment**

LCO No. 6210

\*HB0611806210HDO\*

Offered by:

REP. HAMM, 34<sup>th</sup> Dist.

REP. KIRKLEY-BEY, 5<sup>th</sup> Dist.

REP. WINKLER, 41<sup>st</sup> Dist.

To: House Bill No. 6118

File No. 275

Cal. No. 187

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

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 17a-101g of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2003*):

5 (a) Upon receiving a report of child abuse or neglect, as provided in  
6 sections 17a-101a to 17a-101c, inclusive, or section 17a-103, in which  
7 the alleged perpetrator is (1) a person responsible for such child's  
8 health, welfare or care, (2) a person given access to such child by such  
9 responsible person, or (3) a person entrusted with the care of a child,  
10 the Commissioner of Children and Families, or the commissioner's  
11 designee, shall cause the report to be classified and evaluated  
12 immediately. If the report contains sufficient information to warrant an

13 investigation, the commissioner shall make the commissioner's best  
14 efforts to commence an investigation of a report concerning an  
15 imminent risk of physical harm to a child or other emergency within  
16 two hours of receipt of the report and shall commence an investigation  
17 of all other reports within seventy-two hours of receipt of the report.  
18 The department shall complete any such investigation within thirty  
19 calendar days of receipt of the report. If the report is a report of child  
20 abuse or neglect in which the alleged perpetrator is not a person  
21 specified in subdivision (1), (2) or (3) of this subsection, the  
22 Commissioner of Children and Families shall refer the report to the  
23 appropriate local law enforcement authority for the town in which the  
24 child resides or in which the alleged abuse or neglect occurred.

25 (b) The investigation shall include a [home] family visit at which the  
26 child and any siblings are observed, if appropriate, a determination of  
27 the nature, extent and cause or causes of the reported abuse or neglect,  
28 a determination of the person or persons suspected to be responsible  
29 for such abuse or neglect, the name, age and condition of other  
30 children residing in the same household and an evaluation of the  
31 parents and the [home] family. The report of such investigation shall  
32 be in writing. The investigation shall also include, but not be limited  
33 to, a review of criminal conviction information concerning the person  
34 or persons alleged to be responsible for such abuse or neglect and  
35 previous allegations of abuse or neglect relating to the child or other  
36 children residing in the household or relating to family violence.

37 (c) If the Commissioner of Children and Families, or his designee,  
38 has probable cause to believe that the child or any other child in the  
39 household is in imminent risk of physical harm from his  
40 [surroundings] family and that immediate removal from such  
41 [surroundings] family is necessary to ensure the child's safety, the  
42 commissioner, or his designee, shall authorize any employee of the  
43 department or any law enforcement officer to remove the child and  
44 any other child similarly situated from such [surroundings] family  
45 without the consent of the child's parent or guardian. The  
46 commissioner shall record in writing the reasons for such removal and

47 include such record with the report of the investigation conducted  
48 under subsection (b) of this section.

49 (d) The removal of a child pursuant to subsection (c) of this section  
50 shall not exceed ninety-six hours. During the period of such removal,  
51 the commissioner, or his designee, shall provide the child with all  
52 necessary care, including medical care, which may include an  
53 examination by a physician or mental health professional with or  
54 without the consent of the child's parents, guardian or other person  
55 responsible for the child's care, provided reasonable attempts have  
56 been made to obtain consent of the child's parents or guardian or other  
57 person responsible for the care of such child. During the course of a  
58 medical examination, a physician may perform diagnostic tests and  
59 procedures necessary for the detection of child abuse or neglect. If the  
60 child is not returned [home] to the child's family within such ninety-  
61 six-hour period, with or without protective services, the department  
62 shall proceed in accordance with section 46b-129, as amended by this  
63 act.

64 Sec. 502. Subsection (b) of section 46b-129 of the general statutes is  
65 repealed and the following is substituted in lieu thereof (*Effective*  
66 *October 1, 2003*):

67 (b) If it appears from the specific allegations of the petition and  
68 other verified affirmations of fact accompanying the petition and  
69 application, or subsequent thereto, that there is reasonable cause to  
70 believe that (1) the child or youth is suffering from serious physical  
71 illness or serious physical injury or is in immediate physical danger  
72 from the child's or youth's [surroundings] family, and (2) that as a  
73 result of said conditions, the child's or youth's safety is endangered  
74 and immediate removal from such [surroundings] family is necessary  
75 to ensure the child's or youth's safety, the court shall either (A) issue an  
76 order to the parents or other person having responsibility for the care  
77 of the child or youth to appear at such time as the court may designate  
78 to determine whether the court should vest in some suitable agency or  
79 person the child's or youth's temporary care and custody pending

80 disposition of the petition, or (B) issue an order ex parte vesting in  
81 some suitable agency or person the child's or youth's temporary care  
82 and custody. A preliminary hearing on any ex parte custody order or  
83 order to appear issued by the court shall be held within ten days from  
84 the issuance of such order. The service of such orders may be made by  
85 any officer authorized by law to serve process, or by any probation  
86 officer appointed in accordance with section 46b-123, investigator from  
87 the Department of Administrative Services, state or local police officer  
88 or indifferent person. Such orders shall include a conspicuous notice to  
89 the respondent written in clear and simple language containing at least  
90 the following information: (i) That the order contains allegations that  
91 conditions in the [home] family have endangered the safety and  
92 welfare of the child or youth; (ii) that a hearing will be held on the date  
93 on the form; (iii) that the hearing is the opportunity to present the  
94 parents' position concerning the alleged facts; (iv) that an attorney will  
95 be appointed for parents who cannot afford an attorney; (v) that such  
96 parents may apply for a court-appointed attorney by going in person  
97 to the court address on the form and are advised to go as soon as  
98 possible in order for the attorney to prepare for the hearing; and (vi) if  
99 such parents have any questions concerning the case or appointment  
100 of counsel, any such parent is advised to go to the court or call the  
101 clerk's office at the court as soon as possible. Upon application for  
102 appointed counsel, the court shall promptly determine eligibility and,  
103 if the respondent is eligible, promptly appoint counsel. The expense  
104 for any temporary care and custody shall be paid by the town in which  
105 such child or youth is at the time residing, and such town shall be  
106 reimbursed therefor by the town found liable for the child's or youth's  
107 support, except that where a state agency has filed a petition pursuant  
108 to the provisions of subsection (a) of this section, the agency shall pay  
109 such expense. The agency shall give primary consideration to placing  
110 the child or youth in the town where such child or youth resides. The  
111 agency shall file in writing with the clerk of the court the reasons for  
112 placing the child or youth in a particular placement outside the town  
113 where the child or youth resides. Upon issuance of an ex parte order,  
114 the court shall provide to the commissioner and the parent or guardian

115 specific steps necessary for each to take to address the ex parte order  
116 for the parent or guardian to retain or regain custody of the child or  
117 youth. Upon the issuance of such order, or not later than sixty days  
118 after the issuance of such order, the court shall make a determination  
119 whether the Department of Children and Families made reasonable  
120 efforts to keep the child or youth with his or her parents or guardian  
121 prior to the issuance of such order and, if such efforts were not made,  
122 whether such reasonable efforts were not possible, taking into  
123 consideration the child's or youth's best interests, including the child's  
124 or youth's health and safety."