



General Assembly

Amendment

February Session, 2004

LCO No. 4655

SB0049504655HDO

Offered by:

REP. HAMM, 34th Dist.

SEN. MCDONALD, 27th Dist.

To: Senate Bill No. 495

File No. 469

Cal. No. 509

(As Amended By Senate Amendment Schedule "A")

"AN ACT CONCERNING PERMANENCY PLANS FOR CHILDREN."

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

3 "Section 1. Section 17a-91 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

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

14 by this act.

15 Sec. 2. Section 17a-110 of the general statutes, as amended by section
16 13 of public act 03-243, is repealed and the following is substituted in
17 lieu thereof (*Effective October 1, 2004*):

18 (a) As used in this section, "child" means a person under the age of
19 eighteen years; "foster child" means a child placed temporarily in a
20 home, pending permanent placement; "permanent home" means a
21 home for a child with the child's genetic or adoptive parents or the
22 child's legal guardian considered to be such child's permanent
23 residence; and "permanency placement services" means services that
24 are designed and rendered for the purpose of relocating a foster child
25 with such child's legal family or finding a permanent home for such
26 child, including, but not limited to, the following: (1) Treatment
27 services for the child and the genetic family; (2) preplacement
28 planning; (3) appropriate court proceedings to effect permanent
29 placement, including, but not limited to, the following: (A)
30 Termination of parental rights; (B) revocation of commitment; (C)
31 removal or reinstatement of guardianship; (D) temporary custody; (4)
32 recruitment and screening of permanent placement homes; (5) home
33 study and evaluation of permanent placement homes; (6) placement of
34 children in permanent homes; (7) postplacement supervision and
35 services to such homes following finalization of such placements in the
36 courts; and (8) other services routinely performed by caseworkers
37 doing similar work in the Department of Children and Families.

38 [(b) At a hearing held in accordance with subsection (k) of section
39 46b-129 and section 17a-111b, the court shall determine the
40 appropriateness of continuing efforts to reunify a child with the child's
41 family. If the court finds that such efforts are not appropriate, the
42 Department of Children and Families shall within sixty days of such
43 finding either (1) file a petition for the termination of parental rights,
44 (2) file a motion to revoke the commitment and vest the custody and
45 guardianship of the child on a permanent or long-term basis in an
46 appropriate individual or couple, or (3) file a written permanency plan

47 with the court for permanent or long-term foster care, which plan shall
48 include an explanation of the reason that neither termination of
49 parental rights nor custody and guardianship is appropriate for the
50 child. The court shall promptly convene a hearing for the purpose of
51 reviewing such written plan. When the court finds that the efforts to
52 reunify a child with the child's family are not appropriate, the
53 department shall use its best efforts to maintain such child in the initial
54 out-of-home placement, provided the department determines that such
55 placement is in the best interests of the child, until such time as a
56 permanent home for the child is found or the child is placed for
57 adoption. If the permanency plan calls for placing the child for
58 adoption or in some other permanent home, good faith efforts shall be
59 made to place the child for adoption or in some other alternative
60 home.]

61 [(c)] (b) Not later than January 1, 2000, the Department of Children
62 and Families shall adopt regulations, in accordance with chapter 54, to
63 establish standards for permanency plans which shall include, but not
64 be limited to: (1) Assessment of kin, foster parents or other potential
65 adoptive parents for adopting a child; (2) preparing children for
66 adoption; (3) collaboration between family foster care services and
67 adoption services; (4) transracial and cross-racial adoption; (5) open
68 adoption; and (6) foster care and adoption subsidies.

69 [(d)] (c) Not later than January 1, 2000, the Department of Children
70 and Families shall, within available appropriations, establish and
71 maintain (1) a central registry of all children for whom a permanency
72 plan has been formulated and in which adoption is recommended, and
73 (2) a system to monitor the progress in implementing the permanency
74 plan for such children.

75 [(e)] (d) Whenever the Commissioner of Children and Families
76 deems it necessary or advisable in order to carry out the purposes of
77 this section, the commissioner may contract with any private
78 child-placing agency, as defined in section 45a-707, for a term of not
79 less than three years and not more than five years, to provide any one

80 or more permanency placement services on behalf of the Department
81 of Children and Families. Whenever any contract is entered into under
82 this section which requires private agencies to perform casework
83 services, such as the preparation of applications and petitions for
84 termination of parental rights, guardianship or other custodial matters,
85 or which requires court appearances, the Attorney General shall
86 provide legal services for the Commissioner of Children and Families
87 notwithstanding that some of the services have been performed by
88 caseworkers of private agencies, except that no such legal services shall
89 be provided unless the Commissioner of Children and Families is a
90 legal party to any court action hereunder.

91 [(f)] (e) The Commissioner of Children and Families may accept
92 funds from any source to implement the provisions of this section.

93 Sec. 3. Section 17a-111b of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2004*):

95 (a) The Commissioner of Children and Families shall make
96 reasonable efforts, including reasonable efforts to facilitate services
97 from other agencies where appropriate, to reunify the parent with the
98 child (1) unless the court determines that such efforts are not required
99 pursuant to subsection (b) of this section or subsection (j) of section
100 17a-112, as amended by this act, or (2) until the court has approved a
101 permanency plan other than reunification pursuant to subsection (k) of
102 section 46b-129, as amended by this act.

103 [(a)] (b) The Commissioner of Children and Families or any other
104 party may, at any time, [petition] move the court for a determination
105 [on whether] that reasonable efforts, including reasonable efforts to
106 facilitate services from other agencies where appropriate, to reunify
107 the parent with the child are [appropriate] not required. The court
108 shall hold an evidentiary hearing on the petition within thirty days of
109 the filing of the petition. The court may determine that such efforts are
110 not [appropriate] required if the court finds upon clear and convincing
111 evidence that: (1) The parent has subjected the child to the following

112 aggravated circumstances: (A) The child has been abandoned as
113 defined in subsection (j) of section 17a-112, as amended by this act; or
114 (B) the parent has inflicted sexual molestation or exploitation or severe
115 physical abuse on the child or engaged in a pattern of abuse of the
116 child; (2) the parent has killed, through deliberate, nonaccidental act,
117 another child of the parent or a sibling of the child, or has [~~required~~
118 requested, commanded, importuned, attempted, conspired or solicited
119 to commit the killing of the child, another child of the parent or sibling
120 of the child, or has committed an assault, through deliberate,
121 nonaccidental act, that resulted in serious bodily injury of the child,
122 another child of the parent or a sibling of the child; (3) the parental
123 rights of the parent to a sibling have been involuntarily terminated
124 within three years of the filing of a petition pursuant to this section,
125 provided the commissioner has made reasonable efforts to reunify the
126 parent with the child during a period of at least [~~ninety~~] sixty days; (4)
127 the parent was convicted by a court of competent jurisdiction of sexual
128 assault, except a conviction of a violation of section 53a-71 or 53a-73a
129 resulting in the conception of the child; or (5) the child was placed in
130 the care and control of the commissioner pursuant to the provisions of
131 sections 17a-57 to 17a-61, inclusive.

132 [(b)] (c) If the court [~~determined~~] determines that such efforts are
133 not [~~appropriate~~] required, the court shall, at such hearing or at a
134 hearing held not later than thirty days from such determination,
135 approve a permanency plan for such child. [~~which~~] Such plan may
136 include (1) adoption and a requirement that the commissioner file a
137 petition to terminate parental rights, (2) long-term foster care with a
138 relative licensed as a foster parent or certified as a relative caregiver,
139 [~~independent living,~~] (3) transfer of guardianship, [or adoption] or (4)
140 such other planned permanent living arrangement ordered by the
141 court, provided the commissioner has documented a compelling
142 reason why it would not be in the best interests of the child for the
143 permanency plan to include the goals in subdivisions (1) to (3),
144 inclusive, of this subsection. The child's health and safety shall be of
145 paramount concern in formulating such plan.

146 (d) If the court determines that the efforts to reunify a child with the
147 child's parent are not required, the Department of Children and
148 Families shall use its best efforts to maintain such child in the initial
149 out-of-home placement, provided the department determines that such
150 placement is in the best interests of the child, until such time as a
151 permanent home for the child is found or the child is placed for
152 adoption. If the permanency plan calls for placing the child for
153 adoption or in some other permanent home, good faith efforts shall be
154 made to place the child for adoption or in some other permanent
155 home.

156 Sec. 4. Subsections (j) and (k) of section 17a-112 of the general
157 statutes, as amended by section 1 of public act 03-243, are repealed and
158 the following is substituted in lieu thereof (*Effective October 1, 2004*):

159 (j) The Superior Court, upon [hearing and] notice and hearing as
160 provided in sections 45a-716 and 45a-717, may grant a petition filed
161 pursuant to this section if it finds by clear and convincing evidence (1)
162 that the Department of Children and Families has made reasonable
163 efforts, including reasonable efforts to facilitate services from other
164 agencies where appropriate, to locate the parent and to reunify the
165 child with the parent in accordance with subsection (a) of section 17a-
166 111b, as amended by this act, unless the court finds in this proceeding
167 that the parent is unable or unwilling to benefit from reunification
168 efforts provided such finding is not required if the court has
169 determined at a hearing pursuant to [subsection (b) of section 17a-110
170 or] section 17a-111b, as amended by this act, that such efforts are not
171 [appropriate] required, (2) that termination is in the best interest of the
172 child, and (3) that: (A) The child has been abandoned by the parent in
173 the sense that the parent has failed to maintain a reasonable degree of
174 interest, concern or responsibility as to the welfare of the child; (B) the
175 child (i) has been found by the Superior Court or the Probate Court to
176 have been neglected or uncared for in a prior proceeding, or (ii) is
177 found to be neglected or uncared for and has been in the custody of the
178 commissioner for at least fifteen months and the parent of such child
179 has been provided specific steps to take to facilitate the return of the

180 child to the parent pursuant to section 46b-129, as amended by this act,
181 and has failed to achieve such degree of personal rehabilitation as
182 would encourage the belief that within a reasonable time, considering
183 the age and needs of the child, such parent could assume a responsible
184 position in the life of the child; (C) the child has been denied, by reason
185 of an act or acts of parental commission or omission, including, but not
186 limited to, sexual molestation or exploitation, severe physical abuse or
187 a pattern of abuse, the care, guidance or control necessary for the
188 child's physical, educational, moral or emotional well-being.
189 Nonaccidental or inadequately explained serious physical injury to a
190 child shall constitute prima facie evidence of acts of parental
191 commission or omission sufficient for the termination of parental
192 rights; (D) there is no ongoing parent-child relationship, which means
193 the relationship that ordinarily develops as a result of a parent having
194 met on a day-to-day basis the physical, emotional, moral and
195 educational needs of the child and to allow further time for the
196 establishment or reestablishment of such parent-child relationship
197 would be detrimental to the best interest of the child; (E) the parent of
198 a child under the age of seven years who is neglected or uncared for,
199 has failed, is unable or is unwilling to achieve such degree of personal
200 rehabilitation as would encourage the belief that within a reasonable
201 period of time, considering the age and needs of the child, such parent
202 could assume a responsible position in the life of the child and such
203 parent's parental rights of another child were previously terminated
204 pursuant to a petition filed by the Commissioner of Children and
205 Families; (F) the parent has killed, through deliberate, nonaccidental
206 act, another child of the parent or a sibling of the child residing in the
207 parent's household, or has requested, commanded, importuned,
208 attempted, conspired or solicited such killing, or has committed an
209 assault, through deliberate, nonaccidental act, that resulted in serious
210 bodily injury of another child of the parent or a sibling of the child
211 residing in the parent's household; or (G) the parent was convicted as
212 an adult or a delinquent by a court of competent jurisdiction of a
213 sexual assault resulting in the conception of the child, except a
214 conviction for a violation of section 53a-71 or 53a-73a, provided the

215 court may terminate such parent's parental rights to such child at any
216 time after such conviction.

217 (k) Except in the case where termination is based on consent, in
218 determining whether to terminate parental rights under this section,
219 the court shall consider and shall make written findings regarding: (1)
220 The timeliness, nature and extent of services offered, provided and
221 made available to the parent and the child by an agency to facilitate the
222 reunion of the child with the parent; (2) whether the Department of
223 Children and Families has made reasonable efforts, including
224 reasonable efforts to facilitate services from other agencies where
225 appropriate, to reunite the family pursuant to the federal Adoption
226 Assistance and Child Welfare Act of 1980, as amended; (3) the terms of
227 any applicable court order entered into and agreed upon by any
228 individual or agency and the parent, and the extent to which all parties
229 have fulfilled their obligations under such order; (4) the feelings and
230 emotional ties of the child with respect to the child's parents, any
231 guardian of such child's person and any person who has exercised
232 physical care, custody or control of the child for at least one year and
233 with whom the child has developed significant emotional ties; (5) the
234 age of the child; (6) the efforts the parent has made to adjust such
235 parent's circumstances, conduct, or conditions to make it in the best
236 interest of the child to return such child home in the foreseeable future,
237 including, but not limited to, (A) the extent to which the parent has
238 maintained contact with the child as part of an effort to reunite the
239 child with the parent, provided the court may give weight to incidental
240 visitations, communications or contributions, and (B) the maintenance
241 of regular contact or communication with the guardian or other
242 custodian of the child; and (7) the extent to which a parent has been
243 prevented from maintaining a meaningful relationship with the child
244 by the unreasonable act or conduct of the other parent of the child, or
245 the unreasonable act of any other person or by the economic
246 circumstances of the parent.

247 Sec. 5. Subsection (o) of section 17a-112 of the general statutes, as
248 amended by section 1 of public act 03-243, is repealed and the

249 following is substituted in lieu thereof (*Effective October 1, 2004*):

250 (o) In the case where termination of parental rights is granted, the
251 guardian of the person or statutory parent shall report to the court
252 within thirty days of the date judgment is entered on a case plan, as
253 defined by the federal Adoption Assistance and Child Welfare Act of
254 1980, for the child which shall include measurable objectives and time
255 schedules. At least every three months thereafter, such guardian or
256 statutory parent shall make a report to the court on the progress made
257 on implementation of the plan. The court may convene a hearing upon
258 the filing of a report and shall convene and conduct a permanency
259 hearing pursuant to subsection (k) of section 46b-129, as amended by
260 this act, for the purpose of reviewing the permanency plan for the
261 child no more than twelve months from the date judgment is entered
262 or from the date of the last permanency hearing held pursuant to said
263 subsection, [(k) of section 46b-129,] whichever is earlier, and at least
264 once a year thereafter [until the court determines that the adoption
265 plan has become finalized] while the child remains in the custody of
266 the Commissioner of Children and Families. For children where the
267 commissioner has determined that adoption is appropriate, the report
268 on the implementation of the plan shall include a description of the
269 reasonable efforts the department is taking to promote and expedite
270 the adoptive placement and to finalize the adoption of the child,
271 including documentation of child specific recruitment efforts. At such
272 hearing, the court shall determine whether the department has made
273 reasonable efforts to achieve the permanency plan. If the court
274 determines that the department has not made reasonable efforts to
275 place a child in an adoptive placement or that reasonable efforts have
276 not resulted in the placement of the child, the court may order the
277 Department of Children and Families, within available appropriations,
278 to contract with a child-placing agency to arrange for the adoption of
279 the child. The department, as statutory parent, shall continue to
280 provide care and services for the child while a child-placing agency is
281 arranging for the adoption of the child.

282 Sec. 6. Section 17a-113 of the general statutes is repealed and the

283 following is substituted in lieu thereof (*Effective October 1, 2004*):

284 When application has been made for the removal of one or both
285 parents as guardians or of any other guardian of the person of such
286 child, or when an application has been made for the termination of the
287 parental rights of any parties who may have parental rights with
288 regard to any minor child, the superior court in which such proceeding
289 is pending may, if it deems it necessary based on the best interests of
290 the child, order the custody of such child to be given to the
291 Commissioner of Children and Families or some proper person or to
292 the board of managers of any child-caring institution or organization,
293 or any children's home or similar institution licensed or approved by
294 the Commissioner of Children and Families, pending the
295 determination of the matter, and may enforce such order by a warrant
296 directed to a proper officer commanding the officer to take possession
297 of the child and to deliver such child into the custody of the person,
298 board, home or institution designated by such order; and said court
299 may, if either or both parents are removed as guardians or if any other
300 guardian of the person is removed, or if said parental rights are
301 terminated, enforce its decree, awarding the custody of the child to the
302 person or persons entitled thereto, by a warrant directed to the proper
303 officer commanding the officer to take possession of the child and to
304 deliver such child into the care and custody of the person entitled
305 thereto. Such officer shall make returns to such court of such officer's
306 doings under either warrant. Upon the issuance of such order giving
307 custody of the child to the Commissioner of Children and Families, or
308 not later than sixty days after the issuance of such order, the court shall
309 make a determination whether the Department of Children and
310 Families made reasonable efforts, including reasonable efforts to
311 facilitate services from other agencies where appropriate, to keep the
312 child with his or her parents or guardian prior to the issuance of such
313 order and, if such efforts were not made, whether such reasonable
314 efforts were not possible, taking into consideration the child's best
315 interests, including the child's health and safety.

316 Sec. 7. Section 46b-129 of the general statutes, as amended by section

317 2 of public act 03-243, is repealed and the following is substituted in
318 lieu thereof (*Effective October 1, 2004*):

319 (a) Any selectman, town manager, or town, city, or borough welfare
320 department, any probation officer, or the Commissioner of Social
321 Services, the Commissioner of Children and Families or any child-
322 caring institution or agency approved by the Commissioner of
323 Children and Families, a child or such child's representative or
324 attorney or a foster parent of a child, having information that a child or
325 youth is neglected, uncared-for or dependent, may file with the
326 Superior Court which has venue over such matter a verified petition
327 plainly stating such facts as bring the child or youth within the
328 jurisdiction of the court as neglected, uncared-for, or dependent,
329 within the meaning of section 46b-120, the name, date of birth, sex, and
330 residence of the child or youth, the name and residence of such child's
331 parents or guardian, and praying for appropriate action by the court in
332 conformity with the provisions of this chapter. Upon the filing of such
333 a petition, except as otherwise provided in subsection (k) of section
334 17a-112, as amended by this act, the court shall cause a summons to be
335 issued requiring the parent or parents or the guardian of the child or
336 youth to appear in court at the time and place named, which summons
337 shall be served not less than fourteen days before the date of the
338 hearing in the manner prescribed by section 46b-128, and said court
339 shall further give notice to the petitioner and to the Commissioner of
340 Children and Families of the time and place when the petition is to be
341 heard not less than fourteen days prior to the hearing in question.

342 (b) If it appears from the specific allegations of the petition and
343 other verified affirmations of fact accompanying the petition and
344 application, or subsequent thereto, that there is reasonable cause to
345 believe that (1) the child or youth is suffering from serious physical
346 illness or serious physical injury or is in immediate physical danger
347 from the child's or youth's surroundings, and (2) that as a result of said
348 conditions, the child's or youth's safety is endangered and immediate
349 removal from such surroundings is necessary to ensure the child's or
350 youth's safety, the court shall either (A) issue an order to the parents or

351 other person having responsibility for the care of the child or youth to
352 appear at such time as the court may designate to determine whether
353 the court should vest in some suitable agency or person the child's or
354 youth's temporary care and custody pending disposition of the
355 petition, or (B) issue an order ex parte vesting in some suitable agency
356 or person the child's or youth's temporary care and custody. A
357 preliminary hearing on any ex parte custody order or order to appear
358 issued by the court shall be held within ten days from the issuance of
359 such order. The service of such orders may be made by any officer
360 authorized by law to serve process, or by any probation officer
361 appointed in accordance with section 46b-123, investigator from the
362 Department of Administrative Services, state or local police officer or
363 indifferent person. Such orders shall include a conspicuous notice to
364 the respondent written in clear and simple language containing at least
365 the following information: (i) That the order contains allegations that
366 conditions in the home have endangered the safety and welfare of the
367 child or youth; (ii) that a hearing will be held on the date on the form;
368 (iii) that the hearing is the opportunity to present the parents' position
369 concerning the alleged facts; (iv) that an attorney will be appointed for
370 parents who cannot afford an attorney; (v) that such parents may
371 apply for a court-appointed attorney by going in person to the court
372 address on the form and are advised to go as soon as possible in order
373 for the attorney to prepare for the hearing; and (vi) if such parents
374 have any questions concerning the case or appointment of counsel, any
375 such parent is advised to go to the court or call the clerk's office at the
376 court as soon as possible. Upon application for appointed counsel, the
377 court shall promptly determine eligibility and, if the respondent is
378 eligible, promptly appoint counsel. The expense for any temporary
379 care and custody shall be paid by the town in which such child or
380 youth is at the time residing, and such town shall be reimbursed
381 therefor by the town found liable for the child's or youth's support,
382 except that where a state agency has filed a petition pursuant to the
383 provisions of subsection (a) of this section, the agency shall pay such
384 expense. The agency shall give primary consideration to placing the
385 child or youth in the town where such child or youth resides. The

386 agency shall file in writing with the clerk of the court the reasons for
387 placing the child or youth in a particular placement outside the town
388 where the child or youth resides. Upon issuance of an ex parte order,
389 the court shall provide to the commissioner and the parent or guardian
390 specific steps necessary for each to take to address the ex parte order
391 for the parent or guardian to retain or regain custody of the child or
392 youth. Upon the issuance of such order, or not later than sixty days
393 after the issuance of such order, the court shall make a determination
394 whether the Department of Children and Families made reasonable
395 efforts, including reasonable efforts to facilitate services from other
396 agencies where appropriate, to keep the child or youth with his or her
397 parents or guardian prior to the issuance of such order and, if such
398 efforts were not made, whether such reasonable efforts were not
399 possible, taking into consideration the child's or youth's best interests,
400 including the child's or youth's health and safety.

401 (c) In any proceeding under this section, any grandparent of the
402 child may make a motion to intervene and the court shall grant such
403 motion except for good cause shown. Upon the granting of such
404 motion, such grandparent may appear by counsel or in person.

405 (d) The preliminary hearing on the order of temporary custody or
406 order to appear or the first hearing on a petition filed pursuant to
407 subsection (a) of this section shall be held in order for the court to: (1)
408 Advise the parent or guardian of the allegations contained in all
409 petitions and applications that are the subject of the hearing; (2) assure
410 that an attorney, and where appropriate, a separate guardian ad litem
411 has been appointed to represent the child or youth in accordance with
412 section 46b-129a and section 46b-136; (3) upon request, appoint an
413 attorney to represent the respondent when the respondent is unable to
414 afford representation, as determined by the court; (4) advise the parent
415 or guardian of the right to a hearing on the petitions and applications,
416 to be held within ten days from the date of the preliminary hearing if
417 the hearing is pursuant to an order of temporary custody or an order
418 to show cause; (5) accept a plea regarding the truth of such allegations;
419 (6) make any interim orders, including visitation, that the court

420 determines are in the best interests of the child or youth. The court,
421 after a hearing pursuant to this subsection, shall order specific steps
422 the commissioner and the parent or guardian shall take for the parent
423 or guardian to regain or to retain custody of the child or youth; (7) take
424 steps to determine the identity of the father of the child or youth,
425 including ordering genetic testing, if necessary, and order service of
426 the petition and notice of the hearing date, if any, to be made upon
427 him; (8) if the person named as the father appears, and admits that he
428 is the father, provide him and the mother with the notices which
429 comply with section 17b-27, as amended, and provide them with the
430 opportunity to sign a paternity acknowledgment and affirmation on
431 forms which comply with section 17b-27, as amended. [These] Such
432 documents shall be executed and filed in accordance with chapter 815y
433 and a copy delivered to the clerk of the superior court for juvenile
434 matters; and (9) in the event that the person named as a father appears
435 and denies that he is the father of the child or youth, advise him that
436 he may have no further standing in any proceeding concerning the
437 child, and either order genetic testing to determine paternity or direct
438 him to execute a written denial of paternity on a form promulgated by
439 the Office of the Chief Court Administrator. Upon execution of such a
440 form by the putative father, the court may remove him from the case
441 and afford him no further standing in the case or in any subsequent
442 proceeding regarding the child or youth until such time as paternity is
443 established by formal acknowledgment or adjudication in a court of
444 competent jurisdiction.

445 (e) If any parent or guardian fails, after service of such order, to
446 appear at the preliminary hearing, the court may enter or sustain an
447 order of temporary custody.

448 (f) Upon request, or upon its own motion, the court shall schedule a
449 hearing on the order for temporary custody or the order to show cause
450 to be held within ten days from the date of the preliminary hearing.
451 Such hearing shall be held on consecutive days except for compelling
452 circumstances or at the request of the parent or guardian.

453 (g) At a contested hearing on the order for temporary custody or
454 order to appear, credible hearsay evidence regarding statements of the
455 child or youth made to a mandated reporter or to a parent may be
456 offered by the parties and admitted by the court upon a finding that
457 the statement is reliable and trustworthy and that admission of such
458 statement is reasonably necessary. A signed statement executed by a
459 mandated reporter under oath may be admitted by the court without
460 the need for the mandated reporter to appear and testify unless called
461 by a respondent or the child, provided the statement: (1) Was provided
462 at the preliminary hearing and promptly upon request to any counsel
463 appearing after the preliminary hearing; (2) reasonably describes the
464 qualifications of the reporter and the nature of his contact with the
465 child; and (3) contains only the direct observations of the reporter, and
466 statements made to the reporter that would be admissible if the
467 reporter were to testify to them in court and any opinions reasonably
468 based thereupon. If a respondent or the child gives notice at the
469 preliminary hearing that he intends to cross-examine the reporter, the
470 person filing the petition shall make the reporter available for such
471 examination at the contested hearing.

472 (h) If any parent or guardian fails, after due notice of the hearing
473 scheduled pursuant to subsection (g) of this section and without good
474 cause, to appear at the scheduled date for a contested hearing on the
475 order of temporary custody or order to appear, the court may enter or
476 sustain an order of temporary custody.

477 (i) When a petition is filed in said court for the commitment of a
478 child or youth, the Commissioner of Children and Families shall make
479 a thorough investigation of the case and shall cause to be made a
480 thorough physical and mental examination of the child or youth if
481 requested by the court. The court after hearing may also order a
482 thorough physical or mental examination, or both, of a parent or
483 guardian whose competency or ability to care for a child or youth
484 before the court is at issue. The expenses incurred in making such
485 physical and mental examinations shall be paid as costs of
486 commitment are paid.

487 (j) Upon finding and adjudging that any child or youth is uncared-
488 for, neglected or dependent, the court may commit such child or youth
489 to the Commissioner of Children and Families. Such commitment shall
490 remain in effect until further order of the court, [pursuant to the
491 provisions of subsection (k) of this section,] provided such
492 commitment may be revoked or parental rights terminated at any time
493 by the court, or the court may vest such child's or youth's care and
494 personal custody in any private or public agency which is permitted
495 by law to care for neglected, uncared-for or dependent children or
496 youth or with any person or persons found to be suitable and worthy
497 of such responsibility by the court. The court shall order specific steps
498 which the parent must take to facilitate the return of the child or youth
499 to the custody of such parent. The commissioner shall be the guardian
500 of such child or youth for the duration of the commitment, provided
501 the child or youth has not reached the age of eighteen years or, in the
502 case of a child or youth in full-time attendance in a secondary school, a
503 technical school, a college or a state-accredited job training program,
504 provided such child or youth has not reached the age of twenty-one
505 years, by consent of such youth, or until another guardian has been
506 legally appointed, and in like manner, upon such vesting of the care of
507 such child or youth, such other public or private agency or individual
508 shall be the guardian of such child or youth until such child or youth
509 has reached the age of eighteen years or, in the case of a child or youth
510 in full-time attendance in a secondary school, a technical school, a
511 college or a state-accredited job training program, until such child or
512 youth has reached the age of twenty-one years or until another
513 guardian has been legally appointed. Said commissioner may place
514 any child or youth so committed to the commissioner in a suitable
515 foster home or in the home of a person related by blood to such child
516 or youth or in a licensed child-caring institution or in the care and
517 custody of any accredited, licensed or approved child-caring agency,
518 within or without the state, provided a child shall not be placed
519 outside the state except for good cause and unless the parents or
520 guardian of such child are notified in advance of such placement and
521 given an opportunity to be heard, or in a receiving home maintained

522 and operated by the Commissioner of Children and Families. In
523 placing such child or youth, said commissioner shall, if possible, select
524 a home, agency, institution or person of like religious faith to that of a
525 parent of such child or youth, if such faith is known or may be
526 ascertained by reasonable inquiry, provided such home conforms to
527 the standards of said commissioner and the commissioner shall, when
528 placing siblings, if possible, place such children together. As an
529 alternative to commitment, the court may place the child or youth in
530 the custody of the parent or guardian with protective supervision by
531 the Commissioner of Children and Families subject to conditions
532 established by the court. Upon the issuance of an order committing the
533 child or youth to the Commissioner of Children and Families, or not
534 later than sixty days after the issuance of such order, the court shall
535 make a determination whether the Department of Children and
536 Families made reasonable efforts, including reasonable efforts to
537 facilitate services from other agencies where appropriate, to keep the
538 child or youth with his or her parents or guardian prior to the issuance
539 of such order and, if such efforts were not made, whether such
540 reasonable efforts were not possible, taking into consideration the
541 child's or youth's best interests, including the child's or youth's health
542 and safety.

543 (k) (1) Nine months after placement of the child or youth in the care
544 and custody of the commissioner pursuant to a voluntary placement
545 agreement, or removal of a child or youth pursuant to section 17a-101g
546 or an order issued by a court of competent jurisdiction, whichever is
547 earlier, the commissioner shall file a motion for review of a
548 permanency plan, [and to maintain or revoke the commitment.] Nine
549 months after a permanency plan has been approved by the court
550 pursuant to this subsection, the commissioner shall file a motion for
551 review of the permanency plan, [and to maintain or revoke the
552 commitment.] Any party seeking to oppose the commissioner's
553 permanency plan [or the maintaining or revocation of commitment]
554 shall file a motion in opposition within thirty days after the filing of
555 the commissioner's motion for review of the permanency plan, [and to

556 maintain or revoke commitment] which motion shall include the
557 reason therefor. A permanency hearing on any motion for review of
558 the permanency plan [and to maintain or revoke commitment] shall be
559 held within ninety days of the filing of such motion. The court shall
560 hold evidentiary hearings in connection with any contested motion for
561 review of the permanency plan, [and to maintain or revoke
562 commitment. The burden of proof shall be upon the commissioner to
563 establish that the commitment should be maintained.] The
564 commissioner shall have the burden of proving that the proposed
565 permanency plan is in the best interests of the child or youth. After the
566 initial permanency hearing, subsequent permanency hearings shall be
567 held not less frequently than every twelve months while the child or
568 youth remains in the custody of the Commissioner of Children and
569 Families. The court shall provide notice to the child or youth, and the
570 parent or guardian of such child or youth, of the time and place of the
571 court hearing on any such motion not less than fourteen days prior to
572 such hearing.

573 [(2) At a permanency hearing held in accordance with the
574 provisions of subdivision (1) of this subsection, the court shall
575 determine whether it is appropriate to continue to make reasonable
576 efforts to reunify the child or youth with the parent, unless the court
577 has previously determined that such efforts are not appropriate
578 pursuant to this subdivision or section 17a-111b. In making this
579 determination, the court shall consider the best interests of the child,
580 including the child's need for permanency. If the court finds upon clear
581 and convincing evidence that further efforts are not appropriate, the
582 commissioner has no duty to make further efforts to reunify the child
583 or youth with the parent. If the court finds that further efforts are
584 appropriate, such efforts shall ensure that the child or youth's health
585 and safety are protected and such efforts shall be specified by the
586 court, including the services to be provided to the parent, what steps
587 the parent may take to address the problem that prevents the child or
588 youth from safely reuniting with the parent and a time period, not
589 longer than six months, for such steps to be accomplished.]

590 [(3)] (2) At a permanency hearing held in accordance with the
591 provisions of subdivision (1) of this subsection, the court shall approve
592 a permanency plan that is in the best interests of the child or youth and
593 takes into consideration the child's or youth's need for permanency.
594 The child's or youth's health and safety shall be of paramount concern
595 in formulating such plan. Such permanency plan may include the goal
596 of (A) revocation of commitment and [placement] reunification of the
597 child or youth with the parent or guardian, with or without protective
598 supervision; (B) transfer of guardianship; (C) long-term foster care
599 with a relative licensed as a foster parent or certified as a relative
600 caregiver; (D) adoption and filing of termination of parental rights; or
601 (E) such other planned permanent living arrangement ordered by the
602 court, provided the Commissioner of Children and Families has
603 documented a compelling reason why it would not be in the best
604 interest of the child or youth for the permanency plan to include the
605 goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such
606 other planned permanent living arrangement may include, but not be
607 limited to, placement of a child or youth in an independent living
608 program or long term foster care with an identified foster parent.

609 [(4)] (3) At a permanency hearing held in accordance with the
610 provisions of subdivision (1) of this subsection, the court shall review
611 the status of the child, the progress being made to implement the
612 permanency plan, determine a timetable for attaining the permanency
613 plan, including the services to be provided to the parent if the court
614 approves a permanency plan of reunification, and determine whether
615 the commissioner has made reasonable efforts to achieve the
616 permanency plan. [The court shall maintain commitment if it is in the
617 best interests of the child or youth.] The court shall revoke
618 commitment if a cause for commitment no longer exists and it is in the
619 best interests of the child or youth.

620 [(5)] (4) If the court approves the permanency plan of adoption: (A)
621 The Commissioner of Children and Families shall file a petition for
622 termination of parental rights within sixty days after such approval, if
623 such petition has not previously been filed; (B) the commissioner may

624 conduct a thorough adoption assessment and child-specific
625 recruitment; and ~~[(B)]~~ [(C)] the court may order that the child be photo-
626 listed within thirty days if the court determines that such photo-listing
627 is in the best interest of the child. As used in this subdivision,
628 "thorough adoption assessment" means conducting and documenting
629 face-to-face interviews with the child, foster care providers [,] and
630 other significant parties, and "child specific recruitment" means
631 recruiting an adoptive placement targeted to meet the individual
632 needs of the specific child, including, but not limited to, use of the
633 media, use of photo-listing services and any other in-state or out-of-
634 state resources that may be used to meet the specific needs of the child,
635 unless there are extenuating circumstances that indicate that ~~[these]~~
636 such efforts are not in the best interest of the child.

637 (l) The Commissioner of Children and Families shall pay directly to
638 the person or persons furnishing goods or services determined by said
639 commissioner to be necessary for the care and maintenance of such
640 child or youth the reasonable expense thereof, payment to be made at
641 intervals determined by said commissioner; and the Comptroller shall
642 draw his order on the Treasurer, from time to time, for such part of the
643 appropriation for care of committed children or youth as may be
644 needed in order to enable the commissioner to make such payments.
645 Said commissioner shall include in his annual budget a sum estimated
646 to be sufficient to carry out the provisions of this section.
647 Notwithstanding that any such child or youth has income or estate, the
648 commissioner may pay the cost of care and maintenance of such child
649 or youth. The commissioner may bill to and collect from the person in
650 charge of the estate of any child or youth aided under this chapter,
651 including his decedent estate, or the payee of such child's or youth's
652 income, the total amount expended for care of such child or youth or
653 such portion thereof as any such estate or payee is able to reimburse.

654 (m) The commissioner, a parent or the child's attorney may file a
655 motion to revoke a commitment, and, upon finding that cause for
656 commitment no longer exists, and that such revocation is in the best
657 [interest and welfare] interests of such child or youth, the court [may]

658 shall revoke the commitment of [any] such child or youth. No such
659 motion shall be filed more often than once every six months.

660 (n) Upon service on the parent, guardian or other person having
661 control of the child or youth of any order issued by the court pursuant
662 to the provisions of subsections (b) and (j) of this section, the child or
663 youth concerned shall be surrendered to the person serving the order
664 who shall forthwith deliver the child or youth to the person, agency,
665 department or institution awarded custody in such order. Upon
666 refusal of the parent, guardian or other person having control of the
667 child or youth to surrender the child or youth as provided in the order,
668 the court may cause a warrant to be issued charging the parent,
669 guardian or other person having control of the child or youth with
670 contempt of court. If the person arrested is found in contempt of court,
671 the court may order such person confined until he purges himself of
672 contempt, but for not more than six months, or may fine such person
673 not more than five hundred dollars, or both.

674 [(o) A foster parent shall have the right to be heard for the purposes
675 of this section in Superior Court in matters concerning the placement
676 or revocation of commitment of a foster child living with such parent.
677 A foster parent shall receive notice of any motion to revoke
678 commitment or any hearing on such motion. A foster parent who has
679 cared for a child or youth for not less than six months shall have the
680 right to be heard and comment on the best interests of such child or
681 youth in any matter under this section which is brought not more than
682 one year after the last day the foster parent provided such care.]

683 (o) A foster parent shall receive notice of and shall be given an
684 opportunity to be heard at any hearing on a motion for review of a
685 permanency plan, but shall not otherwise have standing to participate
686 as a party to the proceeding.

687 (p) Upon motion of any sibling of any child committed to the
688 Department of Children and Families pursuant to this section, such
689 sibling shall have the right to be heard concerning visitation with, and

690 placement of, any such child. In awarding any visitation or modifying
691 any placement, the court shall be guided by the best interests of all
692 siblings affected by such determination.

693 (q) The provisions of section 17a-152, regarding placement of a child
694 from another state, and section 17a-175, regarding the Interstate
695 Compact on the Placement of Children, shall apply to placements
696 pursuant to this section.

697 (r) In any proceeding under this section or section 17a-112, as
698 amended by this act, the court, upon its own motion or upon motion of
699 any party, may implead another state agency upon a finding based on
700 the record that (1) the inclusion of such state agency as a party is
701 necessary to assure the provision of family reunification services or
702 other services that are needed by the respondent, or by the child or
703 youth, or for other purposes under this section or section 17a-112, as
704 amended by this act, and (2) such services or other purposes are within
705 the scope of the statutory powers and duties of such state agency.

706 Sec. 8. Subsection (d) of section 45a-607 of the general statutes is
707 repealed and the following is substituted in lieu thereof (*Effective*
708 *October 1, 2004*):

709 (d) If, after hearing, the court finds by a fair preponderance of the
710 evidence (1) that the parent or other guardian has performed acts of
711 omission or commission as set forth in section 45a-610, as amended by
712 this act, and (2) that, because of such acts, the minor child is suffering
713 from serious physical illness or serious physical injury, or the
714 immediate threat thereof, or is in immediate physical danger, so as to
715 require that temporary custody be granted, the court may order the
716 custody of the minor child to be given to one of the following, taking
717 into consideration the standards set forth in section 45a-617: (A) The
718 Commissioner of Children and Families; (B) the board of managers of
719 any child-caring institution or organization; (C) any children's home or
720 similar institution licensed or approved by the Commissioner of
721 Children and Families; or (D) any other person. The fact that an order

722 of temporary custody may have been issued ex parte under subsection
723 (b) of this section shall be of no weight in a hearing held under this
724 subsection. The burden of proof shall remain upon the applicant to
725 establish the applicant's case. The court may issue the order without
726 taking into consideration the standards set forth in this section and
727 section 45a-610, as amended by this act, if the parent or other guardian
728 consents to the temporary removal of the minor child, or the court
729 finds that the minor child has no guardian of his or her person. Upon
730 the issuance of an order giving custody of the minor child to the
731 Commissioner of Children and Families, or not later than sixty days
732 after the issuance of such order, the court shall make a determination
733 whether the Department of Children and Families made reasonable
734 efforts, including reasonable efforts to facilitate services from other
735 agencies where appropriate, to keep the minor child with his or her
736 parent, parents or guardian prior to the issuance of such order and, if
737 such efforts were not made, whether such reasonable efforts were not
738 possible, taking into consideration the minor child's best interests,
739 including the minor child's health and safety.

740 Sec. 9. Section 45a-610 of the general statutes is repealed and the
741 following is substituted in lieu thereof (*Effective October 1, 2004*):

742 If the Court of Probate finds that notice has been given or a waiver
743 has been filed, as provided in section 45a-609, it may remove a parent
744 as guardian, if the court finds by clear and convincing evidence one of
745 the following: (1) The parent consents to his or her removal as
746 guardian; or (2) the minor child has been abandoned by the parent in
747 the sense that the parent has failed to maintain a reasonable degree of
748 interest, concern or responsibility for the minor child's welfare; or (3)
749 the minor child has been denied the care, guidance or control
750 necessary for his or her physical, educational, moral or emotional well-
751 being, as a result of acts of parental commission or omission, whether
752 the acts are the result of the physical or mental incapability of the
753 parent or conditions attributable to parental habits, misconduct or
754 neglect, and the parental acts or deficiencies support the conclusion
755 that the parent cannot exercise, or should not in the best interests of the

756 minor child be permitted to exercise, parental rights and duties at the
 757 time; or (4) the minor child has had physical injury or injuries inflicted
 758 upon the minor child by a person responsible for such child's health,
 759 welfare or care, or by a person given access to such child by such
 760 responsible person, other than by accidental means, or has injuries
 761 which are at variance with the history given of them or is in a
 762 condition which is the result of maltreatment such as, but not limited
 763 to, malnutrition, sexual molestation, deprivation of necessities,
 764 emotional maltreatment or cruel punishment; or (5) the minor child
 765 has been found to be neglected or uncared for, as defined in section
 766 46b-120. If, after removal of a parent as guardian under this section, the
 767 minor child has no guardian of his or her person, such a guardian may
 768 be appointed under the provisions of section 45a-616. Upon the
 769 issuance of an order appointing the Commissioner of Children and
 770 Families as guardian of the minor child, or not later than sixty days
 771 after the issuance of such order, the court shall make a determination
 772 whether the Department of Children and Families made reasonable
 773 efforts, including reasonable efforts to facilitate services from other
 774 agencies where appropriate, to keep the minor child with his or her
 775 parents prior to the issuance of such order and, if such efforts were not
 776 made, whether such reasonable efforts were not possible, taking into
 777 consideration the minor child's best interests, including the minor
 778 child's health and safety."

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>