



House of Representatives

File No. 626

General Assembly

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Substitute House Bill No. 5011
As Amended by House Amendment
Schedules "A", "B" and "C"

Approved by the Legislative Commissioner
April 24, 2006

AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR FOSTER PARENTS WHO ARE STATE EMPLOYEES, SERVICES FOR INDIVIDUALS EIGHTEEN YEARS OF AGE AND OLDER IN THE CARE AND SUPERVISION OF THE COMMISSIONER OF CHILDREN AND FAMILIES, PERMANENCY PLANS FOR CHILDREN, AND EMPLOYMENT ACCOMMODATIONS FOR MEMBERS OF THE GENERAL ASSEMBLY.

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

1 Section 1. Section 5-248a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Each permanent employee, as defined in subdivision [(21)] (20)
4 of section 5-196, shall be entitled to the following: (1) A maximum of
5 twenty-four weeks of family leave of absence within any two-year
6 period upon the birth or adoption of a child of such employee, or upon
7 the serious illness of a child, spouse or parent of such employee; [and]
8 (2) a maximum of twenty-four weeks of medical leave of absence
9 within any two-year period upon the serious illness of such employee
10 or in order for such employee to serve as an organ or bone marrow
11 donor; and (3) a maximum of four weeks of family leave of absence

12 within any one-year period upon the serious illness of a foster child of
13 the employee. Any such leave of absence shall be without pay. Upon
14 the expiration of any such leave of absence, the employee shall be
15 entitled (A) to return to the employee's original job from which the
16 leave of absence was provided or, if not available, to an equivalent
17 position with equivalent pay, except that in the case of a medical leave,
18 if the employee is medically unable to perform the employee's original
19 job upon the expiration of such leave, the Personnel Division of the
20 Department of Administrative Services shall endeavor to find other
21 suitable work for such employee in state service, and (B) to all
22 accumulated seniority, retirement, fringe benefit and other service
23 credits the employee had at the commencement of such leave. Such
24 service credits shall not accrue during the period of the leave of
25 absence.

26 (b) The leave of absence benefits granted by this section shall be in
27 addition to any other paid leave benefits and benefits provided under
28 subdivision (7) of subsection (a) of section 46a-60 which are otherwise
29 available to the employee.

30 (c) Any permanent employee who requests a medical leave of
31 absence due to the employee's serious illness or a family leave of
32 absence due to the serious illness of a child, spouse, [or] parent or
33 foster child pursuant to subsection (a) of this section shall be required
34 by the employee's appointing authority, prior to the inception of such
35 leave, to provide sufficient written certification from the physician of
36 such employee, child, spouse, [or] parent or foster child of the nature
37 of such illness and its probable duration. For the purposes of this
38 section, "serious illness" means an illness, injury, impairment or
39 physical or mental condition that involves (1) inpatient care in a
40 hospital, hospice or residential care facility, or (2) continuing treatment
41 or continuing supervision by a health care provider.

42 (d) Any permanent employee who requests a medical leave of
43 absence in order to serve as an organ or bone marrow donor pursuant
44 to subsection (a) of this section shall be required by the employee's

45 appointing authority, prior to the inception of such leave, to provide
46 sufficient written certification from the physician of such employee of
47 the proposed organ or bone marrow donation and the probable
48 duration of the employee's recovery period from such donation.

49 (e) Any permanent employee who requests a family leave of
50 absence pursuant to subsection (a) of this section shall submit to the
51 employee's appointing authority, prior to the inception of such leave, a
52 signed statement of the employee's intent to return to the employee's
53 position in state service upon the termination of such leave.

54 (f) Notwithstanding the provisions of subsection (b) of section 38a-
55 554, the state shall pay for the continuation of health insurance benefits
56 for the employee during any leave of absence taken pursuant to this
57 section. In order to continue any other health insurance coverages
58 during such leave, the employee shall contribute that portion of the
59 premium the employee would have been required to contribute had
60 the employee remained an active employee during the leave period.

61 Sec. 2. Subsection (g) of section 17a-11 of the 2006 supplement to the
62 general statutes is repealed and the following is substituted in lieu
63 thereof (*Effective from passage*):

64 (g) Notwithstanding any provision of sections 17a-1 to 17a-26,
65 inclusive, and 17a-28 to 17a-49, inclusive, as amended, [to the
66 contrary,] any person already under the care and supervision of the
67 Commissioner of Children and Families who has passed such person's
68 eighteenth birthday but has not yet reached such person's twenty-first
69 birthday [,] may be permitted to remain voluntarily under the
70 supervision of the commissioner, provided [said] the commissioner, in
71 [said] the commissioner's discretion, determines that such person
72 would benefit from further care and support from the Department of
73 Children and Families. Any person remaining voluntarily under the
74 supervision of the commissioner pursuant to this subsection shall be
75 entitled to a written plan for care and treatment, and review of such
76 plan, in accordance with section 17a-15.

77 Sec. 3. Subsection (a) of section 17a-3 of the 2006 supplement to the
78 general statutes is repealed and the following is substituted in lieu
79 thereof (*Effective from passage*):

80 (a) The department shall plan, create, develop, operate or arrange
81 for, administer and evaluate a comprehensive and integrated
82 state-wide program of services, including preventive services, for
83 children and youth whose behavior does not conform to the law or to
84 acceptable community standards, or who are mentally ill, including
85 deaf and hearing impaired children and youth who are mentally ill,
86 emotionally disturbed, substance abusers, delinquent, abused,
87 neglected or uncared for, including all children and youth who are or
88 may be committed to it by any court, and all children and youth
89 voluntarily admitted to, or remaining voluntarily under the
90 supervision of, the [department] commissioner for services of any
91 kind. Services shall not be denied to any such child or youth solely
92 because of other complicating or multiple disabilities. The department
93 shall work in cooperation with other child-serving agencies and
94 organizations to provide or arrange for preventive programs,
95 including but not limited to teenage pregnancy and youth suicide
96 prevention, for children and youth and their families. The program
97 shall provide services and placements that are clinically indicated and
98 appropriate to the needs of the child or youth. In furtherance of this
99 purpose, the department shall: (1) Maintain the Connecticut Juvenile
100 Training School and other appropriate facilities exclusively for
101 delinquents; (2) develop a comprehensive program for prevention of
102 problems of children and youth and provide a flexible, innovative and
103 effective program for the placement, care and treatment of children
104 and youth committed by any court to the department, transferred to
105 the department by other departments, or voluntarily admitted to the
106 department; (3) provide appropriate services to families of children
107 and youth as needed to achieve the purposes of sections 17a-1 to
108 17a-26, inclusive, 17a-28 to 17a-49, inclusive, as amended, and 17a-51;
109 (4) establish incentive paid work programs for children and youth
110 under the care of the department and the rates to be paid such children

111 and youth for work done in such programs and may provide
112 allowances to children and youth in the custody of the department; (5)
113 be responsible to collect, interpret and publish statistics relating to
114 children and youth within the department; (6) conduct studies of any
115 program, service or facility developed, operated, contracted for or
116 supported by the department in order to evaluate its effectiveness; (7)
117 establish staff development and other training and educational
118 programs designed to improve the quality of departmental services
119 and programs, provided no social worker trainee shall be assigned a
120 case load prior to completing training, and may establish educational
121 or training programs for children, youth, parents or other interested
122 persons on any matter related to the promotion of the well-being of
123 children, or the prevention of mental illness, emotional disturbance,
124 delinquency and other disabilities in children and youth; (8) develop
125 and implement aftercare and follow-up services appropriate to the
126 needs of any child or youth under the care of the department; (9)
127 establish a case audit unit to monitor each area office's compliance
128 with regulations and procedures; (10) develop and maintain a database
129 listing available community service programs funded by the
130 department; (11) provide outreach and assistance to persons caring for
131 children whose parents are unable to do so by informing such persons
132 of programs and benefits for which they may be eligible; and (12)
133 collect data sufficient to identify the housing needs of children served
134 by the department and share such data with the Department of
135 Economic and Community Development.

136 Sec. 4. Section 17a-91 of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective October 1, 2006*):

138 The Commissioner of Children and Families shall report, on
139 February fifteenth annually, to the Governor and to the joint standing
140 committees of the General Assembly having cognizance of matters
141 relating to human services, the judiciary and human rights and
142 opportunities, with respect to the status, (1) as of the January first
143 preceding, of all children committed to the commissioner's custody,
144 including in such report the date of commitment with respect to each

145 child, and (2) of the central registry and monitoring system established
146 in accordance with subsection [(d)] (c) of section 17a-110, as amended
147 by this act.

148 Sec. 5. Section 17a-110 of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective October 1, 2006*):

150 (a) As used in this section, "child" means a person under the age of
151 eighteen years; "foster child" means a child placed temporarily in a
152 home [,] pending permanent placement; "permanent home" means a
153 home for a child with the child's genetic or adoptive parents or the
154 child's legal guardian considered to be such child's permanent
155 residence; and "permanency placement services" means services that
156 are designed and rendered for the purpose of relocating a foster child
157 with such child's legal family or finding a permanent home for such
158 child, including, but not limited to, the following: (1) Treatment
159 services for the child and the genetic family; (2) preplacement
160 planning; (3) appropriate court proceedings to effect permanent
161 placement, including, but not limited to, the following: (A)
162 Termination of parental rights; (B) revocation of commitment; (C)
163 removal or reinstatement of guardianship; (D) temporary custody; (4)
164 recruitment and screening of permanent placement homes; (5) home
165 study and evaluation of permanent placement homes; (6) placement of
166 children in permanent homes; (7) postplacement supervision and
167 services to such homes following finalization of such placements in the
168 courts; and (8) other services routinely performed by caseworkers
169 doing similar work in the Department of Children and Families.

170 [(b) At a hearing held in accordance with subsection (k) of section
171 46b-129 and section 17a-111b, the court shall determine the
172 appropriateness of continuing efforts to reunify a child with the child's
173 family. If the court finds that such efforts are not appropriate, the
174 Department of Children and Families shall within sixty days of such
175 finding either (1) file a petition for the termination of parental rights,
176 (2) file a motion to revoke the commitment and vest the custody and
177 guardianship of the child on a permanent or long-term basis in an

178 appropriate individual or couple, or (3) file a written permanency plan
179 with the court for permanent or long-term foster care, which plan shall
180 include an explanation of the reason that neither termination of
181 parental rights nor custody and guardianship is appropriate for the
182 child. The court shall promptly convene a hearing for the purpose of
183 reviewing such written plan. When the court finds that the efforts to
184 reunify a child with the child's family are not appropriate, the
185 department shall use its best efforts to maintain such child in the initial
186 out-of-home placement, provided the department determines that such
187 placement is in the best interests of the child, until such time as a
188 permanent home for the child is found or the child is placed for
189 adoption. If the permanency plan calls for placing the child for
190 adoption or in some other permanent home, good faith efforts shall be
191 made to place the child for adoption or in some other alternative
192 home.]

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

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

207 [(e)] (d) Whenever the Commissioner of Children and Families
208 deems it necessary or advisable in order to carry out the purposes of
209 this section, the commissioner may contract with any private
210 child-placing agency, as defined in section 45a-707, for a term of not

211 less than three years and not more than five years, to provide any one
212 or more permanency placement services on behalf of the Department
213 of Children and Families. Whenever any contract is entered into under
214 this section [which] that requires private agencies to perform casework
215 services, such as the preparation of applications and petitions for
216 termination of parental rights, guardianship or other custodial matters,
217 or [which] that requires court appearances, the Attorney General shall
218 provide legal services for the Commissioner of Children and Families
219 notwithstanding that some of the services have been performed by
220 caseworkers of private agencies, except that no such legal services shall
221 be provided unless the Commissioner of Children and Families is a
222 legal party to any court action [hereunder] under this section.

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

225 Sec. 6. Section 17a-111b of the general statutes is repealed and the
226 following is substituted in lieu thereof (*Effective October 1, 2006*):

227 (a) The Commissioner of Children and Families shall make
228 reasonable efforts to reunify a parent with a child unless the court (1)
229 determines that such efforts are not required pursuant to subsection
230 (b) of this section or subsection (j) of section 17a-112, as amended by
231 this act, or (2) has approved a permanency plan other than
232 reunification pursuant to subsection (k) of section 46b-129, as amended
233 by this act.

234 [(a)] (b) The Commissioner of Children and Families or any other
235 party may, at any time, [petition] file a motion with the court for a
236 determination [on whether] that reasonable efforts to reunify the
237 parent with the child are [appropriate] not required. The court shall
238 hold an evidentiary hearing on the [petition within thirty days of]
239 motion not later than thirty days after the filing of the [petition]
240 motion or may consolidate the hearing with a trial on a petition to
241 terminate parental rights pursuant to section 17a-112, as amended by
242 this act. The court may determine that such efforts are not

243 [appropriate] required if the court finds upon clear and convincing
244 evidence that: (1) The parent has subjected the child to the following
245 aggravated circumstances: (A) The child has been abandoned, as
246 defined in subsection (j) of section 17a-112, as amended by this act; or
247 (B) the parent has inflicted or knowingly permitted another person to
248 inflict sexual molestation or exploitation or severe physical abuse on
249 the child or engaged in a pattern of abuse of the child; (2) the parent
250 has killed, through deliberate, nonaccidental act, another child of the
251 parent or a sibling of the child, or has [required] requested,
252 commanded, importuned, attempted, conspired or solicited to commit
253 or knowingly permitted another person to commit the killing of the
254 child, another child of the parent or sibling of the child, or has
255 committed or knowingly permitted another person to commit an
256 assault, through deliberate, nonaccidental act, that resulted in serious
257 bodily injury of the child, another child of the parent or a sibling of the
258 child; (3) the parental rights of the parent to a sibling have been
259 [involuntarily] terminated within three years of the filing of a petition
260 pursuant to this section, provided the commissioner has made
261 reasonable efforts to reunify the parent with the child during a period
262 of at least ninety days; (4) the parent was convicted by a court of
263 competent jurisdiction of sexual assault, except a conviction of a
264 violation of section 53a-71 or 53a-73a resulting in the conception of the
265 child; or (5) the child was placed in the care and control of the
266 commissioner pursuant to the provisions of sections 17a-57 to 17a-61,
267 inclusive.

268 [(b)] (c) If the court [determined] determines that such efforts are
269 not [appropriate] required, the court shall, at such hearing or at a
270 hearing held not later than thirty days [from] after such determination,
271 approve a permanency plan for such child, [which] The plan may
272 include (1) adoption and a requirement that the commissioner file a
273 petition to terminate parental rights, (2) long-term foster care [,
274 independent living,] with a relative licensed as a foster parent or
275 certified as a relative caregiver, (3) transfer of guardianship, or
276 [adoption] (4) such other planned permanent living arrangement as

277 may be ordered by the court, provided the commissioner has
278 documented a compelling reason why it would not be in the best
279 interests of the child for the permanency plan to include one of the
280 options set forth in subdivisions (1) to (3), inclusive, of this subsection.
281 The child's health and safety shall be of paramount concern in
282 formulating such plan.

283 (d) If the court determines that reasonable efforts to reunify the
284 parent with the child are not required, the Department of Children and
285 Families shall use its best efforts to maintain the child in the initial out-
286 of-home placement, provided the department determines that such
287 placement is in the best interests of the child, until such time as a
288 permanent home for the child is found or the child is placed for
289 adoption. If the permanency plan calls for placing the child for
290 adoption or in some other permanent home, good faith efforts shall be
291 made to place the child for adoption or in some other permanent
292 home.

293 Sec. 7. Subsection (j) of section 17a-112 of the general statutes is
294 repealed and the following is substituted in lieu thereof (*Effective*
295 *October 1, 2006*):

296 (j) The Superior Court, upon [hearing and] notice and hearing as
297 provided in sections 45a-716 and 45a-717, may grant a petition filed
298 pursuant to this section if it finds by clear and convincing evidence
299 [(1)] that (1) the Department of Children and Families has made
300 reasonable efforts to locate the parent and to reunify the child with the
301 parent in accordance with subsection (a) of section 17a-111b, as
302 amended by this act, unless the court finds in this proceeding that the
303 parent is unable or unwilling to benefit from reunification efforts,
304 [provided] except that such finding is not required if the court has
305 determined at a hearing pursuant to [subsection (b) of section 17a-110
306 or] section 17a-111b, as amended by this act, or determines at trial on
307 the petition, that such efforts are not [appropriate, (2) that] required,
308 (2) termination is in the best interest of the child, and (3) [that:] (A)
309 [The] the child has been abandoned by the parent in the sense that the

310 parent has failed to maintain a reasonable degree of interest, concern
311 or responsibility as to the welfare of the child; (B) the child (i) has been
312 found by the Superior Court or the Probate Court to have been
313 neglected or uncared for in a prior proceeding, or (ii) is found to be
314 neglected or uncared for and has been in the custody of the
315 commissioner for at least fifteen months and the parent of such child
316 has been provided specific steps to take to facilitate the return of the
317 child to the parent pursuant to section 46b-129, as amended by this act,
318 and has failed to achieve such degree of personal rehabilitation as
319 would encourage the belief that within a reasonable time, considering
320 the age and needs of the child, such parent could assume a responsible
321 position in the life of the child; (C) the child has been denied, by reason
322 of an act or acts of parental commission or omission including, but not
323 limited to, sexual molestation or exploitation, severe physical abuse or
324 a pattern of abuse, the care, guidance or control necessary for the
325 child's physical, educational, moral or emotional well-being, [.
326 Nonaccidental] except that nonaccidental or inadequately explained
327 serious physical injury to a child shall constitute prima facie evidence
328 of acts of parental commission or omission sufficient for the
329 termination of parental rights; (D) there is no ongoing parent-child
330 relationship, which means the relationship that ordinarily develops as
331 a result of a parent having met on a day-to-day basis the physical,
332 emotional, moral and educational needs of the child and to allow
333 further time for the establishment or reestablishment of such
334 parent-child relationship would be detrimental to the best interest of
335 the child; (E) the parent of a child under the age of seven years who is
336 neglected or uncared for, has failed, is unable or is unwilling to achieve
337 such degree of personal rehabilitation as would encourage the belief
338 that within a reasonable period of time, considering the age and needs
339 of the child, such parent could assume a responsible position in the life
340 of the child and such parent's parental rights of another child were
341 previously terminated pursuant to a petition filed by the
342 Commissioner of Children and Families; (F) the parent has killed
343 through deliberate, nonaccidental act another child of the parent or has
344 requested, commanded, importuned, attempted, conspired or solicited

345 such killing or has committed an assault, through deliberate,
346 nonaccidental act that resulted in serious bodily injury of another child
347 of the parent; or (G) the parent was convicted as an adult or a
348 delinquent by a court of competent jurisdiction of a sexual assault
349 resulting in the conception of the child, except a conviction for a
350 violation of section 53a-71 or 53a-73a, provided the court may
351 terminate such parent's parental rights to such child at any time after
352 such conviction.

353 Sec. 8. Subsection (o) of section 17a-112 of the general statutes is
354 repealed and the following is substituted in lieu thereof (*Effective*
355 *October 1, 2006*):

356 (o) In the case where termination of parental rights is granted, the
357 guardian of the person or statutory parent shall report to the court
358 [within] not later than thirty days [of] after the date judgment is
359 entered on a case plan, as defined by the federal Adoption Assistance
360 and Child Welfare Act of 1980, for the child which shall include
361 measurable objectives and time schedules. At least every three months
362 thereafter, such guardian or statutory parent shall make a report to the
363 court on the progress made on implementation of the plan. The court
364 may convene a hearing upon the filing of a report and shall convene [a
365 hearing] and conduct a permanency hearing pursuant to subsection (k)
366 of section 46b-129, as amended by this act, for the purpose of
367 reviewing the permanency plan for the child no more than twelve
368 months from the date judgment is entered or from the date of the last
369 permanency hearing held pursuant to subsection (k) of section 46b-
370 129, as amended by this act, whichever is earlier, and at least once a
371 year thereafter [until the court determines that the adoption plan has
372 become finalized] while the child remains in the custody of the
373 Commissioner of Children and Families. For children where the
374 commissioner has determined that adoption is appropriate, the report
375 on the implementation of the plan shall include a description of the
376 reasonable efforts the department is taking to promote and expedite
377 the adoptive placement and to finalize the adoption of the child,
378 including documentation of child specific recruitment efforts. At such

379 hearing, the court shall determine whether the department has made
380 reasonable efforts to achieve the permanency plan. If the court
381 determines that the department has not made reasonable efforts to
382 place a child in an adoptive placement or that reasonable efforts have
383 not resulted in the placement of the child, the court may order the
384 Department of Children and Families, within available appropriations,
385 to contract with a child-placing agency to arrange for the adoption of
386 the child. The department, as statutory parent, shall continue to
387 provide care and services for the child while a child-placing agency is
388 arranging for the adoption of the child.

389 Sec. 9. Section 46b-129 of the general statutes is repealed and the
390 following is substituted in lieu thereof (*Effective October 1, 2006*):

391 (a) Any selectman, town manager, or town, city [,] or borough
392 welfare department, any probation officer, or the Commissioner of
393 Social Services, the Commissioner of Children and Families or any
394 child-caring institution or agency approved by the Commissioner of
395 Children and Families, a child or such child's representative or
396 attorney or a foster parent of a child, having information that a child or
397 youth is neglected, uncared-for or dependent, may file with the
398 Superior Court [which] that has venue over such matter a verified
399 petition plainly stating such facts as bring the child or youth within the
400 jurisdiction of the court as neglected, uncared-for [,] or dependent,
401 within the meaning of section 46b-120, as amended, the name, date of
402 birth, sex [,] and residence of the child or youth, the name and
403 residence of such child's parents or guardian, and praying for
404 appropriate action by the court in conformity with the provisions of
405 this chapter. Upon the filing of such a petition, except as otherwise
406 provided in subsection (k) of section 17a-112, the court shall cause a
407 summons to be issued requiring the parent or parents or the guardian
408 of the child or youth to appear in court at the time and place named,
409 which summons shall be served not less than fourteen days before the
410 date of the hearing in the manner prescribed by section 46b-128, and
411 [said] the court shall further give notice to the petitioner and to the
412 Commissioner of Children and Families of the time and place when

413 the petition is to be heard not less than fourteen days prior to the
414 hearing in question.

415 (b) If it appears from the specific allegations of the petition and
416 other verified affirmations of fact accompanying the petition and
417 application, or subsequent thereto, that there is reasonable cause to
418 believe that (1) the child or youth is suffering from serious physical
419 illness or serious physical injury or is in immediate physical danger
420 from the child's or youth's surroundings, and (2) that as a result of said
421 conditions, the child's or youth's safety is endangered and immediate
422 removal from such surroundings is necessary to ensure the child's or
423 youth's safety, the court shall either (A) issue an order to the parents or
424 other person having responsibility for the care of the child or youth to
425 appear at such time as the court may designate to determine whether
426 the court should vest in some suitable agency or person the child's or
427 youth's temporary care and custody pending disposition of the
428 petition, or (B) issue an order ex parte vesting in some suitable agency
429 or person the child's or youth's temporary care and custody. A
430 preliminary hearing on any ex parte custody order or order to appear
431 issued by the court shall be held [within] not later than ten days [from]
432 after the issuance of such order. The service of such orders may be
433 made by any officer authorized by law to serve process, or by any
434 probation officer appointed in accordance with section 46b-123,
435 investigator from the Department of Administrative Services, state or
436 local police officer or indifferent person. Such orders shall include a
437 conspicuous notice to the respondent written in clear and simple
438 language containing at least the following information: (i) That the
439 order contains allegations that conditions in the home have
440 endangered the safety and welfare of the child or youth; (ii) that a
441 hearing will be held on the date on the form; (iii) that the hearing is the
442 opportunity to present the parents' position concerning the alleged
443 facts; (iv) that an attorney will be appointed for parents who cannot
444 afford an attorney; (v) that such parents may apply for a court-
445 appointed attorney by going in person to the court address on the form
446 and are advised to go as soon as possible in order for the attorney to

447 prepare for the hearing; and (vi) if such parents have any questions
448 concerning the case or appointment of counsel, any such parent is
449 advised to go to the court or call the clerk's office at the court as soon
450 as possible. Upon application for appointed counsel, the court shall
451 promptly determine eligibility and, if the respondent is eligible,
452 promptly appoint counsel. The expense for any temporary care and
453 custody shall be paid by the town in which such child or youth is at
454 the time residing, and such town shall be reimbursed [therefor] for
455 such expense by the town found liable for the child's or youth's
456 support, except that where a state agency has filed a petition pursuant
457 to the provisions of subsection (a) of this section, the agency shall pay
458 such expense. The agency shall give primary consideration to placing
459 the child or youth in the town where such child or youth resides. The
460 agency shall file in writing with the clerk of the court the reasons for
461 placing the child or youth in a particular placement outside the town
462 where the child or youth resides. Upon issuance of an ex parte order,
463 the court shall provide to the commissioner and the parent or guardian
464 specific steps necessary for each to take to address the ex parte order
465 for the parent or guardian to retain or regain custody of the child or
466 youth. Upon the issuance of such order, or not later than sixty days
467 after the issuance of such order, the court shall make a determination
468 whether the Department of Children and Families made reasonable
469 efforts to keep the child or youth with his or her parents or guardian
470 prior to the issuance of such order and, if such efforts were not made,
471 whether such reasonable efforts were not possible, taking into
472 consideration the child's or youth's best interests, including the child's
473 or youth's health and safety.

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

478 (d) The preliminary hearing on the order of temporary custody or
479 order to appear or the first hearing on a petition filed pursuant to
480 subsection (a) of this section shall be held in order for the court to: (1)

481 Advise the parent or guardian of the allegations contained in all
482 petitions and applications that are the subject of the hearing; (2) assure
483 that an attorney, and where appropriate, a separate guardian ad litem
484 has been appointed to represent the child or youth in accordance with
485 [section] sections 46b-129a and [section] 46b-136; (3) upon request,
486 appoint an attorney to represent the respondent when the respondent
487 is unable to afford representation, as determined by the court; (4)
488 advise the parent or guardian of the right to a hearing on the petitions
489 and applications, to be held [within] not later than ten days [from]
490 after the date of the preliminary hearing if the hearing is pursuant to
491 an order of temporary custody or an order to show cause; (5) accept a
492 plea regarding the truth of such allegations; (6) make any interim
493 orders, including visitation, that the court determines are in the best
494 interests of the child or youth. The court, after a hearing pursuant to
495 this subsection, shall order specific steps the commissioner and the
496 parent or guardian shall take for the parent or guardian to regain or to
497 retain custody of the child or youth; (7) take steps to determine the
498 identity of the father of the child or youth, including ordering genetic
499 testing, if necessary, and order service of the petition and notice of the
500 hearing date, if any, to be made upon him; (8) if the person named as
501 the father appears, and admits that he is the father, provide him and
502 the mother with the notices [which] that comply with section 17b-27
503 and provide them with the opportunity to sign a paternity
504 acknowledgment and affirmation on forms [which] that comply with
505 section 17b-27. [These] Such documents shall be executed and filed in
506 accordance with chapter 815y and a copy delivered to the clerk of the
507 superior court for juvenile matters; and (9) in the event that the person
508 named as a father appears and denies that he is the father of the child
509 or youth, advise him that he may have no further standing in any
510 proceeding concerning the child, and either order genetic testing to
511 determine paternity or direct him to execute a written denial of
512 paternity on a form promulgated by the Office of the Chief Court
513 Administrator. Upon execution of such a form by the putative father,
514 the court may remove him from the case and afford him no further
515 standing in the case or in any subsequent proceeding regarding the

516 child or youth until such time as paternity is established by formal
517 acknowledgment or adjudication in a court of competent jurisdiction.

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

521 (f) Upon request, or upon its own motion, the court shall schedule a
522 hearing on the order for temporary custody or the order to show cause
523 to be held [within] not later than ten days [from] after the date of the
524 preliminary hearing. Such hearing shall be held on consecutive days
525 except for compelling circumstances or at the request of the parent or
526 guardian.

527 (g) At a contested hearing on the order for temporary custody or
528 order to appear, credible hearsay evidence regarding statements of the
529 child or youth made to a mandated reporter or to a parent may be
530 offered by the parties and admitted by the court upon a finding that
531 the statement is reliable and trustworthy and that admission of such
532 statement is reasonably necessary. A signed statement executed by a
533 mandated reporter under oath may be admitted by the court without
534 the need for the mandated reporter to appear and testify unless called
535 by a respondent or the child, provided the statement: (1) Was provided
536 at the preliminary hearing and promptly upon request to any counsel
537 appearing after the preliminary hearing; (2) reasonably describes the
538 qualifications of the reporter and the nature of his contact with the
539 child; and (3) contains only the direct observations of the reporter, and
540 statements made to the reporter that would be admissible if the
541 reporter were to testify to them in court and any opinions reasonably
542 based thereupon. If a respondent or the child gives notice at the
543 preliminary hearing that he intends to cross-examine the reporter, the
544 person filing the petition shall make the reporter available for such
545 examination at the contested hearing.

546 (h) If any parent or guardian fails, after due notice of the hearing
547 scheduled pursuant to subsection (g) of this section and without good

548 cause, to appear at the scheduled date for a contested hearing on the
549 order of temporary custody or order to appear, the court may enter or
550 sustain an order of temporary custody.

551 (i) When a petition is filed in said court for the commitment of a
552 child or youth, the Commissioner of Children and Families shall make
553 a thorough investigation of the case and shall cause to be made a
554 thorough physical and mental examination of the child or youth if
555 requested by the court. The court after hearing may also order a
556 thorough physical or mental examination, or both, of a parent or
557 guardian whose competency or ability to care for a child or youth
558 before the court is at issue. The expenses incurred in making such
559 physical and mental examinations shall be paid as costs of
560 commitment are paid.

561 (j) Upon finding and adjudging that any child or youth is uncared-
562 for, neglected or dependent, the court may commit such child or youth
563 to the Commissioner of Children and Families. Such commitment shall
564 remain in effect until further order of the court, [pursuant to the
565 provisions of subsection (k) of this section, provided] except that such
566 commitment may be revoked or parental rights terminated at any time
567 by the court, or the court may vest such child's or youth's care and
568 personal custody in any private or public agency [which] that is
569 permitted by law to care for neglected, uncared-for or dependent
570 children or youth or with any person or persons found to be suitable
571 and worthy of such responsibility by the court. The court shall order
572 specific steps [which] that the parent must take to facilitate the return
573 of the child or youth to the custody of such parent. The commissioner
574 shall be the guardian of such child or youth for the duration of the
575 commitment, provided the child or youth has not reached the age of
576 eighteen years or, in the case of a child or youth in full-time attendance
577 in a secondary school, a technical school, a college or a state-accredited
578 job training program, provided such child or youth has not reached the
579 age of twenty-one years, by consent of such youth, or until another
580 guardian has been legally appointed, and in like manner, upon such
581 vesting of the care of such child or youth, such other public or private

582 agency or individual shall be the guardian of such child or youth until
583 such child or youth has reached the age of eighteen years or, in the
584 case of a child or youth in full-time attendance in a secondary school, a
585 technical school, a college or a state-accredited job training program,
586 until such child or youth has reached the age of twenty-one years or
587 until another guardian has been legally appointed. [Said] The
588 commissioner may place any child or youth so committed to the
589 commissioner in a suitable foster home or in the home of a person
590 related by blood to such child or youth or in a licensed child-caring
591 institution or in the care and custody of any accredited, licensed or
592 approved child-caring agency, within or without the state, provided a
593 child shall not be placed outside the state except for good cause and
594 unless the parents or guardian of such child are notified in advance of
595 such placement and given an opportunity to be heard, or in a receiving
596 home maintained and operated by the Commissioner of Children and
597 Families. In placing such child or youth, [said] the commissioner shall,
598 if possible, select a home, agency, institution or person of like religious
599 faith to that of a parent of such child or youth, if such faith is known or
600 may be ascertained by reasonable inquiry, provided such home
601 conforms to the standards of said commissioner and the commissioner
602 shall, when placing siblings, if possible, place such children together.
603 As an alternative to commitment, the court may place the child or
604 youth in the custody of the parent or guardian with protective
605 supervision by the Commissioner of Children and Families subject to
606 conditions established by the court. Upon the issuance of an order
607 committing the child or youth to the Commissioner of Children and
608 Families, or not later than sixty days after the issuance of such order,
609 the court shall [make a determination] determine whether the
610 Department of Children and Families made reasonable efforts to keep
611 the child or youth with his or her parents or guardian prior to the
612 issuance of such order and, if such efforts were not made, whether
613 such reasonable efforts were not possible, taking into consideration the
614 child's or youth's best interests, including the child's or youth's health
615 and safety.

616 (k) (1) Nine months after placement of the child or youth in the care
617 and custody of the commissioner pursuant to a voluntary placement
618 agreement, or removal of a child or youth pursuant to section 17a-
619 101g, as amended, or an order issued by a court of competent
620 jurisdiction, whichever is earlier, the commissioner shall file a motion
621 for review of a permanency plan, [and to maintain or revoke the
622 commitment.] Nine months after a permanency plan has been
623 approved by the court pursuant to this subsection, the commissioner
624 shall file a motion for review of the permanency plan, [and to maintain
625 or revoke the commitment.] Any party seeking to oppose the
626 commissioner's permanency plan [or the maintaining or revocation of
627 commitment] shall file a motion in opposition [within] not later than
628 thirty days after the filing of the commissioner's motion for review of
629 the permanency plan, [and to maintain or revoke commitment] which
630 motion shall include the reason therefor. A permanency hearing on
631 any motion for review of the permanency plan [and to maintain or
632 revoke commitment] shall be held [within] not later than ninety days
633 [of] after the filing of such motion. The court shall hold evidentiary
634 hearings in connection with any contested motion for review of the
635 permanency plan, [and to maintain or revoke commitment. The
636 burden of proof shall be upon the commissioner to establish that the
637 commitment should be maintained.] The commissioner shall have the
638 burden of proving that the proposed permanency plan is in the best
639 interests of the child or youth. After the initial permanency hearing,
640 subsequent permanency hearings shall be held not less frequently than
641 every twelve months while the child or youth remains in the custody
642 of the Commissioner of Children and Families. The court shall provide
643 notice to the child or youth, and the parent or guardian of such child or
644 youth of the time and place of the court hearing on any such motion
645 not less than fourteen days prior to such hearing.

646 [(2) At a permanency hearing held in accordance with the
647 provisions of subdivision (1) of this subsection, the court shall
648 determine whether it is appropriate to continue to make reasonable
649 efforts to reunify the child or youth with the parent, unless the court

650 has previously determined that such efforts are not appropriate
651 pursuant to this subdivision or section 17a-111b. In making this
652 determination, the court shall consider the best interests of the child,
653 including the child's need for permanency. If the court finds upon clear
654 and convincing evidence that further efforts are not appropriate, the
655 commissioner has no duty to make further efforts to reunify the child
656 or youth with the parent. If the court finds that further efforts are
657 appropriate, such efforts shall ensure that the child or youth's health
658 and safety are protected and such efforts shall be specified by the
659 court, including the services to be provided to the parent, what steps
660 the parent may take to address the problem that prevents the child or
661 youth from safely reuniting with the parent and a time period, not
662 longer than six months, for such steps to be accomplished.]

663 [(3)] (2) At a permanency hearing held in accordance with the
664 provisions of subdivision (1) of this subsection, the court shall approve
665 a permanency plan that is in the best interests of the child or youth and
666 takes into consideration the child's or youth's need for permanency.
667 The child's or youth's health and safety shall be of paramount concern
668 in formulating such plan. Such permanency plan may include the goal
669 of (A) revocation of commitment and [placement] reunification of the
670 child or youth with the parent or guardian, with or without protective
671 supervision; (B) transfer of guardianship; (C) long-term foster care
672 with a relative licensed as a foster parent or certified as a relative
673 caregiver; (D) adoption and filing of termination of parental rights; or
674 (E) such other planned permanent living arrangement ordered by the
675 court, provided the Commissioner of Children and Families has
676 documented a compelling reason why it would not be in the best
677 interest of the child or youth for the permanency plan to include the
678 goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such
679 other planned permanent living arrangement may include, but not be
680 limited to, placement of a child or youth in an independent living
681 program or long term foster care with an identified foster parent.

682 [(4)] (3) At a permanency hearing held in accordance with the
683 provisions of subdivision (1) of this subsection, the court shall review

684 the status of the child, the progress being made to implement the
685 permanency plan, determine a timetable for attaining the permanency
686 plan, determine the services to be provided to the parent if the court
687 approves a permanency plan of reunification and the timetable for
688 such services, and determine whether the commissioner has made
689 reasonable efforts to achieve the permanency plan. [The court shall
690 maintain commitment if it is in the best interests of the child or youth.]
691 The court [shall] may revoke commitment if a cause for commitment
692 no longer exists and it is in the best interests of the child or youth.

693 [(5)] (4) If the court approves the permanency plan of adoption: (A)
694 The Commissioner of Children and Families shall file a petition for
695 termination of parental rights not later than sixty days after such
696 approval if such petition has not previously been filed; (B) the
697 commissioner may conduct a thorough adoption assessment and
698 child-specific recruitment; and [(B)] (C) the court may order that the
699 child be photo-listed within thirty days if the court determines that
700 such photo-listing is in the best interest of the child. As used in this
701 subdivision, "thorough adoption assessment" means conducting and
702 documenting face-to-face interviews with the child, foster care
703 providers [] and other significant parties and "child specific
704 recruitment" means recruiting an adoptive placement targeted to meet
705 the individual needs of the specific child, including, but not limited to,
706 use of the media, use of photo-listing services and any other in-state or
707 out-of-state resources that may be used to meet the specific needs of
708 the child, unless there are extenuating circumstances that indicate that
709 [these] such efforts are not in the best interest of the child.

710 (l) The Commissioner of Children and Families shall pay directly to
711 the person or persons furnishing goods or services determined by said
712 commissioner to be necessary for the care and maintenance of such
713 child or youth the reasonable expense thereof, payment to be made at
714 intervals determined by said commissioner; and the Comptroller shall
715 draw his order on the Treasurer, from time to time, for such part of the
716 appropriation for care of committed children or youth as may be
717 needed in order to enable the commissioner to make such payments.

718 [Said] The commissioner shall include in [his] the department's annual
719 budget a sum estimated to be sufficient to carry out the provisions of
720 this section. Notwithstanding that any such child or youth has income
721 or estate, the commissioner may pay the cost of care and maintenance
722 of such child or youth. The commissioner may bill to and collect from
723 the person in charge of the estate of any child or youth aided under
724 this chapter, including his decedent estate, or the payee of such child's
725 or youth's income, the total amount expended for care of such child or
726 youth or such portion thereof as any such estate or payee is able to
727 reimburse.

728 (m) The commissioner, a parent or the child's attorney may file a
729 motion to revoke a commitment, and, upon finding that cause for
730 commitment no longer exists, and that such revocation is in the best
731 [interest and welfare] interests of such child or youth, the court may
732 revoke the commitment of [any] such child or youth. No such motion
733 shall be filed more often than once every six months.

734 (n) Upon service on the parent, guardian or other person having
735 control of the child or youth of any order issued by the court pursuant
736 to the provisions of subsections (b) and (j) of this section, the child or
737 youth concerned shall be surrendered to the person serving the order
738 who shall forthwith deliver the child or youth to the person, agency,
739 department or institution awarded custody in [such] the order. Upon
740 refusal of the parent, guardian or other person having control of the
741 child or youth to surrender the child or youth as provided in the order,
742 the court may cause a warrant to be issued charging the parent,
743 guardian or other person having control of the child or youth with
744 contempt of court. If the person arrested is found in contempt of court,
745 the court may order such person confined until [he purges himself of
746 contempt] the person complies with the order, but for not more than
747 six months, or may fine such person not more than five hundred
748 dollars, or both.

749 (o) A foster parent shall have the right to be heard for the purposes
750 of this section in Superior Court on a motion for review of a

751 permanency plan and in matters concerning the placement or
752 revocation of commitment of a foster child living with such parent. A
753 foster parent shall receive notice of any motion for review of a
754 permanency plan or a motion to revoke commitment or any hearing on
755 such motion. A foster parent who has cared for a child or youth for not
756 less than six months shall have the right to be heard and comment on
757 the best interests of such child or youth in any matter under this
758 section which is brought not more than one year after the last day the
759 foster parent provided such care.

760 (p) Upon motion of any sibling of any child committed to the
761 Department of Children and Families pursuant to this section, such
762 sibling shall have the right to be heard concerning visitation with, and
763 placement of, any such child. In awarding any visitation or modifying
764 any placement, the court shall be guided by the best interests of all
765 siblings affected by such determination.

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

770 Sec. 10. Section 17a-42 of the general statutes is repealed and the
771 following is substituted in lieu thereof (*Effective October 1, 2006*):

772 (a) There is established within the Department of Children and
773 Families a photo-listing service which shall include, but need not be
774 limited to, a book and an electronic format containing a photograph
775 and description of each child to be photo-listed. Such book and its
776 electronic format shall be distributed to all child care and child-placing
777 agencies, as such terms are defined in section 45a-707, and to other
778 organizations concerned with adoption. Such photo-listing service
779 shall recruit adoptive families for children who are legally free for
780 adoption under section 45a-725, and have remained in foster care or
781 institutions for a period of thirty days or more, such thirty days to
782 include any period of foster or institutional care immediately

783 preceding the date on which such child was legally free for adoption.
784 Such photo-listing service may recruit prospective adoptive families
785 for children who are not yet legally free for adoption under section
786 45a-725, provided the court has approved a permanency plan for
787 adoption pursuant to subdivision [(3)] (4) of subsection (k) of section
788 46b-129, as amended by this act. The Commissioner of Children and
789 Families shall employ under the commissioner's direction and control
790 such persons as the commissioner deems necessary for the effective
791 performance of such photo-listing service.

792 (b) Under sections 17a-112, as amended by this act, and 45a-717, the
793 court may order that a child be photo-listed [within] not later than
794 thirty days [of] after the termination of parental rights as a condition of
795 granting an order of termination of parental rights if the court
796 determines that it is in the best interests of the child. Under
797 subdivision [(3)] (4) of subsection (k) of section 46b-129, as amended by
798 this act, the court may order that a child be photo-listed [within] not
799 later than thirty days [of] after the approval of a permanency plan for
800 adoption if the court determines that it is in the best interest of the
801 child. The court shall not order that a child twelve years of age or older
802 be photo-listed unless [such] the child consents to such photo-listing.

803 (c) [Said] The commissioner shall adopt regulations, in accordance
804 with [the provisions of] chapter 54, to implement and maintain [a] the
805 photo-listing service established in this section. Such regulations shall
806 include, but not be limited to, procedures for registration of children
807 with the photo-listing service and format and media selection for
808 presenting photo-listed children to the public. The commissioner shall,
809 within available appropriations, (1) establish, maintain and distribute a
810 photo-listing service book, [. The commissioner, within available
811 appropriations, shall] and (2) contract with a nonprofit agency to
812 establish and maintain the photo-listing service in its electronic format.

813 Sec. 11. Subsection (a) of section 2-3a of the general statutes is
814 repealed and the following is substituted in lieu thereof (*Effective*
815 *October 1, 2006*):

816 (a) No employer of twenty-five or more persons shall discriminate
 817 against, discipline or discharge any employee because such employee
 818 (1) is a candidate for the office of representative or senator in the
 819 General Assembly, (2) holds such office, (3) is a member-elect to such
 820 office, or (4) loses time from work in order to perform duties as such
 821 representative, senator or member-elect, provided the failure of such
 822 employer to pay wages or salaries for any such time lost shall not be
 823 considered a violation of this section. Such employee shall solely
 824 determine the activities which constitute duties as such representative,
 825 senator or member-elect, as applicable, as provided in this section. No
 826 employee under this section shall lose any seniority status which may
 827 have accrued to him. [and, where] Where the function of such
 828 employee is performed in work shifts, such employee shall be given a
 829 choice of shifts, provided such choice of shifts shall be given at a time
 830 that reasonably allows adjustment of the schedules of the employee
 831 and employer to accommodate both the duties of such employee as a
 832 representative, senator or member-elect and the proper functioning of
 833 the employer's operations, taking into account the timeframes within
 834 which meetings and hearings of the General Assembly are scheduled.
 835 During any regular legislative session, the employee shall not be
 836 required to choose a shift more than two weeks in advance of the time
 837 such shift is to be worked and, during any special legislative session,
 838 the employee shall not be required to choose a shift more than one
 839 week in advance of the time such shift is to be worked.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	5-248a
Sec. 2	<i>from passage</i>	17a-11(g)
Sec. 3	<i>from passage</i>	17a-3(a)
Sec. 4	<i>October 1, 2006</i>	17a-91
Sec. 5	<i>October 1, 2006</i>	17a-110
Sec. 6	<i>October 1, 2006</i>	17a-111b
Sec. 7	<i>October 1, 2006</i>	17a-112(j)
Sec. 8	<i>October 1, 2006</i>	17a-112(o)
Sec. 9	<i>October 1, 2006</i>	46b-129

Sec. 10	<i>October 1, 2006</i>	17a-42
Sec. 11	<i>October 1, 2006</i>	2-3a(a)

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Various State Agencies	All Funds - Cost	Potential Minimal	Potential Minimal
Children & Families, Dept.	GF - Revenue Impact	Potential	Potential
Attorney General; Judicial Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes concerning state employees, and children in the care or custody of the Commissioner of Children and Families. Fiscal impacts are as follows:

Unpaid Leave for State Employees

The bill allows permanent state employees to take up to 4 weeks of unpaid leave annually to take care of their seriously ill foster child. It is not known how many state employees are foster parents.

Allowing a state employee to use unpaid leave, may in some cases, increase state personnel costs. However, any increase in personnel costs, either through overtime costs or the hiring of temporary employees, would be mitigated by the fact that permanent employees taking leave would not be compensated.

It should be noted that for many state agencies the workload of employees taking unpaid leave would be divided among co-workers.

Permanency Plans for Children

The bill modifies various statutes pertaining to permanency plans for abused or neglected children in the custody of the Department of Children and Families (DCF). These changes are necessary to bring the State into compliance with federal law and regulations. The bill will not materially alter the duties of the DCF, and the agency will not require additional resources to implement its provisions. No fiscal impact will result for the Judicial Department or the Office of the Attorney General to comply with the various procedural changes.

A federal Title IV-E¹ revenue loss may be precluded to the extent that changes in the bill enhance the frequency with which judicial determinations are rendered within federally mandated time periods.

Individuals Eighteen Years and Older in DCF Care

The bill clarifies the availability of services for 18 to 21 year olds who voluntarily remain under the supervision of the Commissioner of Children and Families.

The DCF currently undertakes a treatment planning process for youth remaining in placement voluntarily past age eighteen, and changes contained within the bill result in no fiscal impact.

General Assembly Members Work Shifts

Lastly, the bill amends the law that gives certain job protections to members of the General Assembly if their employer has 25 or more employees. This provision of the bill has no fiscal impact on the state.

House "A" adds provisions regarding children remaining under the care of the Commissioner of Children and Families past age 18, and results in no fiscal impact.

¹ Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, became effective June 17, 1980. It amended Title IV of the Social Security Act to establish a new Part E, which provides for Federal payments to the states for foster care maintenance and adoption assistance payments made on behalf of certain eligible children.

House "B" makes various changes to statutes concerning permanency plans for children in DCF care. These changes may preclude a federal revenue loss.

House "C" amends the law that gives certain job protections to members of the General Assembly if their employer has 25 or more employees. This provision of the bill has no fiscal impact on the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5011 (as amended by House "A," "B," and "C")******AN ACT EXTENDING FAMILY AND MEDICAL LEAVE TO FOSTER PARENTS WHO ARE STATE EMPLOYEES.*****SUMMARY:**

This bill makes a number of changes to the Department of Children and Families (DCF) laws, most of which may speed up the process of placing foster children in permanent homes. It also requires DCF to develop care and treatment plans for young adults who choose to remain under the department's supervision.

The bill also:

1. entitles state employees to unpaid leave to care for a seriously ill foster child,
2. alters the law that gives legislators certain job protections, and
3. makes technical and conforming changes.

*House Amendment "A" adds the care plan provisions.

*House Amendment "B" adds the DCF permanency provisions.

*House Amendment "C" adds the legislator provisions.

EFFECTIVE DATE: October 1, 2006, except for the DCF care plan provisions, which are effective upon passage.

DCF STATUTES***Reunification***

The bill specifies that DCF must make reasonable efforts to reunify

parents and children unless a court has (1) approved a permanency plan with a different goal or (2) found, by clear and convincing evidence, that reunification efforts are not required.

It allows motions for rulings on the necessity of providing further reunification services to be consolidated with termination of parental rights trials, in conformity with current practice.

By law, no reunification efforts are required when the parent has subjected the child to aggravating circumstances. The bill makes it an aggravated circumstance when the parent knowingly permits someone else to (1) sexually molest, exploit, severely abuse, or engage in a pattern of abusing, the child or (2) kill or or deliberately cause serious injuries to the child, another child of the parent, or a sibling of the child.

These injuries are already aggravated circumstances when inflicted or attempted by the child's parent or when the parent solicits someone else to inflict them.

The bill also makes it an aggravated circumstance if the parent has voluntarily terminated her rights to the child's sibling within the last three years. Current law considers involuntary terminations only. By law, DCF must make reasonable efforts to reunify the parent and the child for at least 90 days in this situation.

Permanency Plan Options

The bill:

1. adds a requirement that permanency plans calling for long-term foster care be limited to placements with licensed or certified relatives, and permits other "planned permanent living" arrangements to be permanency plan options;
2. requires DCF to document a compelling reason why it would not be in a child's best interests to have a permanency plan calling for adoption, long-term relative foster care, or

guardianship when it recommends another permanency goal;
and

3. establishes a 60-day deadline for the DCF commissioner to petition for the termination of parental rights when a court approves a permanency plan calling for adoption.

Permanency Plan Hearings

The bill:

1. eliminates a requirement that the court make a finding on whether to seek to reunify a family or maintain or revoke a child's DCF commitment at each permanency plan hearing, and makes revocation mandatory rather than discretionary when the commissioner, a parent, or a child's attorney shows that cause for the commitment no longer exists and revocation is in the child's best interests;
2. requires parties opposing DCF's permanency plans to include their reasons and a proposed alternative in their opposition motions but retains the agency's burden of proving that its permanency plan is in the child's best interests;
3. requires the court approving a permanency plan of reunification to determine the services DCF must provide and a timetable for providing them; and
4. allows current or recent long-term foster parents to be given an opportunity to be heard at any hearing reviewing the child's permanency plan or concerning the revocation of his commitment.

Minor Changes

The bill:

1. adds a child's residence with a legal guardian to the definition of "permanent home" in the termination of parental rights

statutes; and

2. requires yearly court reviews of permanency plans for as long as a child remains in DCF custody, rather than until the court determines that the adoption plan has been finalized.

Care Plans for Youth Remaining in DCF Care Voluntarily

By law, when a youth in DCF care turns 18 he may choose to remain in DCF's care and receive services in order to develop skills to live independently. The bill requires DCF to provide such a youth with a written plan of care and treatment and review it every six months. The youth is entitled to an administrative hearing if he objects to the plan's contents. Current law does not expressly require this.

LEAVE FOR STATE EMPLOYEE FOSTER PARENTS

This bill entitles permanent state employees to take up to four weeks of unpaid leave annually to take care of their seriously ill foster child. Existing law, unchanged by the bill, authorizes up to 24 weeks of leave within a two-year period to take care of seriously ill children, spouses, or parents.

Foster parents must comply with existing pre-leave requirements. These are providing their employer with:

1. medical documentation of the nature of the child's illness and its probable duration and
2. a signed statement indicating their intent to return to their job after the leave period.

They must also pay to continue family health coverage at the rate that would have been deducted from their paycheck had they been at work.

GENERAL ASSEMBLY MEMBERS' WORK SHIFTS

The bill also amends the law that gives certain job protections to members of the General Assembly if their employer has 25 or more

employees. By law, General Assembly members and members-elect whose job are performed in shifts, must be given a choice of shifts to accommodate their legislative schedule. The bill specifies that shift choices must be given at a time that allows both the employer and employee to adjust their respective schedules to accommodate the needs of each.

When General Assembly members work in their non-legislative jobs in shifts, the bill requires members and members-elect be given a choice of shifts to accommodate both the employer's operations and the legislator's duties. It specifies that during any regular legislative session, the legislator is not required to choose a shift more than two weeks in advance and, during any special legislative session, the legislator is not required to choose a shift more than one week in advance.

BACKGROUND

Employment Protection for Legislators

By law, employers with 25 or more employees cannot discriminate against, discipline, or discharge any employee because the employee (1) is a candidate for office as a representative or senator in the General Assembly, (2) holds office as a General Assembly member, (3) is a member-elect, or (4) loses time from work due to duties as a General Assembly member. Members have the sole discretion to determine what constitutes their duties. Employers do not have to pay members for any work time they miss due to legislative duties.

Related bill

sSB 463 (File 300), passed in the Senate on April 20, permits state employees to take full medical leave to care for a seriously ill non-biological child, including a foster child.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 12 Nay 0 (03/09/2006)

Human Services Committee

Joint Favorable Change of Reference

Yea 14 Nay 0 (03/16/2006)

Government Administration and Elections Committee

Joint Favorable

Yea 19 Nay 0 (03/24/2006)

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 0 (04/19/2006)