



DEPARTMENT OF CHILDREN AND FAMILIES
TESTIMONY
JUDICIARY COMMITTEE
FEBRUARY 27, 2006



S.B. NO. 159 (RAISED) AN ACT CONCERNING PERMANENCY PLANS FOR CHILDREN

The Department of Children and Families supports S.B. NO. 159 (RAISED) AN ACT CONCERNING PERMANENCY PLANS FOR CHILDREN.

The revisions outlined in this proposal are primarily aimed at expediting permanency for children in DCF custody and making technical revisions to ensure that our state statutes conform with federal law, particularly the Adoption and Safe Families Act (ASFA). The major changes of interest are contained sections 2, 3 and 6.

In Section 2 of the proposal, the Department proposes deleting the requirement that the court make a determination at a permanency hearing as to the appropriateness of continuing efforts to reunify a child with the child's parents. This is an outdated federal finding requirement that was replaced by the annual finding as to whether or not the Department has made reasonable efforts to achieve the permanency plan for the child. In addition, this finding delays the permanency hearing process and has little substantive impact on the case as the Department generally continues providing services to the family even if the court has determined that such efforts are not necessary. Moreover, it should be noted that the Department is still required to prove that it has made reasonable efforts to reunify the child with the parent before a court can grant a Termination of Parental Rights (TPR) petition to free the child for adoption.

Section 3 clarifies that the Department has an affirmative obligation to make reasonable efforts to reunify the parent with the child in all cases unless a court has determined that such efforts are not required due to aggravated circumstances or has approved a permanency plan other than reunification.

Section 6 proposes several changes to the permanency hearing process in order to expedite permanency for children and facilitate the court's ability to conduct permanency hearings and approve permanency plans on an annual basis in accordance with ASFA. More specifically, we are deleting the unnecessary requirement that the Department file a motion to maintain or revoke commitment along with every annual motion for review of the permanency plan. As a matter of course, the court reviews the legal status of the child when reviewing and approving the permanency plan for the child. In addition, the court maintains the authority to revoke the commitment in connection with its review of the permanency plan if that is in the best interests of the child. Similarly, all parties retain the right to file a motion to revoke the commitment at the time of the permanency hearing or at any other time, but not more frequently than every six (6) months. In subsection (o), our interest is to broaden the rights of foster parents to be heard. Current law requires the foster parents to have cared for a child for at least six months before that

would have a right to be heard. This bill seeks to provide foster parents with the same right to be heard, regardless of the amount of time the child has spent with the foster family.

The Department is also proposing that any party filing a motion in opposition to the permanency plan filed by the Department must include the reasons for such opposition along with a proposed alternative permanency plan. Currently, the court and other parties are not provided with this information in advance of the scheduled permanency hearing, which often precipitates the need to schedule additional hearing dates outside of the 12-month timeframe required by ASFA. The new language also clarifies that the Department bears the burden of proving that the proposed permanency plan is in the best interest of the child.

Finally, we urge your favorable consideration of this legislation.